

DATE: June 12, 2015

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

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2015-0059
Administrative Review for a Change of Ownership
Site Use: Restaurant
Applicant: John Eberhardt
Location: 330 John Carlyle Street
Zone: CDD-1/Coordinated Development District

Request

Special Use Permit #2105-0059 is a request to change the ownership of a restaurant at 330 John Carlyle Street from Karl Finkelnburg to John Eberhardt. The restaurant will continue to operate as Jimmy John's and no additional changes to the operation are planned.

Background

The subject site is located within the Carlyle development area. City Council originally approved the Carlyle development Special Use Permit #2253 in 1990 and has been subsequently amended several times. City Council approved SUP#2001-0109 for Pizza Bianca Italian Bistro in December 2001 and SUP#2004-0032 for Jimmy John's restaurant with outdoor seating in June 2004.

Parking

The applicant's parking requirements are met at the on-site parking garage as established in the Transportation Management Plan (Special Use Permit #2254) for the site.

Community Outreach

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed change of ownership has been sent to the Carlyle-Eisenhower Civic Association, Carlyle Towers Condominium Unit Owners, and the Royalton at the King Street Metro Condominiums. Public comments have not been received for this application.

Staff Action

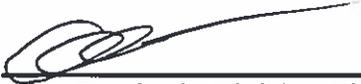
Staff supports the SUP change of ownership request for a restaurant at 330 John Carlyle Avenue. The restaurant provides a quick service dining option for the office employees and residents in the Carlyle Development.

All conditions have been carried forward from SUP#2004-0032 and a few have been amended to reflect modern-day language. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: June 15, 2015

Action: Approved



Alex Dambach, Division Chief

- Attachments: 1) Special Use Permit Considerations
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2015-0059

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 a 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. 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. 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. **CONDITION AMENDED BY STAFF:** 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) (SUP#2004-0032) (P&Z)~~
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 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 AMENDED BY STAFF:** The applicant shall contact the ~~Crime~~ ~~Prevention~~ Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-1920 for a security survey and a robbery awareness program for all employees prior to operation. ~~(Police) (SUP#2004-0032) (P&Z)~~
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. 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#2004-0032)~~

STATEMENT OF CONSENT

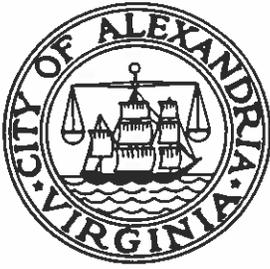
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2015-0059. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 330 John Carlyle Street.

Applicant – Signature

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 SUP#2015-0059

Approved by Planning and Zoning: June 15, 2015

Permission is hereby granted to: John Eberhardt

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.

6/15/2015
Date

KARL MORITZ / AD
Karl Moritz, Director
Department of Planning and Zoning

