



Docket Item #3

Special Use Permit #2014-0037
662 South Van Dorn Street – Smashburger Restaurant

Application	General Data	
Consideration of a Special Use Permit request to operate a restaurant.	Planning Commission Hearing:	May 6, 2014
	City Council Hearing:	May 17, 2014
Address: 662 South Van Dorn Street (Parcel Address: 650 South Van Dorn Street)	Zone:	CDD #17 / Coordinated Development District #17
Applicant: Smashburger Acquisition – DC, LLC	Small Area Plan:	Landmark / Van Dorn

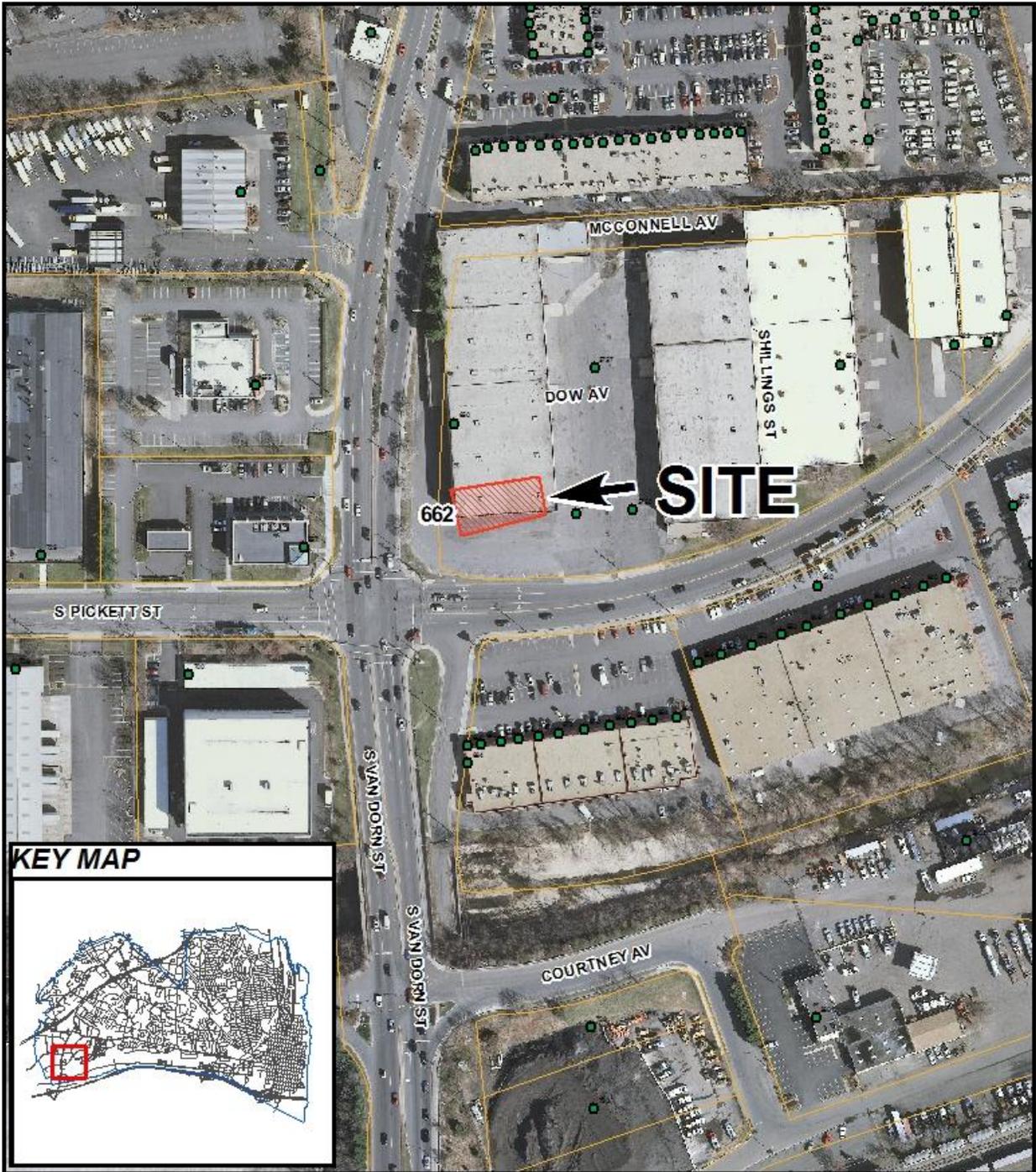
Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

CITY COUNCIL ACTION, MAY 17, 2014: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, MAY 9, 2014: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2014-0037
662 South Van Dorn Street



*The aerial imagery shown on this site map was last updated November 2009

I. DISCUSSION

The applicant, Smashburger Acquisition – DC, LLC, requests Special Use Permit approval to operate a restaurant at 662 South Pickett Street.

SITE DESCRIPTION

The subject site is ground-level commercial space in the mixed-use Landmark Gateway Building #3 near the corner of South Van Dorn and South Pickett Streets. Building #3 is the largest and southernmost of the three buildings in the Landmark Gateway complex. The 6.3-acre property on which Landmark Gateway is located has frontage on South Van Dorn Street to the west, South Pickett Street to the south, and the future McConnell Avenue to the north.



The area surrounding Landmark Gateway is occupied by primarily commercial and light industrial uses. The Van Dorn Station Shopping Center, which includes several retail and restaurant tenants as well as light industrial uses to the rear of the property, is located to the north. Warehouses are located to the east. Two commercial centers with retail and restaurant tenants are located to the south. A self-storage facility, a bank, and a Red Lobster Restaurant are located to the west.

BACKGROUND

In January 2009 City Council approved DSUP#2006-0021 for the construction of Landmark Gateway, which initially was proposed to include 431 dwelling units and 35,000 square feet of ground-level retail space in three five-story buildings. In January 2012, City Council approved DSUP#2011-0030 to a new developer to increase the number of residential units in the buildings to 492 and to reduce the retail square footage to approximately 15,000 square feet. A parking reduction and a Transportation Management Plan (TMP) were also approved as part of the DSUP approval. TMP SUP#2011-0076 included a requirement for an annual contribution toward a variety of activities aimed at encouraging public transportation and achieving a goal of 30% of people not using single occupant vehicles. Construction of Buildings #1 and #3 is nearly complete and Building #2 is expected to be complete in summer 2015.

Smashburger presently operates seven other Washington area locations, four of which are in Northern Virginia.

PROPOSAL

The applicant proposes to open a new Smashburger location in an approximately 2,300 square-foot ground-level tenant space at Landmark Gateway. Although the main entrance to the restaurant would be from the interior plaza, the space would have storefront frontage along South Van Dorn Street. The restaurant would specialize in gourmet hamburgers, French fries, salads, milkshakes, and similar fare. A total of 69 seats are proposed. No live entertainment or food delivery would be offered. On-premises beer and wine service is proposed. Additional details of the proposal are as follows:

<u>Hours:</u>	10 a.m. – 10 p.m. seven days/week
<u>Number of Seats:</u>	69 seats
<u>Type of Service:</u>	Carry-out and dine-in service
<u>Delivery:</u>	No delivery of food to customers is proposed
<u>Alcohol:</u>	On-premises alcohol service only
<u>Live Entertainment:</u>	No live entertainment is proposed
<u>Employees:</u>	8-15 employees each shift
<u>Noise:</u>	Typical restaurant noises expected and will be contained on-premises
<u>Odors:</u>	Hood system and exhaust fan will vent odors
<u>Trash/Litter:</u>	Trash will be stored in shared facility and will be collected three times each week

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in the CDD #17 zone, in which restaurants may be permitted subject to approval of either an Administrative Special Use Permit or a full-hearing SUP. Condition #8 of DSUP#2011-0030 also largely mirrors the eligibility criteria for administrative approval of restaurants found in the Zoning Ordinance. Ultimately, the proposal is not eligible for administrative approval because it does not offer full wait service for its customers.

The proposed use is consistent with the Landmark / Van Dorn Corridor Plan, approved in 2009 as part of the Landmark / Van Dorn Small Area Plan, which designates the property as a redevelopment site and for primarily residential use with ground-level retail.

PARKING

DSUP approval for Landmark Gateway stipulated that 53 off-street parking spaces are required for all commercial uses at the site. The applicant satisfies this parking requirement with its pro-rated share of 10 of the 53 surface parking spaces located near the interior plaza between Buildings #1 and #3. Although not officially counted toward the number of spaces provided by the applicant, 11 new on-street spaces were also created along South Pickett Street in connection with the Landmark Gateway redevelopment.

II. STAFF ANALYSIS

Staff supports the applicant's request. The opening of a restaurant in the Landmark Gateway building is a positive development toward realizing the mixed-use planning goals envisioned in the Landmark-Van Dorn Corridor Plan. It is also encouraging to see an application for a use in the ground-level commercial space prior to the final completion of the building in which it would be located.

The specific operational elements proposed at the restaurant are reasonable and appropriate for a mixed-use building. Although on-premises alcohol is proposed, staff does not expect the restaurant to be an entertainment destination given that no live entertainment would be offered. Furthermore, the proposed closing hour of 10 p.m. daily is somewhat earlier than other restaurants in Alexandria. Consistent with its proposal, staff has included several conditions of approval in this report regarding the hours of operation (Condition #4), alcohol (Condition #5), and live entertainment (Condition #6). Staff has also recommended prohibiting outdoor dining in Condition #2 since it has not been included as part of the current proposal.

Several conditions of approval have also been included here to ensure that the use remains compatible with the Landmark Gateway DSUP approval. For instance, Condition #19 mirrors DSUP condition language by prohibiting loading and unloading activities from occurring along South Van Dorn or South Pickett Streets and limiting their occurrence to only between 7 a.m. to 10 p.m. daily, which is one hour earlier in the evening than typically allowed. Some conditions are specifically intended to retain the retail storefront along South Van Dorn Street despite the main entrance of the restaurant being oriented toward the interior plaza and adjacent parking spaces. For example, Condition #8 would require the applicant to maintain an operable door into the restaurant from the South Van Dorn Street frontage while Condition #9 would require open views into the restaurant from South Van Dorn Street to the satisfaction of the Director of Planning & Zoning. Condition #10 recommends that the restaurant signage be compatible with relevant conditions already included in DSUP#2011-0030. The condition language also would require the applicant to also install signage on the South Van Dorn Street frontage of the tenant space if it installs signage on the frontage of the tenant space facing the interior plaza.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

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. The maximum number of indoor seats at the restaurant shall be 69. No outdoor seating shall be permitted. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. The hours of operation for the indoor portion of the restaurant shall be limited to between 10 a.m. and 10 p.m. daily. Meals ordered before 10 p.m. may be sold, but no alcoholic beverages may be served and no new restaurant patrons may be admitted after 10 p.m. and all patrons must leave by 11 p.m. (P&Z)
5. On-premises alcohol service may be permitted but no off-premises alcohol sales shall be allowed. (P&Z)
6. No live entertainment shall be allowed at the restaurant. (P&Z)
7. No delivery service of food to customers shall operate from the restaurant. (P&Z)
8. The applicant shall maintain an operable entrance to the restaurant from the South Van Dorn Street frontage of the tenant space. (P&Z)
9. The applicant shall maintain open views into the restaurant from the South Van Dorn Street frontage of the tenant space to the satisfaction of the Director of Planning & Zoning. Interior storage cabinets, carts, window signs, posters, shelving, boxes, coat racks, storage bins, closets and similar items shall not block the visibility of the interior of the restaurant from the street. The applicant may display goods in display cases that are oriented toward the street frontage. (P&Z)
10. All signage at the site shall comply with Condition #46 and #47 of DSUP#2011-0030 and all other applicable codes and ordinances. If signage is erected on the frontage of the tenant space facing the interior plaza, the applicant shall also install signage on the South Van Dorn Street frontage of the tenant space. (P&Z)
11. 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)
12. No food, beverages, or other material shall be stored outside. (P&Z)

13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
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. (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. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
17. 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. (T&ES)
18. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 10 p.m. and 7 a.m. Deliveries are prohibited on South Van Dorn and South Pickett Streets. (P&Z) (T&ES)
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. The applicant shall install signage inside the building indicating the location of off-street parking for the restaurant and shall inform customers about the parking. (T&ES)
22. The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security assessment for the business and robbery readiness training for all employees. (Police)
23. The Director of Planning and Zoning shall review the Special Use Permit after the use 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; 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: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, 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.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services

- F-1 Parcel is tagged in the floodplain, but the building is not located in the floodplain.
- R-1 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- 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. (T&ES)
- R-3 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-4 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-5 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)
- R-6 The applicant shall install signage indicating the location of off-street parking for the restaurant and shall inform customers about the parking. (T&ES)
- R-7 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. (T&ES)
- R-8 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- 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. (T&ES)
- 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).

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)

Code Enforcement

- F-1 The following comments are for SUP review. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building, trade permits and inspections are required for proposed restaurant. Six sets of construction documents sealed by a Registered Design Professional that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s) The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.

Health

Food Facilities

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 or location to another.
2. Plans shall be submitted to the Health Department 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.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling 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.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation

F-1 No comments received

Fire Department

C-1 Based on the information provided, a fire prevention permit will be required for an assembly occupancy that can accommodate more than 49 occupants.

Police Department

F-1 No comments received