

CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Docket Item #5
SPECIAL USE PERMIT #2006-0122

Planning Commission Meeting
March 6, 2007

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

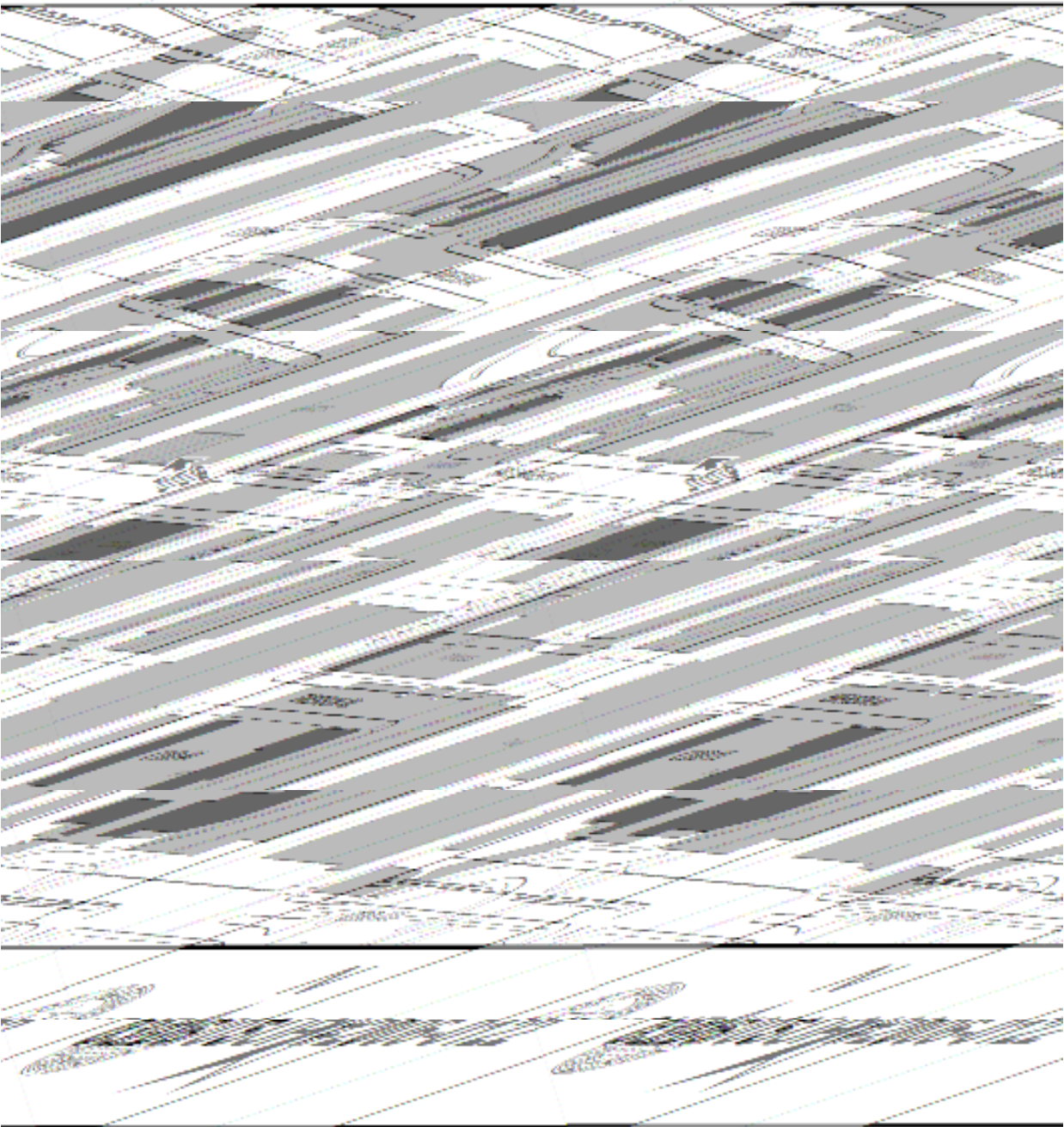
APPLICANT: Potbelly Sandwich Works, LLC
by Michael Puckett

STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

LOCATION: 1925 Ballenger Avenue

ZONE: CDD 1/Coordinated Development District

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



I. DISCUSSION

REQUEST

The applicant, Potbelly Sandwich Works, Inc, requests special use permit approval for the operation of a restaurant located at 1925 Ballenger Avenue.

SITE DESCRIPTION

The subject property is one lot of record with 97.1 feet of frontage on Jamieson Avenue, 144 feet of depth and a total lot area of 44,840 square feet. The site is developed with a mixed use of office and retail spaces. Access to the property is from Ballenger Avenue. The proposed restaurant space is located in an end tenant space on the first floor and occupies 2,300 square feet of retail space.



The building is part of the 70-plus acre Carlyle development that has been designed for a mix of office, residential, and retail uses.

PROPOSAL

The applicant proposes to operate a Potbelly Sandwich shop. The proposed space is located within the northern portion of the building, near the intersection of Jamieson Avenue and John Carlyle Street. The applicant proposes to offer the same products as other Potbelly locations such as soups, sandwiches, and milkshakes. The specific aspects of the establishment are as follows:

Hours:	Daily 11am- 9pm
Number of seats:	Indoors 58 <u>Outdoors +20</u> Total Seats 78
Noise: levels	The applicant does not anticipate high noise levels
Trash/ Litter:	Trash will be collected 1- 3 times daily. A waste receptacle will be located outside for outdoor dining patrons and employees will monitor the surrounding premises daily as a part of the closing procedures.

Delivery Service: Two bicycles will be used for food deliveries to office workers within the Carlyle Development.

Live Entertainment: A local musician will perform acoustic easy listening music during lunch hours from 11am- 1pm daily.

Alcohol Service: No alcohol service will be provided

PARKING

Pursuant to Section 8-200(A) (8) of the Zoning Ordinance, a restaurant with 78 seats is required to provide 20 off-street parking spaces. The parking requirements for the subject building were specified in the Transportation Management Plan for the Carlyle Development (Special Use Permit#2254), and these parking requirements were met for the subject site in the development of the on-site parking garage.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD#1/Coordinated Development District zone. Section 5-602(A) of the Zoning Ordinance identifies OC/Office Commercial zone as the underlying zone, which allows a restaurant for use other than full-service only with a special use permit.

The proposed use is consistent with the Eisenhower East Small Area Plan chapter of the Master Plan which designates the property for a use consistent with the OC zoning requirements listed under the CDD #1 zone.

II. STAFF ANALYSIS

Staff does not object to the proposed Potbelly Restaurant. With 84% of allocated retail space in Carlyle currently unoccupied, there continues to be more than sufficient square footage to accommodate the mix of retail that is desired. This and the other quick service establishments approved in recent years serve the thousands of workers in the immediate area.

Currently there are seven quick service restaurants approved to locate in Carlyle, occupying a total of 14,842 square feet of retail space. In addition to the Potbelly Restaurant request, there is a pending request for a Bruegger's Bagels restaurant, proposed to be located at 520 John Carlyle Street. Staff finds that if both pending quick service restaurant requests are approved, there will be 212,481 square feet of retail space remaining within the Carlyle Development. Staff finds there is a sufficient amount of retail space remaining for other retail uses as well as full service and quick service restaurants. In addition, on February 8, 2007, staff administratively approved a full-service restaurant occupying 7,654 square feet of retail space, located at 1900 Jamieson Avenue, the same block as the proposed Potbelly Restaurant.

Carlyle Retail Space Occupancy

Establishment	Use	Address	Block	Square Footage
Uptowners Café	Quick Service	333 John Carlyle St	C	1,600
Subway	Quick Service	1800 Duke St	E	1,674
Plaza Gourmet	Quick Service	1940 Duke St	C	4,200
Jimmy John's	Quick Service	330 John Carlyle St	E	2,675
Quizno's	Quick Service	401 Dulany St.	F	1,200
Jerry's Subs	Quick Service	520 John Carlyle St	L	1,843
Starbucks	Quick Service	1901 Ballenger Avenue	G	1,650
***Potbelly	Quick Service	1925 Ballenger	G	2,300
***Bruegger's Bagels	Quick Service	520 John Carlyle St	L	1,905
Total Quick Service Occupied				19,047
Café Gallery Market	Retail	2141 Jamieson Ave	A	1,000
Cruise Holidays	Retail	2161 Jamieson Ave	A	1,000
Serenite Day Spa	Retail-Personal Service	520 John Carlyle St, Unit #180	L	3,072
Chevy Chase Bank	Retail-Personal Service	2051 Jamieson Ave, Unit #150	B	3,500
Charles Schwab	Retail-Personal Service	330 John Carlyle Square, Unit #120	E	3,204
Burke & Herbert Bank	Retail-Personal Service	1775 Jamieson Ave	E	3,392
PTO Coffeehouse	Retail-Quick Service (Accessory)	501 Dulany	M	500
Meridian Mart	Retail- Grocery	401 Holland Lane, Unit#1	H	1,000
Matthew Johnston Gallery	Retail	400 John Carlyle St.	H	3,000
Carlyle Club	Retail- Full Service Restaurant	1900 Jamieson Ave	G	7,654
Total Retail Space Occupied				46,369
Total Carlyle Retail Space				258,850
Total Carlyle Retail Space Remaining				212,481

*** = Pending Status

The applicant has agreed and staff has included condition #12 requiring the interior design of the restaurant to consist of high quality design elements. Staff has worked closely with the applicant to ensure a high quality design for the interior retail space.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 58 patrons inside and 20 patrons outside. (P&Z)
3. The hours of operation shall be limited to 7am- 12am daily. (P&Z)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
5. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
6. The applicant may provide seating up to 20 outdoor seats. Outdoor seating shall be located along Ballenger Avenue. Any outdoor seating areas, including umbrellas, shall not include advertising signage (P&Z)
7. Live entertainment consisting of non-amplified music shall be permitted. (P&Z)
8. No alcohol service shall be permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)(T&ES)

11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
12. The design of the restaurant shall reflect the character, quality and high standards established for Carlyle. The applicant shall prepare a design plan for both interior and exterior areas, to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning, and which shall include the following elements:
 - a. All tables and chairs shall be constructed of a dark color or wood material and seating areas shall maximize floor areas.
 - b. Fluorescent lighting shall be prohibited in the dining and food preparation area. Lighting in these areas shall be kept at low levels to create a warm, attractive ambiance.
 - c. The service counter shall be of high quality surface material such as ceramic tile that minimizes its visual impact.
 - d. Menu boards shall be plain, lettered panels without pictures of food.
 - e. The outdoor dining area shall include planters with four seasons for decorative plant material. (P&Z)
13. The applicant shall design both the exterior and interior portions of the space pursuant to the Carlyle Design Guidelines, to the approval of the Director of Planning and Zoning. (P&Z)
14. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall remain open as much as possible and some interior accent lighting shall be provided when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)(P&Z)

17. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
18. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
19. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
20. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
21. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
22. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (P&Z)
23. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)
24. Bicycle delivery service shall be permitted. (P&Z)

25. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Richard Josephson, Acting Director, Department of Planning and Zoning;
James Hunt, Urban Planner

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building.
- R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-6 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

Code Enforcement:

- C-1 The current use is classified as **B**; the proposed use is **A-2**. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 116.2) and compliance with USBC 116.1 including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-4 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-5 When a change of use requires a greater degree of structural strength, fire protection, exit facilities or sanitary provisions, a construction permit is required.
- C-6 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-7 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-8 The following code requirements apply where food preparation results in the development of grease laden vapors:
- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.

- C-9 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Five sets of plans of each facility must be submitted to and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business.
- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a robbery readiness program for all employees.
- F-1 The applicant is not seeking an "ABC" permit. The Police Department concurs with this.

SUP #2006-0122
1925 Ballenger Avenue

**REPORT ATTACHMENTS
AVAILABLE IN THE PLANNING AND ZONING OFFICE**