

DATE: October 6, 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 #2016-0061
Administrative Review for Minor Amendment
Site Use: Amusement Enterprise
Applicant: Regal Entertainment Group
Location: 3575 Potomac Avenue
Zone: CDD#19: North Potomac Yard

Request

Special Use Permit #2016-0061 is a minor amendment request for a movie theater (amusement enterprise) at 3575 Potomac Avenue to allow the consumption of alcohol throughout the amusement enterprise. The applicant requests an amendment to prior SUP #2006-0009 Conditions #13, #15, and #19, which limit the consumption of alcoholic beverages to a "VIP Lounge" and restricted Mezzanine seating, to instead allow the consumption of alcohol to occur in any section of the amusement enterprise. The applicant proposes on-premises alcohol sales to ticketed patrons at the concession and lobby areas with consumption permitted inside the whole theater. The alcohol service is proposed as an added amenity for theater patrons and will only be sold when the theater is open for the exhibition of motion picture films. The movie theater will continue to operate under the trade name of Regal Cinemas, with daily hours of 10 a.m. - 2:30 a.m. The applicant will maintain a staff of approximately 41 individuals and will operate 16 auditoriums within the theater building. No additional changes to the operation are proposed.

Background

City Council approved a theater use on June 14, 1997 through Special Use Permit SUP #97-0050 allowing an amusement enterprise at the subject site. City Council then granted an amendment through SUP #98-0086 on September 12, 1998 to allow a restaurant use, called the VIP Lounge, on the subject site, in conjunction with the amusement enterprise, which could sell alcoholic beverages. A review of the amusement enterprise was completed by City Council on November 13, 1999 through SUP #99-0119. An amendment to grant the theater daily hours of operation of 10 a.m. - 2:30 a.m., daily was approved by City Council on April 22, 2006 in SUP #2006-0009. As the VIP Lounge was never constructed within the theater building, the applicant initiated the Minor Amendment process with the City in August 2016 to update SUP conditions and ensure compliance.

A site inspection in September 2016 found violations with SUP Conditions #13 and #15 related to the consumption of alcohol outside of a designated VIP Lounge and a warning was issued. A follow up inspection in October 2016 found the applicant to be in compliance with all SUP conditions.

Parking

Section 8-200(A)(8) requires one parking space for every four theater seats; with 3,386 seats inside the theater, the applicant is required to provide 847 parking spaces. The surrounding parking lot of approximately 1,300 parking spaces exceeds the theater's parking requirement.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Potomac Greens Homeowners Association and the Preston Town Homes Association were sent an e-mail with information about the current application. Staff received one call in regards to allowing the sale of alcohol at destinations other than restaurants.

Staff Action

Staff finds the applicant's request to delete Condition #13 and #19, and amend Condition #15 to allow the consumption of alcohol throughout the theater to be reasonable. As the initial permission to sell and consume alcohol on premises was granted in 1998 when few movie theaters offered alcohol sales, staff now finds it commonplace for theaters to offer the sale of alcoholic beverages to patrons to be consumed within theaters. As such, staff finds the approval granted in this SUP would allow the applicant to remain a competitive movie theater destination within the region and offer patrons an experience comparable to other movie theaters.

The applicant has indicated it operates 14 other theaters within the Commonwealth of Virginia that offer alcohol sales in the theaters and are in good standing with the Virginia Department of Alcoholic Beverage Control, suggesting a strong track-record of responsibility. In addition, the applicant has adhered to Condition #12, requiring an off-duty police officer on site during nights and evenings to ensure that responsible alcohol consumption occurs.

Staff has carried forward the Conditions from SUP #2006-0009 which regulated the theater operations. Staff deleted Conditions #13, and #19 which regulated the operations of a VIP Lounge, the sale of on-premises alcohol sales, and limited the consumption of the alcohol to the VIP Lounge. To replace the deleted conditions, staff added Condition #27 which limits the applicant to on-premises alcohol sales only. Staff also included standard operating conditions such Condition #23 which prohibits outdoor speakers; Condition #24 which prohibits the storage of food, beverage and other materials outdoors; Condition #25 which requires the applicant to use adequate trash receptacles which seal; and Condition #26 which requires the applicant to pick up trash and litter on site on days when the theater is open.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 6, 2016
Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2016-0061

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) (SUP# 97-0050)
2. Condition deleted. (SUP# 98-0086)
3. Hours of operation at the theater shall be limited to between 10:00 A.M. and 2:30 A.M., daily. (P&Z) (SUP#2006-0009)
4. No shows shall start after 11:30 P.M. and up to 12:00 Midnight on Friday, Saturdays, evenings before Holidays and Holiday evenings upon notification to the Police Department. (Police) (PC) (SUP# 97-0050)
5. Video games shall be limited to the use of movie patrons. (Police) (SUP# 97-0050)
6. Video games shall be located against a wall, illuminated to five foot candles minimum, maintained. (Police) (SUP#99-0119)
7. To prevent the movie theater from becoming a video arcade, the front doors shall be locked from the outside and the video games shall be turned off at the start of the last show. (PC) (SUP# 97-0050)
8. To limit access and control trespassers and for employee safety and robbery prevention, closed circuit television or designated employees shall monitor all side exits. (Police) (SUP# 97-0050)
9. Signs shall be posted that read: "No trespassing or loitering unless conducting business with the theater." (Police) (SUP# 97-0050)
10. Parking lots and sidewalks shall be illuminated to two foot candles, minimum maintained. (Police) (SUP# 97-0050)
11. The applicant shall contact the Alexandria Police Department for a security survey and robbery awareness for all employees. (Police) (SUP# 97-0050)
12. The applicant shall use off-duty police officers on the inside of the theater, and on the outside of the theater, including the parking lot, every night from 5:00 p.m. until one-half hour after closing. (PC) (SUP#99-0119)
13. ~~CONDITION DELETED BY STAFF: No alcoholic beverages shall be served, except that alcoholic beverages may be served in an area known as the VIP Lounge and restricted reserved Mezzanine seating and restricted to those who~~

~~purchase a special ticket for admittance to these areas. No alcoholic beverage may be carried out of the restricted areas. (P&Z) (SUP# 98-0086)~~

14. In the event that public safety becomes a concern, the Chief of Police may request that this special use permit be redocketed for consideration of additional conditions related to public safety. If an ongoing security problem exists, the Chief of Police has the emergency authority to direct the applicant to provide additional security. If the additional security measures are still not sufficient to resolve the problem, the Chief of Police may deploy police resources until the situation is resolved. The City may bill the applicant for the cost of police resources if it is considered beyond normal police services. (CC) (SUP# 98-0086)
15. **CONDITION AMENDED BY STAFF:** Any rentals of the ~~VIP lounge or the mezzanine seating~~ or any private receptions or parties, etc., shall be considered a special event and must be coordinated with the Special Events Coordinator of the Alexandria Police Department. (Police) (SUP-98-0086)
16. Condition deleted. (SUP# 99-0119).
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~one year from approval 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 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, 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 #2006-0009)
18. The owners of the theater are required to schedule a meeting with the Police Chief or his designee on a monthly basis to discuss the security issues at the theater. (Police) (SUP#99-0119)
19. **CONDITION DELETED BY STAFF:** ~~That the VIP restaurant/lounge portion of the theater hours of operation shall be 11:00 a.m. to 2:00 a.m. (CC) (SUP# 98-0086)~~
20. 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#2016-0009)
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, and on how to prevent underage sales of alcohol. (P&Z)

22. CONDITION DELETED BY STAFF: 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) (SUP#2016-0009)
23. CONDITION ADDED BY STAFF: All loud speakers shall be prohibited from the exterior of the building and no music or amplified sound shall be audible at the property line. (P&Z)
24. CONDITION ADDED BY STAFF: No food, beverages, or other material shall be stored outside. (P&Z)
25. CONDITION ADDED BY STAFF: 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)
26. CONDITION ADDED BY STAFF: 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) *over*
27. CONDITION ADDED BY STAFF: On-premises alcohol sales are permitted.(P&Z) *^*

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

T&ES has no comments.

Fire

No comments or concerns.

Health

No comments.

Code

No comments received.

Recreation, Parks, and Cultural Activities

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0061. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the amusement enterprise at 3575 Potomac Avenue.



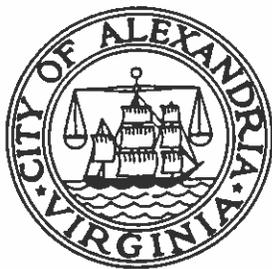
Applicant - Signature

10/26/14

Date

Applicant - Printed

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 #2016-0061
Approved by Planning and Zoning: October 6, 2016
Permission is hereby granted to: Regal Entertainment Group
To use the premises located at: 3575 Potomac Avenue
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.

10/6/16

Date

KARL MORITZ/AD

Karl Moritz, Director
Department of Planning and Zoning

