

DATE: July 13, 2016

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

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

SUBJECT: Special Use Permit #2016-0032
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: DVA King – 1640, LLC d/b/a Dunkin Donuts
Location: 1640 King Street
Zone: KR/King Street Retail

Request

Special Use Permit #2016-0032 is a request to change ownership of an existing restaurant from Quality Brand Capital LLC d/b/a Dunkin Donuts to DVA King – 1640, LLC d/b/a Dunkin Donuts. No changes to the operation are proposed and the applicant will continue operating as a Dunkin Donuts franchise and offer the sale of coffee, donuts, and other pre-packaged items, in conjunction with merchandise such as coffee cups and mugs. The applicant proposes to maintain his space of approximately 1,250 square feet with 18 indoor seats, and their approved daily hours of operation of 5:30 a.m. to 12 midnight.

Background

The subject site's building was constructed in 1990 and contains a 62,800 square foot office building that includes 10,466 square feet of ground floor retail, restaurant and personal service uses. The subject site was used as office space until City Council approved SUP#2004-0102 in February 2005 for a Quizno's Sub Sandwich restaurant. In August 2007, staff administratively approved a change of ownership through SUP#2007-0076 and while remaining a restaurant use, the franchise changed from a Quizno's Sub Sandwich restaurant to Dunkin Donuts. In March 2012, City Council approved a change of ownership to Quality Brand Capital LLC d/b/a Dunkin Donuts, and an amendment to Condition #16 to allow the loading and unloading activities to occur on Daingerfield Road between Diagonal Road and Prince Street during early morning hours through SUP#2011-0077.

As part of a routine inspection program, staff inspected the restaurant in May 2016 and found two violations of SUP conditions. First the restaurant exceeded its approved operating hours by 30 minutes prior to the established opening hour of 5:30 a.m. as required in Condition 6. When informed of the violation the store operator changed the operating hours, agreed to open at 5:30 a.m. and was deemed in compliance. The second violation was the use of backlit menu boards, violating Condition #4(h) which prohibits backlight or internally lit menu boards. Staff informed the restaurant operator the menu boards would need to be changed. On two follow up inspections the menu boards were

still in use and staff issued a warning followed by a ticket. On a final inspection in June 2016 the restaurant had replaced the menu boards and was in compliance with all SUP conditions.

Parking

The applicant's restaurant is located in the King Street Transit Parking District and Section 8-400(B)(8) of the Zoning Ordinance waives the parking requirement for the first 10,000 square feet of retail, restaurant or amusement enterprises uses in hotel or office buildings provided that those uses do not occupy more than 25 percent of the total floor area. The applicant's restaurant use and adjacent ground floor retail uses do not exceed the 25 percent threshold and therefore no off-street parking is required for the subject use. Therefore, no customer parking is available at the site.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Upper King Street Neighborhood Association, Old Town Business Association, and Royalton at the King Street Metro Condominium Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses.

Staff Action

Staff does not object to the Change of Ownership request and finds the continued operation of a restaurant use at this location consistent with the subject site's zoning. In addition, the use is consistent with Condition #23 added by the Planning Commission which requires the continued operation of this site as a restaurant or retail use.

Staff has carried forward the previous conditions and replaced Condition #20 with updated language in Conditions #26 & #27. Condition #26 requires the applicant to encourage public transportation use among employees by establishing an employee transportation benefits program and Condition #27 promotes alternative forms of transportation.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: July 13, 2016

Action: Approved



Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2016-0032

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 #2004-0102)
2. Seating shall be provided for no more than 18 patrons. (P&Z) (SUP #2004-0102)
3. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2004-0102)
4. The applicant shall maintain all elements of the existing a interior design plan, including but not limited to interior finishes, colors, materials, furniture, and lighting, to the satisfaction of the Director of Planning & Zoning. The Director shall review the existing plan and any future changes for the use of attractive, high-quality materials that may distinguish the restaurant from other locations of the same business as well as its compliance with the following elements:
 - a. No lighted signage in the windows is permitted.
 - b. Lighting fixtures in the dining area and the serving area shall avoid the use of fluorescent tubes.
 - c. Furniture to be situated near the windows shall be constructed out of wood, granite, or other high quality and preferably natural materials, with minimal use of plastic.
 - d. Flooring within the dining area shall be ceramic tile or other high-quality material.
 - e. Any tiling on the vertical surface of the cashier/service counter shall be a generally solid color and/or design.
 - f. Deleted
 - 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. (P&Z) (SUP #2004-0102)
5. The design and/or illumination of any signage pertaining to the applicant's business on the exterior facade of 1640 King Street shall be to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2004-0102)
6. The maximum hours of operation for the restaurant shall be between 5:30 a.m. and 12 midnight daily. (P&Z) (SUP #2011-0077)
7. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2004-0102)

8. No alcoholic beverages shall be sold. (P&Z) (SUP #2004-0102)
9. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2004-0102)
10. Trash and garbage shall be placed in sealed containers that 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 or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #2004-0102)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2004-0102)
12. 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) (SUP #2004-0102)
13. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2004-0102)
14. Condition deleted. (SUP#2007-0076)
15. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (P&Z) (SUP #2011-0077)
16. Loading and unloading shall occur either in the loading area on Dechantal Street or in on-street spaces, in compliance with all parking regulations, located on the northeastern side of Daingerfield Road between Diagonal Road and Prince Street. All loading/unloading activities from delivery vehicles parked on Daingerfield Road shall occur before 6 a.m. daily. (P&Z) (SUP #2011-0077)
17. Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2004-0102)
18. 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 #2004-0102)

19. The applicant shall require its employees who drive to work to use off-street parking. (P&Z) (T&ES) (SUP #2004-0102)
20. ~~**CONDITION DELTED BY STAFF:** The applicant shall encourage 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) (T&ES)(SUP #2004-0102)~~
21. 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. (P&Z) (SUP #2004-0102)
22. **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 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; 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#2011-0077)
23. The space that is the subject of this application, located on the ground floor at the north end of the building known as 1640 King Street, shall remain a restaurant or other retail use. (PC) (SUP #2004-0102)
24. Condition superseded by State Law and deleted by staff.
25. No delivery service shall operate from the restaurant. (P&Z) (SUP #2011-0077)
26. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of approval, the business shall contact the Local Motion at localmotion@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (P&Z)
27. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Local Motion at localmotion@alexandriava.gov or www.alexandriava.gov/LocalMotion for more information about available resources. (T&ES)(P&Z)

SUP #2016-0032
1640 King Street

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0032. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 1640 King Street.



Applicant - Signature

Jeffrey D. Venz

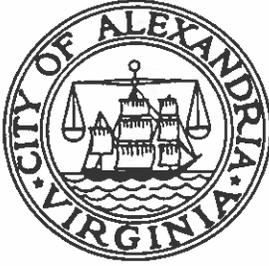
Applicant - Printed

7/21/2016

Date

7/21/2016

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 #2016-0032
Approved by Planning and Zoning: July 13, 2016
Permission is hereby granted to: DVA King – 1640, LLC d/b/a Dunkin Donuts
to use the premises located at: 1640 King 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.

7/13/16

Date

KARL MORITZ/AP

Karl Moritz, Director

Department of Planning and Zoning
