

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 #6
SPECIAL USE PERMIT #2006-0124

Planning Commission Meeting
March 6, 2007

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

APPLICANT: Bruegger's Enterprises, Incorporated
Bruegger's Bagels
by Duncan Blair, attorney

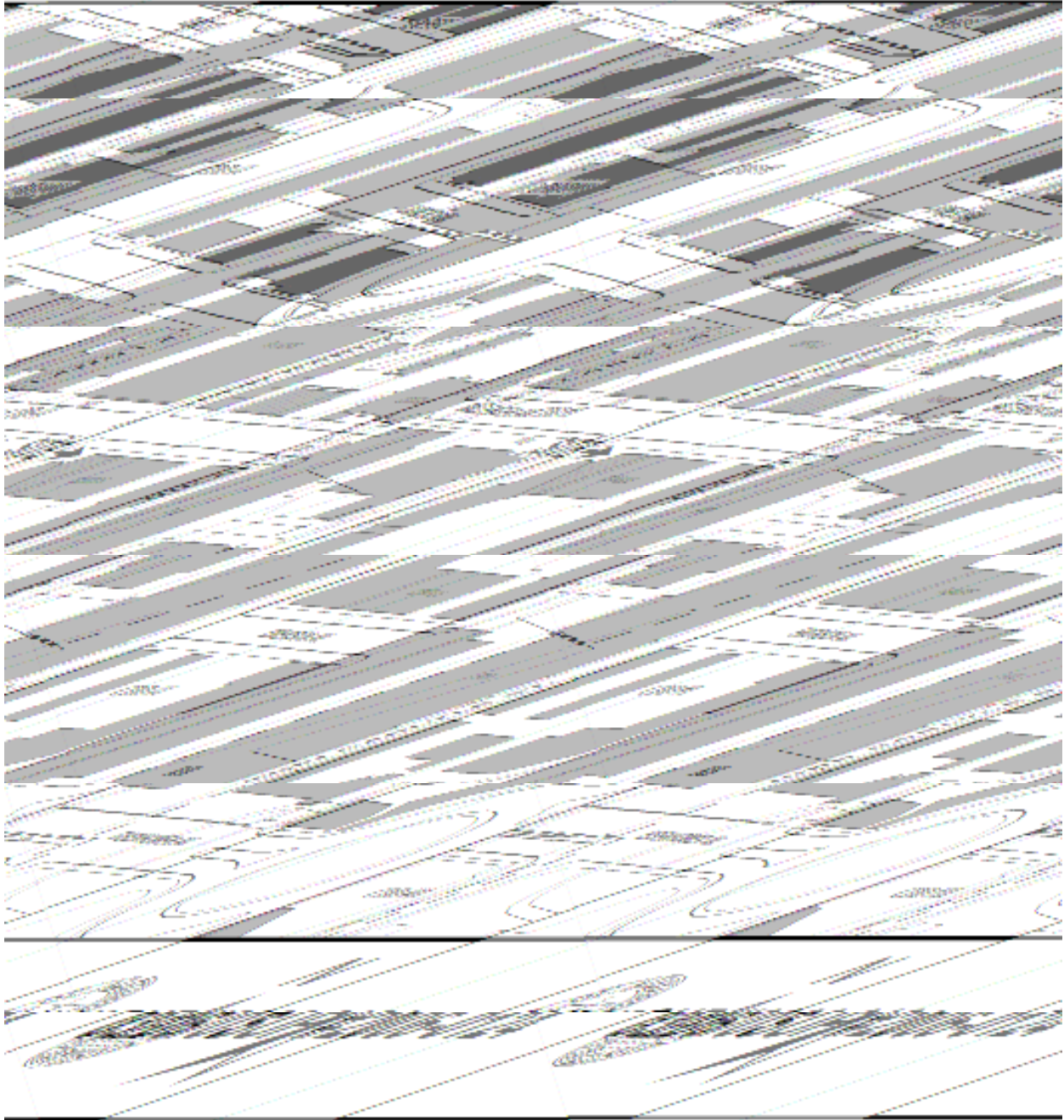
STAFF: James Hunt, Planner
james.hunt@alexandriava.gov

LOCATION: 520 John Carlyle Street, Unit 110

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.

SUP #2006-0124
520 John Carlyle Street, Unit 110



I. DISCUSSION

REQUEST

The applicant, Bruegger’s Enterprises, Inc., requests special use permit approval for the operation of a Bruegger’s Café located at 520 John Carlyle Street, Unit 110.

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 1,905 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 bakery/ café and carry-out within Carlyle. The applicant proposes to offer bagels, coffee, specialty sandwiches, fresh-made salads, wraps, stone hearth breads, soups, and desserts. The specific aspects of the restaurant as proposed by the applicant are as follows:

Hours:	6am- 6pm Daily
Number of seats:	48 Indoors <u>+20 Outdoors</u> 68 Total Seats
Noise:	No noise impacts are anticipated
Trash/Litter:	Trash will be collected commercially and staff will monitor the adjacent right-of-way for trash
Live Entertainment	No live entertainment will be offered
Alcohol Service:	No alcohol service will be provided

PARKING

The parking requirements for the subject building were specified in the Transportation Management Plan (Special Use Permit #2254) for the Carlyle Development, and these parking requirements were met for the subject site in the development of the on-site parking garage. The parking garage provides parking for the building's retail and residential uses. The on-site parking garage provides 40 parking spaces for the retail uses of the building. The proposed use satisfies the parking requirement.

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 OC zoning requirements listed under the CDD #1 zone.

II. STAFF ANALYSIS

Staff recommends approval of the proposed Bruegger's Bagels shop. The shop will contribute to more active ground floor uses within Carlyle. There is a demand for a bagel café to be located in close proximity to an area with a large number of office workers. Bagel shops like Bruegger's Bagels are uses that are attractive to other retail uses, including full-service restaurant establishments considering locating in the Carlyle Development.

As with other recent quick service restaurant applications, staff has analyzed the amount of retail space within the Carlyle area to determine the location, distribution, and whether sufficient area remains to accommodate future retail and restaurant uses. The quick service restaurants that have been approved to occupy spaces within Carlyle have been predominately located along John Carlyle Street. The total amount of retail space within Carlyle is 258,850 square feet. The amount of retail space that has been occupied by quick service restaurants at this time is 14,842 square feet. Other retail uses occupy 27,322 square feet of retail space. Therefore, the amount of retail space remaining after occupancy of the pending Bruegger's Bagels Café is 212,481 (see attached itemized list of retail occupancy). Staff finds there is a sufficient amount of retail space remaining for other retail uses as well as full service and quick service restaurants.

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
<i>Total Quick Service Occupied</i>				<i>19,047</i>
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
<i>Total Retail Space Occupied</i>				<i>46,369</i>
<i>Total Carlyle Retail Space</i>				<i>258,850</i>
<i>Total Carlyle Retail Space Remaining</i>				<i>212,481</i>

*** = Pending Status

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 68 patrons inside and outside. (P&Z)
3. 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)
4. The applicant may provide seating for up to 20 outdoor seats. Any outdoor seating areas, including umbrellas, shall not include advertising signage (P&Z)
5. No live entertainment shall be provided at the restaurant. (P&Z)
6. No delivery service shall be provided. (P&Z)
7. The hours of operation shall be limited to 5am- 11pm daily. (P&Z)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
9. No alcohol service shall be permitted. (P&Z)
10. No food, beverages, or other material shall be stored outside. (P&Z)
11. 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)
12. 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)

13. Applicant shall provide the City \$500.00 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. (T&ES)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. 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)
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 provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
18. 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)
19. 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)
20. 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)
21. 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)

22. 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)
23. The applicant shall prepare a design plan to include interior finishes, colors, materials, furniture, lighting and specifications, which shall be to the satisfaction of the Director of Planning and Zoning and shall include the following elements: (P&Z)
 - a. No lighted signage in the windows is permitted.
 - b. Lighting fixtures in the dining area and the serving area shall not contain fluorescent bulbs, tubes, or other fluorescent lighting elements.
 - c. Furniture to be situated near the windows shall consist of wood tables and wood chairs with cloth upholstery.
 - d. Flooring within the dining area shall be ceramic tile.
 - e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
 - f. Interior doors leading to or from the dining area shall be constructed of paneled wood.
 - g. Decorative wood interior trim shall include moldings and other detail, such as rosettes.
 - h. Menu boards, if any, shall not be backlighted or have any internal lighting.
24. 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 R-2; 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 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.
- C-3 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 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-6 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-7 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-8 Toilet Rooms for Persons with Disabilities:
(a) Water closet heights must comply with USBC 1109.2.2
(b) Door hardware must comply with USBC 1109.13

- C-9 Toilet Facilities for Persons with Disabilities: Larger, detailed, dimensioned drawings are required to clarify space layout and mounting heights of affected accessories. Information on door hardware for the toilet stall is required (USBC 1109.2.2).
- C-10 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-11 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-12 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.

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-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 not seeking an ABC permit. The Police Department concurs.

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