

DATE: November 16, 2015

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit # 2015-0082
Administrative Review for Change of Ownership & Minor Amendment
Site Use: Restaurant
Applicant: Madeline's Business Group
Location: 330 John Carlyle Street
Zone: CDD #1: Duke Street Coordinated Development District

Request

Special Use Permit #2015-0082 is a request to change ownership of an existing restaurant, Jimmy John's, from John Eberhardt to Madeline's Business Group. Special Use Permit #2015-0082 is also a minor amendment request to allow the use of a delivery vehicle to expand its delivery services. No other changes to the operation are proposed and the entity will remain a fast casual food service operation which primarily sells sandwiches.

Background

City Council approved SUP #2001-0109 for a full-service restaurant, Pizza Bianca Italian Bistro in December 2001, and SUP #2004-0032 in June 2004 for a Jimmy John's restaurant with outdoor seating. Staff administratively approved SUP #2015-0059 for a change of ownership of the Jimmy John's restaurant in July 2015. Special Use Permit #2015-0059 carried forward a condition restricting frequent vehicle deliveries and limited deliveries to large orders.

A SUP inspection in July 2015 revealed violations of SUP conditions which related to outdoor umbrella advertising, food image displays on the menu board, the posting of hours of operation, delivery vehicle advertising, employee training on SUP Conditions, and Metro and DASH route posting for employees. A subsequent inspection revealed that violations had been corrected and all SUP conditions were met.

Parking

The applicant's parking requirements are met with the on-site parking garage as established in the Transportation Management Plan (Special Use Permit #2254) for the site. The applicant must park the delivery vehicle in an off-street parking space when it is located in the vicinity of the restaurant, as stated in Condition 24.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle-Eisenhower Civic Association, the Carlyle Towers Condo Unit Owners Association, and the Royalton at the King Street Metro Condominiums were sent an e-

mail with information about the current application.

After providing public notice for the change of ownership and minor amendment request, staff received a complaint regarding on-street supply deliveries to the Jimmy John's restaurant. The complaint indicated supply delivery vehicles were parking along John Carlyle Circle and on Jamieson Avenue instead of using the building's loading dock in Georges Lane.

Staff Action

Staff supports the applicant's request for a change of ownership for Jimmy John's restaurant. The proposal is consistent with the site's use as a fast-casual restaurant providing sandwiches and dining options for nearby office workers and residents. The continued operations of a Jimmy John's will provide daytime and evening retail opportunities for an office and residential destination in the City.

Staff also supports the applicant's request for a minor amendment allowing the use of one delivery vehicle for all order sizes, provided the delivery vehicle follows the conditions set forth in Condition 24. As Jimmy John's has utilized a delivery vehicle for limited, large orders since the approval of SUP #2004-0032 in June 2004, the expansion of delivery services to include all orders to meet customer demand is a reasonable request.

Staff has carried forward several conditions that include Carlyle area design guidelines, limitations on the hours of operation, and litter removal. Supply delivery vehicles are required to use the loading dock adjacent to Georges Lane per Condition 13 to relieve parking congestion on John Carlyle Street Circle and Jamieson Avenue. The applicant is required to encourage employee use of public transportation as stated in Condition 25, replacing Condition 22.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: November 16, 2015

Action: Approved



Alex Dambach, Division Chief

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-00082

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

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) (SUP#2004-0032)
2. Seating shall be provided for no more than 85 patrons. Outdoor seating is subject to the following: (SUP#2004-0032)
 - (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 an 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: (SUP#2004-0032)
 - (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 and food preparation area. Lighting in these areas shall be kept at low levels to create a warm, attractive ambiance.
 - (c) The vertical face of the food preparation and service counter shall be a high-quality non-metallic surface material, such as wood, that minimizes its visual impact.
 - (d) The screening or sneeze guards above the service counter shall include framing and be composed primarily of opaque elements to minimize visibility of the food preparation area.
 - (e) The self-service beverage machine shall be relocated so that it is minimally visible from the exterior of the restaurant.
 - (f) Racks of chips shall not be prominently displayed in the restaurant. Small containers or baskets of chips are permitted in minimum quantities
 - (g) Interior signage shall be minimized. Decorative signs, except for a few black and white Jimmy John's 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.
 - (h) Refrigerator cases and similar items shall not be placed in visually prominent locations.
 - (i) Menu boards shall be plain, lettered panels without pictures of food.
 - (j) 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) (SUP#2004-0032)
5. The closing hour shall be no later than 12:00 midnight daily. (P&Z) (SUP#2004-0032)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2004-0032)
7. No alcoholic beverages shall be sold. (P&Z) (SUP#2004-0032)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2004-0032)
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) (SUP#2004-0032)
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) (SUP#2004-0032)
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) (SUP#2004-0032)
12. **CONDITION DELETED AND REPLACED WITH CONDITION 24** ~~Delivery service is permitted by foot or bicycle only, except that a vehicle may be used infrequently for large orders. The vehicle used for delivery shall not have store advertising mounted to it. (P&Z) (SUP#2004-0032)~~
13. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. In addition, Delivery to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. Loading shall occur at the building loading dock located adjacent to the garage entrance on Georges Lane. (P&Z) (T&ES)
14. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z)(SUP#2015-0059)

15. **CONDITION AMENDED BY STAFF:** The applicant shall control ~~seeking~~ any 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) (SUP#2004-0032)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2004-0032)
17. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-1920 for a security survey and a robbery awareness program for all employees prior to operation. (P&Z) (SUP#2015-0082)~~
18. 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) (SUP#2004-0032)
19. The applicant shall conduct employee training sessions on an ongoing basis, and shall discuss all SUP provisions and requirements, as part of that training. (P&Z) (SUP#2004-0032)
20. The applicant shall require that employees who drive to work use off-street parking. (P&Z) (SUP#2004-0032)
21. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. (P&Z) (SUP#2004-0032)
22. **CONDITION DELETED AND REPLACED WITH CONDITION 25:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2004-0032)~~
23. **CONDITION AMENDED BY STAFF:** 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) (SUP#2015-0059)

24. **CONDITION ADDED BY STAFF:** Not more than one delivery vehicle used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicle in an off-street parking space when it is located in the vicinity of the restaurant. Delivery service is also permitted by foot, bicycle or motorized scooter. (P&Z) (T&ES)

25. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

Previous Conditions

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) (SUP#2004-0032)
12. **CONDITION DELETED BY STAFF:** ~~Delivery service is permitted by foot or bicycle only, except that a vehicle may be used infrequently for large orders. The vehicle used for delivery shall not have store advertising mounted to it. (P&Z) (SUP#2004-0032)~~
13. **CONDITION AMENDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. In addition, delivery to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. (P&Z) (SUP#2004-0032)
14. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (P&Z) (T&ES)
15. **CONDITION AMENDED BY STAFF:** The applicant shall control ~~seeking~~ any 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) (SUP#2004-0032)
16. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2004-0032)
20. The applicant shall require that employees who drive to work use off-street parking. (P&Z) (T&ES) (SUP#2004-0032)
21. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. (P&Z) (SUP#2004-0032)
22. **CONDITION DELETED BY STAFF:** ~~The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z) (SUP#2004-0032)~~

New Conditions:

- R-1 Not more than one delivery vehicle used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicle in an off-street parking space when it is located in the vicinity of the restaurant. Delivery service is also permitted by foot, bicycle or motorized scooter. (P&Z) (T&ES)
- R-2 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)

City Code Requirements:

- C-1 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). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)
- C-2 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. (T&ES)

Fire Department

- C-1 A new fire prevention permit is required for the change of ownership.

Health Department

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.

- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.
- C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0082. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 330 John Carlyle Street.

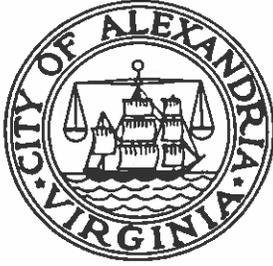


Applicant - Signature

12/29/15
Date

JEFF SALVEN
Applicant - Printed

12/29/15
Date



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2015-0082

Approved by Planning and Zoning: November 16, 2015

Permission is hereby granted to: Madeline's Business Group

to use the premises located at: 330 John Carlyle Street

for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

11/16/15

Date

KARL MORITZ/AD

Karl Moritz, Director
Department of Planning and Zoning

