

Docket Item #3  
SPECIAL USE PERMIT # 2006-0098

Planning Commission Meeting  
December 5, 2006

**ISSUE:** Consideration of a request for a special use permit to operate a restaurant with carry-out service.

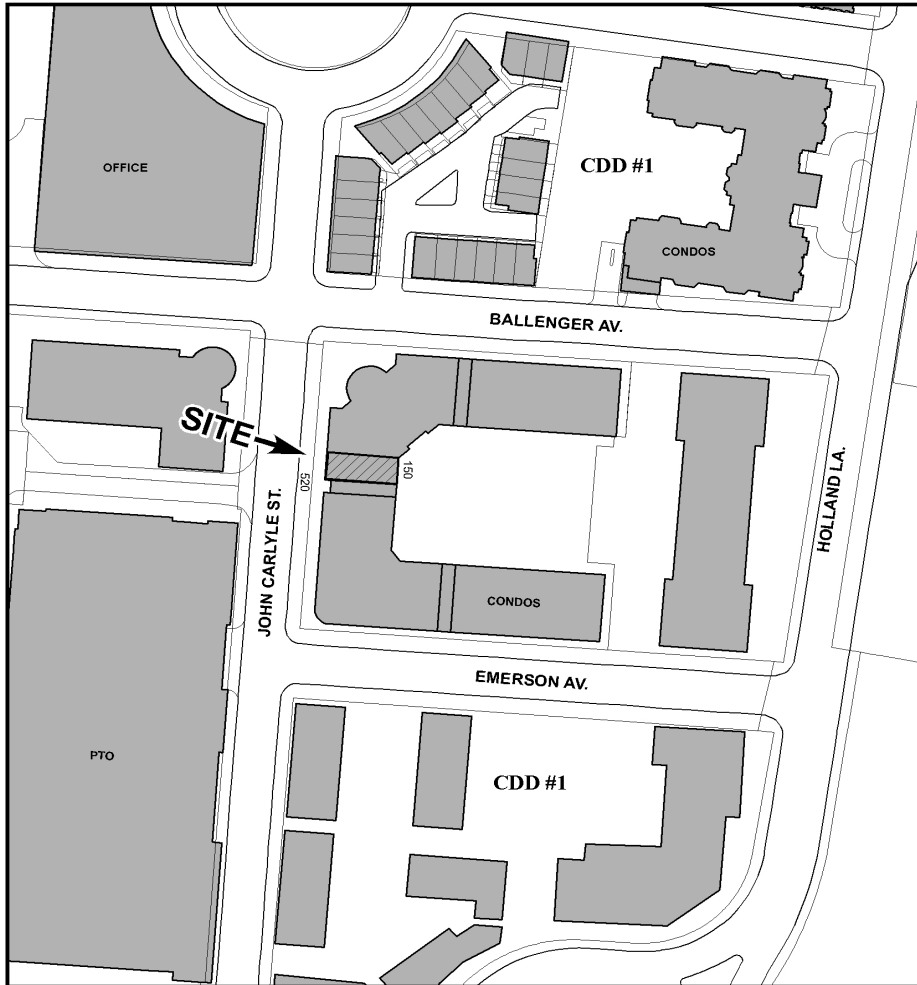
**APPLICANT:** Jerry's Systems, Inc  
by Jay Ryan

**LOCATION:** 520 John Carlyle Street, Unit 150

**ZONE:** CDD-1/ Coordinated Development District #1

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**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, Jerry’s Systems, Inc, requests special use permit approval for the operation of a restaurant with carry-out service located at 520 John Carlyle Street, Unit 150.

SITE DESCRIPTION

The subject property is one lot of record with 277 feet of frontage on John Carlyle Street, 279 feet of depth and a total lot area of 77,228 square feet. The site is being developed with the Shops at Carlyle Square building, a multi-story condominium building that includes a mix of residential and retail uses. The proposed restaurant space is located in a middle tenant space on the first floor and occupies 1,843 square feet.



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, Jerry’s Systems, Inc., requests Special Use Permit approval for the operation of a restaurant with outdoor dining and carry-out service. The applicant proposes the interior to be of high quality with high-end finishes to include cork wall paneling, and custom stainless steel trim (see attached photos). The applicant anticipates more customers at lunch than dinner. The operation of the business as proposed by the applicant is as follows:

Hours:	10:30am- 9:30pm Sunday- Thursday 10:30am- 10:00pm Friday- Saturday
Number of seats:	51 indoor seats <u>+20 outdoor seats</u> 71 total seats
Employees:	5 employees per shift
Noise:	No noise impacts are anticipated

Trash/Litter: Litter will be picked up outside on each shift by employees. Trash will be collected commercially through an agreement with the landlord.

Alcohol: The applicant is proposing on-premises beer and wine service.

Neither live entertainment nor delivery service are being proposed.

PARKING

The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254), and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides 40 parking spaces for the retail uses of the building. The applicant is thus not required to provide parking beyond that already provided at the subject site.

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 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 CDD #1 zone.

**II. STAFF ANALYSIS**

Staff was initially concerned about this application because it proposes to occupy Carlyle retail space with a fast food chain restaurant, instead of a full service restaurant, or high end retail or personal service use, consistent with the overall quality of Carlyle and the need to attract additional desirable uses. Many restaurants that have opened in Carlyle over the past few years have been fast food establishments intended to serve workers in the area. (Subway Café, SUP# 2002-0095; Uptowner Cafe at 333 John Carlyle, SUP#2003-0070, Plaza Gourmet at 1940 Duke Street, SUP#2003-0081, and Jimmy John's at 330 John Carlyle Street, SUP#2004-0032.) Although serving an immediate need, and filling a new space, staff would prefer to see a diverse mix of eating options occupying these important retail spaces, to include sit down dinner establishments that would attract patrons in the evening and contribute to the long term economic viability of the area.

On June 12, 2004, City Council approved SUP#2004-0028, an amendment for Carlyle to provide for desirable retail uses in the limited retail space available there. As to restaurants, full service restaurants and outdoor restaurant seating are permitted by administrative permit, not SUP, to provide an incentive for these uses. While fast food restaurants without full service is still allowed, the SUP requirement remains in order to ensure that the restaurant is designed to be compatible with the character and design standards required for the Carlyle area.

While staff feels that it would be desirable for a full service restaurant to be located at this retail space, it also recognizes that there is still a demand for quick service restaurants to be located in close proximity to an area with a large number of office workers. By requiring conformance with high quality design elements, staff is confident that the proposed use will not detract from the surrounding retail area.

Although the applicant requested more limited hours of operation, staff recommended allowing longer hours, consistent with what was approved at other restaurants in Carlyle, to provide for flexibility if and when the market supports a more upscale eating establishment. The hours are consistent with those approved for the Subway restaurant at 1800 Duke Street and the Uptowner deli at 333 John Carlyle Street.

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 corporation in which the applicant has a controlling interest. (P&Z)
2. Seating shall be provided for no more than 51 indoor patrons and 20 outdoor patrons. Outdoor seating is subject to the following:
  - (a) Outdoor seating shall not encroach upon the City right-of-way or the public sidewalk access easement area.
  - (b) Litter shall be picked up as it is generated.
  - (c) The outside dining area shall be cleaned at the close of each day of operation.
  - (d) Any outdoor seating areas, including umbrellas, shall not include advertising signage. (P&Z)

3. 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 wood material and seating areas shall maximize floor areas.
  - (b) Fluorescent lighting shall be prohibited in the dining area. Lighting in this area shall be kept at low levels to create a warm, attractive ambiance.
  - (c) Any self-service beverage machine shall be located so that it is minimally visible from the exterior of the restaurant.
  - (d) Interior signage shall be minimized. Decorative signs, except for a few Jerry's Subs signs and required directional signs, shall not be permitted along the food service counter but may be consolidated in areas not visible from the street.
  - (e) Menu boards shall be plain, with no internal lighting or pictures of food.
  - (f) The outdoor dining area shall include planters with four seasons of decorative plant material.
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. The hours of operation shall be limited to 7:00 a.m. to 12:00 a.m., daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
7. On premises beer and wine service is permitted; no off-premise sales are permitted. (P&Z)
8. No food, beverages, or other material shall be stored outside. (P&Z)
9. 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)

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)
11. 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)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. 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 and Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and a robbery awareness program for all employees prior to operation. (Police)
16. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
17. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
18. The applicant shall require that employees who drive to work use off-street parking. (P&Z) (T&ES)
19. The applicant shall post signs directing patrons to the availability of parking in area garages. (P&Z)

20. 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)
21. Any permanent structures which are required for the outdoor seating area shall be subject to review and approval by the Carlyle Design Review Board. (P&Z)
22. Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. The trash container shall be emptied at the close of business day. (P&Z)(T&ES)
23. 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
24. The outside dining area shall be cleaned at the close of each day of operation. (P&Z)
25. The Director of Planning and Zoning shall review the special use permit one year after approval 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 a result of a complaint that rises to the level of a violation, or (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.

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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, and no amplified sounds shall be audible at the property line.
- 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](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.
- R-5 Applicant shall provide the City \$1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.
- R-6 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.
- 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 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-2 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 116.1.
- C-3 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-4 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. An inventory and MSDS sheets for hazardous materials are required.
- C-5 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-6 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.

- C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-8 New construction shall comply with the current edition of the Uniform Statewide Building Code (USBC).

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 Five sets of plans for each facility must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of 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-2 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 an A.B.C. on license only. The Police Department has no objections.

SUP 2006-0098  
520 Carlyle Street, Unit 150

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