



Special Use Permit #2022-00049
7 King Street and 101, 105 and 107 North Union Street
Vola's Dockside Grill

| Application | General Data | |
|---|-------------------------------------|---|
| Request: Public Hearing and consideration of a request for a Special Use Permit for (A) an expansion of the indoor dining area; (B) outdoor dining seats over 40; and (C) a temporary trailer (amending SUP #2017-00039) | Planning Commission Hearing: | September 6, 2022 |
| | City Council Hearing: | September 17, 2022 |
| Address: 7 King Street and 101, 105 and 107 North Union Street | Zone: | CD/Commercial Downtown, KR/ King Street urban retail and WPR/Waterfront Park and Recreation Zones |
| Applicant: ARP Waterfront, LLC | Small Area Plan: | Old Town Small Area Plan Waterfront Small Area Plan |

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 Reviewer: Ann Horowitz, ann.horowitz@alexandriava.gov

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2022: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of the special use permit request, subject to all conditions, code requirements and ordinances and to the amendment of several ordinances. The motion carried on a vote of 6-0, with Commissioner Manor recusing himself.

Reason: The Planning Commission partially agreed with the staff analysis as it related to conditions and amended several as noted in the staff report.

Discussion:

Chair Macek explained that the amendments were intended to simplify conditions and ensure waterfront vibrancy where possible. The referencing of the noise ordinance in only one condition and having that standard apply to the inside of the Torpedo Factory Art Center, was one example.

Commissioner Lyle concurred with the chair's comments, adding that negative impacts would not be generated as residential uses are not nearby. She recommended accepting the staff amended conditions dated September 2 and as edited by Chair Macek.

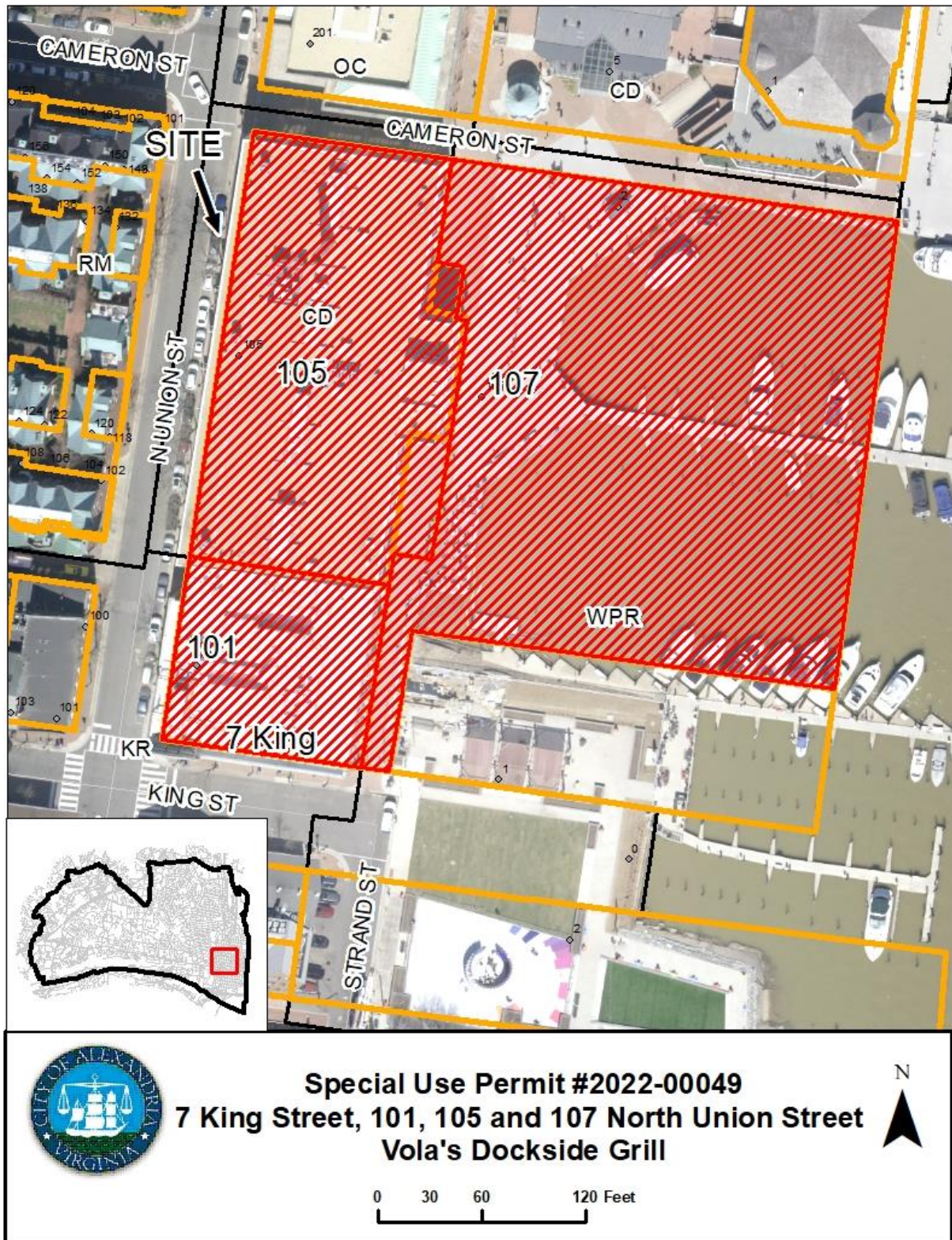
Commissioner Brown expressed support for the request and recognized that the expansion of Vola's was a welcome sign of post-pandemic business success.

Vice Chair McMahon observed that the amended conditions signify a way to improve condition sets and hoped to see this continue.

Speaker:

M. Catherine Puskar, applicant's attorney, spoke in support of the application and the related condition amendments.

PROJECT LOCATION MAP



I. REPORT SUMMARY

The applicant, ARP Waterfront, LLC requests to amend Special Use Permit (SUP) #2017-00039 for Vola's Dockside Grill and Hi-Tide Lounge, an existing restaurant with outdoor dining. The amendment request includes the addition of indoor dining at adjacent tenant spaces and to incorporate the outdoor dining and temporary trailer uses at the Riverside Taco site, formerly a food and crafts market use operating under SUP #2019-00118. Staff recommends approval of the applicant's request subject to the conditions outlined in this report.

SITE DESCRIPTION

The subject sites for the existing and proposed uses occupy four lots of record – 7 King Street and 101, 105 and 107 King Street. The restaurant's existing indoor dining and kitchen are located at 101 North Union Street and 7 King Street (parcel: 101 North Union Street) and the existing outdoor dining is located at 107 North Union Street. The parcel at 101 North Union Street has approximately 110 feet of frontage along King Street and 110 feet of frontage along North Union Street for a total parcel area of approximately 12,100 square feet and is developed with a three-story brick commercial building. The restaurant occupies the south side of the first floor with approximately 110 square feet of frontage along King Street and approximately 41 feet of frontage along North Union Street for an area of 4,530 square feet. The restaurant's outdoor dining area is located on the City Marina, referenced as the 107 North Union Street parcel. The parcel consists of the dock and pier area between the Potomac River and the Waterfront Plaza. The total parcel is approximately 65,000 square feet in area with approximately 300 feet of frontage along the Potomac River. The restaurant's existing dockside outdoor dining occupies 1,255 square feet of area along the southern portion of the City Marina land with approximately 61 feet of frontage along the Potomac River (Figure 1).



Figure 1: Location and images of existing the Vola's Dockside Grill operations at 7 King Street and 101 North Union Street outlined in blue

The proposed indoor and outdoor dining and temporary trailer that would be added to the Vola's SUP in this request are located at 101, 105 and 107 North Union Street. Two indoor dining areas would be located in two first floor tenant spaces at 101 North Union Street, occupying the north side of the building and separated by a public pedestrian breezeway from Vola's restaurant and the Hi-Tide Lounge. One tenant space is 150 square feet with 20 feet of frontage on North Union Street and 32 feet of frontage along the breezeway. The second tenant space is 98 square feet and fronts the breezeway on three sides for approximately 60 feet. The outdoor dining area containing

a trailer is located at 105 and 107 North Union Street on a 1,746 square foot area along the northeasternmost corner outside of the Torpedo Factory Arts Center. This City-owned area has been designated for private use through a long-term lease agreement with the City. The entire parcel at 105 North Union Street has approximately 245 feet of frontage on North Union Street, a depth of approximately 135 feet and a total lot area of 31,904 square feet. The 105 North Union Street parcel includes the three-story Torpedo Factory Arts Center (TFAC). A portion of the TFAC building shares a property line with Riverside Taco. (Figure 2)

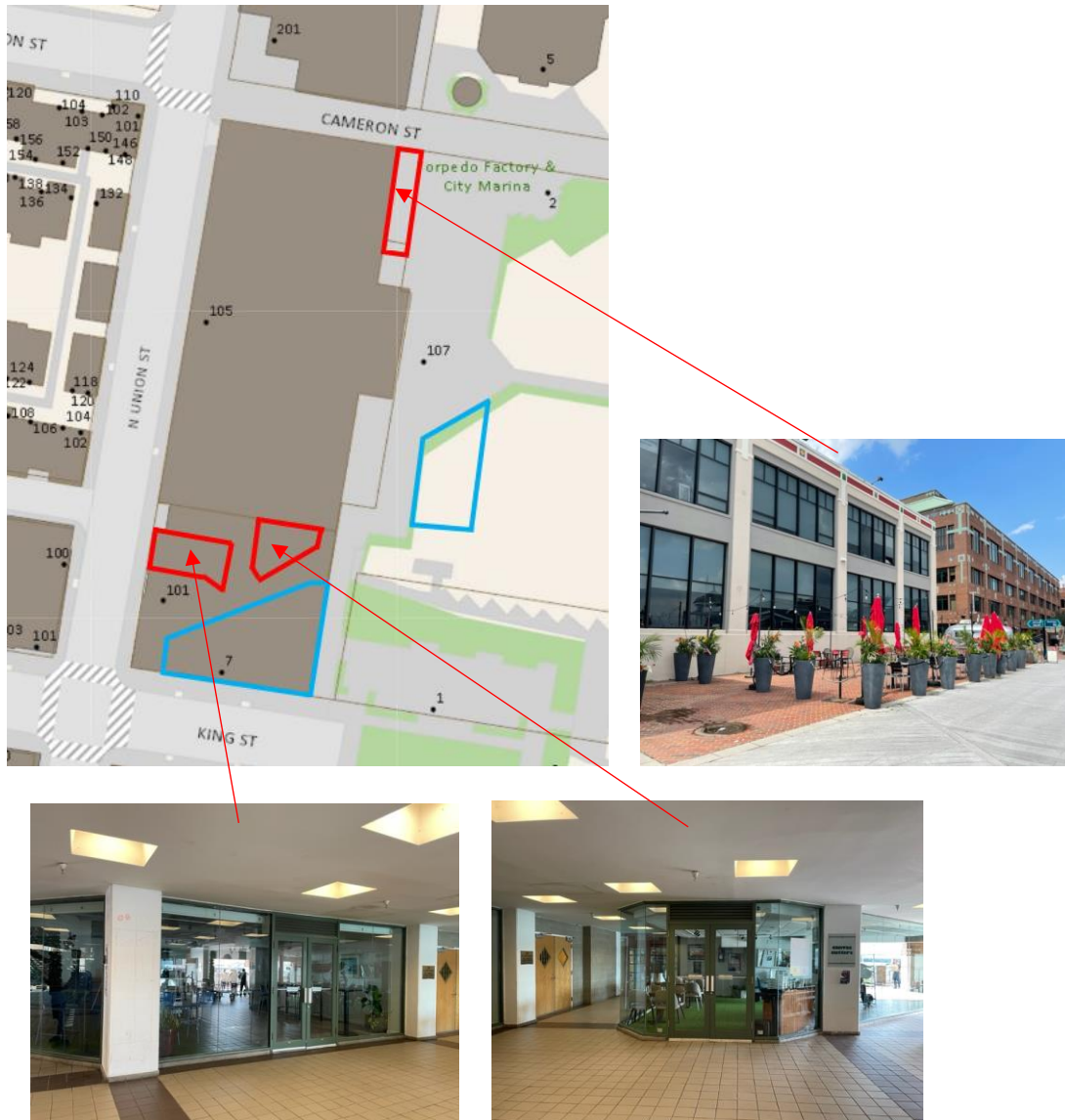


Figure 2: Location and images of proposed additions to Vola's Dockside Grill operations at 7 King Street and 101 North Union Street outlined in red

The Torpedo Factory Art Center abuts the subject lots to the north and west and the City Marina and Potomac River are located to the east. A dense mix of restaurants, retail and office uses surround the lots to the west, north and south.

USE BACKGROUND

Vola's Dockside Grill at 7 King and 101 and 107 North Union Streets

The site where Vola's now occupies was first approved by City Council in May 2013 through SUP #2013-0009 for a 3,950 square foot, 150-seat restaurant and accessory market known as Waterfront Market. Of those 150 approved seats, 76 seats were located indoors, 54 seats were located outdoors on a portion of the Torpedo Factory and City Marina. To provide for dining on the City Marina, the Planning Commission approved a Section 9.06 (#2013-0002) request for use of a portion of the City Marina for outdoor dining. The City established a lease agreement for use of this space with the applicant at that time.

In March 2015, City Council approved an increase in restaurant seats through SUP #2014-0128 which allowed Waterfront Market to increase to 222 total seats and 4,530 square feet for the Hi-Tide Lounge (135 indoor seats, 67 outdoor City Marina land).

The Waterfront Market operated until the winter of 2015 when it briefly closed prior to the launch of a revised restaurant concept, renamed as Vola's Dockside Grill and Hi-Tide Lounge. Staff administratively approved SUP #2015-0132 in January 2016 which granted a change of ownership from Waterfront Market, LLC to Alexandria Restaurant Partners, LLC and a minor amendment to increase the hours of operation for indoor dining from 11 p.m. to 12 p.m., Sunday through Thursday. Most recently, City Council approved SUP #2017-0002 in March 2017 which approved a change of ownership from Alexandria Restaurant Partners, LLC, to ARP Waterfront, LLC, and an increase in dining, expanding the outdoor dockside dining from 67 to 114 outdoor seats. As part of the approval, the outdoor dining area increased to 1,225 square feet of City Marina land from the previously approved 883 square feet. Later, City Council approved SUP #2017-00039 in June 2017 to add 31 seats and indoor limited live entertainment.

A recent inspection found the restaurant and outdoor seating uses compliant with all SUP conditions.

Riverside Taco at 105 and 107 North Union Street

Several decades ago, a lease agreement was established with the City for the private commercial use of the area where Riverside Taco is located and the area below the Chart House to promote increased activity and entertainment opportunities in the plaza. For many years, individual vendors and the TFAC leased the area. Additionally, the City was permitted to host community events at this location.

City Council approved Special Use Permit #2018-0111 on February 23, 2019 for ARP Waterfront, LLC to operate the existing outdoor food and crafts market, featuring TFAC artists, with a food truck operating on private property, and outdoor dining seats for food truck patrons and the public.

City Council amended the SUP through SUP #2019-00118 to allow for amplified background music projected through outdoor speakers, which are not attached to the TFAC, and live acoustic unamplified music during the hours of operation except with RPCA special events approval.

As the use evolved, ARP Waterfront, LLC, operating both Vola's and Riverside Taco, found that the area north of the TFAC was better suited to accommodate Vola's growing demand for outdoor dining given the pandemic impacts after March 2020. In addition, it was difficult to consistently book artists to fulfill the outdoor market component of the business concept. To reflect the actual use of the Riverside Taco area, the applicant submitted this SUP application for an amendment to to Vola's SUP. SUP approval of this request would render the Riverside Taco SUP inactive.

The SUP inspection for compliance with existing conditions identified that all conditions were met with the exception Condition #15 for the placement of over six-foot light posts and umbrellas placed within 7'6" of the TFAC façade. The applicant immediately remedied the issue.

PROPOSAL

The applicant proposes to amend its SUP for Vola's Dockside Grill for an increase in a 5.5% increase in indoor seating area at two adjacent 101 North Union Street tenant spaces. The reprogramming of its Riverside Taco outdoor food and craft market use at 105 and 107 North Union Street accounts for the requested amendment to increase outdoor dining seats and for a temporary trailer, which will be used as a food service station.

Under other City permits, the applicant has the option to separately apply for outdoor dining seats on the sidewalk and in an on-street parklet s along the unit block of King Street.

A summary of existing and proposed aspects of the operation is:

Hours of operation:

| | |
|-----------------------------|-------------------------------------|
| Indoor dining | 7 a.m. – 12 a.m., Sunday – Thursday |
| | 7 a.m. – 1 a.m., Friday – Saturday |
| Outdoor dockside dining | 7 a.m. – 11 p.m., daily |
| Outdoor trailer area dining | 10 a.m. – 11 p.m., daily |

Seats and square footage:

| <u>Location</u> | <u>seats</u> | <u>square footage</u> |
|--|-----------------|-----------------------|
| Indoor dining (existing) | 127 | 4,530 |
| Indoor dining (proposed) | 78 | 248 |
| Outdoor dockside dining (existing) | 68 | 1,255 |
| Outdoor trailer area dining | | |
| (existing under SUP #2010-00118 | | |
| and proposed for SUP amendment) | 90 | |
| | 363 total seats | |

Type of Service:

Table and carry-out

Alcohol Sales:

On-premises and off-premises

Delivery:

Third-party delivery service

Live Entertainment (existing):

Indoors Limited live entertainment

Outdoor dockside: None

Outdoor trailer area: Unamplified acoustic limited live entertainment between the hours of 6 p.m. to 11 pm, Monday through Friday and until 11 p.m. on Saturdays, Sundays and holidays; amplified performances are permitted with RPCA permit; speakers may be used that are not attached to the building.

LEASE AGREEMENT

The applicant is required to maintain an active lease for use of the City's property at the City Marina for the outdoor dockside dining (Condition #30). City Council approved the most current lease on March 10, 2020. The annual lease is based on the market value of commercial floor space with an adjustment to reflect the outdoor location. Under the lease agreement, the City retains the land ownership and the applicant has permission to use the outdoor space under the terms and conditions of its SUP approval. The lease term is set for a period of three years and will expire on March 31, 2023. The applicant may request lease renewals for City Council consideration.

PARKING

The restaurant is located within the City's Central Business District (CBD) and Section 8-300 (B) of the City's Zoning Ordinance exempts the parking requirements for restaurants and outdoor dining in the CBD. As such, the restaurant is not required to provide any off-street parking.

ZONING/ MASTER PLAN DESIGNATION

Multiple zones apply to the restaurant, outdoor dining and temporary trailer operation areas. The restaurant's indoor dining use at 7 King and 101 North Union Street is in the KR zone; outdoor dockside dining at 107 North Union Street is in the WPR zone; and the outdoor dining in the temporary trailer area is in the CD and WPR zones. Although Section 11-511(A)(2)(b)(i) allows administrative SUP minor amendment approval for restaurants with an indoor seating expansion of up to 33 % of floor area, the added indoor dining request was incorporated with the SUP hearing review for outdoor dining seats exceeding 40 and for a temporary trailer, as required in Sections 11-513(M)(3) and Section 7-1101(C), respectively.

The subject lots are located within the Waterfront Small Area Plan and the Old Town Small Area Plan. The Waterfront Small Area Plan identifies the area as one that encourages a range of commercial uses and public events to support an active pedestrian experience. The Old Town Small Area Plan similarly designates the area for mixed-uses along the waterfront area.

The restaurant and outdoor dining uses are also located in the City's Old and Historic District. Any exterior work or signage will require review and approval by the Board of Architectural Review (BAR).

II. STAFF ANALYSIS

Staff recommends approval of the applicant's SUP amendment request to add indoor dining seats at 101 North Union Street and to wrap in the Riverside Taco operation into Vola's Dockside Grill with the addition of 90 outdoor seats and the use of a temporary trailer for two years with the option to extend for one year (Condition #47). Together, the applicant's two businesses have contributed to the vitality of the City Marina since 2018 and the request to combine them under one SUP with added indoor seats not only maintains this momentum but also would be heightened with the addition of conditions to include periodic Torpedo Factory Arts Center public events programming and public seating in the temporary trailer outdoor dining area when the restaurant is not in operation.

Conditions from the previous Vola's Dockside Grill 2017 SUP appear as the first 36 conditions. Relevant conditions are carried forward from the Riverside Taco's SUP #2018-00111 and SUP #2019-00118 and are included after Condition #37. Many conditions for Vola's Dockside Grill have been amended or deleted to reflect present-day condition language and requirements for restaurants, which resulted from text amendments approved in September 2020 to "right-size" business regulations with actual impacts. For example, the number of indoor seats is no longer determined in the SUP but by the statewide uniform building code as noted in Condition #2 and hours of indoor dining operation are left to the discretion of the business operator, as detailed in Condition #6. The loading zone area has been amended in Condition #3 given a recent Traffic and Parking Board ruling to add a loading zone on the 100 block of North Union Street, a location more convenient to Vola's than Fayette Alley. Reference to the lease agreement update, that City Council approved on March 10, 2020, for use of the waterfront dock until March 31, 2023 is noted in Condition 30.

Generally, the added conditions that appear anew in this SUP report ensure the year-round, active use and maintenance of the outdoor dining in the trailer area and limit impacts on the City's Torpedo Factory Art Center. This dining area is located in a visually prominent area, where a significant number of pedestrians stroll along one of the most popular stretches of the waterfront between Founders Park and the Waterfront King Street Park. Increased seating for the public would be available in the City Marina when the restaurant's outdoor dining in the trailer area is not operating and it shall be kept in good order, as noted in Conditions #44c and #44f. As some wear and tear has resulted from the tables and chairs scraping against the Torpedo Factory's historic building materials along the east elevation, staff recommends that the applicant repair the damaged areas in consultation with the City's Historic Preservation staff (Condition #46) and the dining furniture shall be set three feet from the façade to prevent new damage (Condition #44e). To augment the activation of the area with publicly accessible programming in this prominent location, staff recommends that the applicant allow the City to use the area for up to 10 public events free of charge, as outlined in Condition #40. Lastly, the applicant has volunteered to manage

and maintain the public bathrooms next to Blackwall Hitch in a similar fashion to the arrangement it upholds with the City at Robinson Terminal South, outlined in Condition #39.

Subject to the conditions 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) (SUP #2014-0128)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** The maximum number of ~~total indoor~~ seats at the restaurant shall be determined by the statewide building code and applicable lease agreements. ~~The number of indoor seats shall not exceed 166 seats. Up to 114 outdoor seats may be provided on the Marina in the designated area through the previously approved lease agreement between the applicant and the City provided minimum aisle clearance requirements are met. The layout of the outdoor dining areas shall be consistent with the plans submitted with this application and illustrated in the report. Additionally, up to twenty (20) outdoor seats along King Street may be provided on the premises subject to approval by the Director of Planning and Zoning through the King Street Outdoor Dining Program (P&Z) (SUP 2017-00039) (PC)~~
3. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall utilize Fayette Alley as a loading and unloading area located off North Union Street for supply deliveries. Loading and unloading may ~~not~~ only occur and ~~is strictly prohibited on King Street and in loading zone designated areas on North Union Street.~~ Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. ~~(P&Z)(T&ES) (SUP #2014-0128) (PC)~~
4. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers maintained in the Torpedo Factory Office Building (201 N. Union St)/Food Court Complex loading and unloading dock area off Thompsons Alley or in the City dumpster located across Union Street. The trash shall be sealed appropriately and stored in the contained dumpster 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 outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. The applicant shall not use City trash receptacles in the City Marina for trash disposal. (P&Z) (T&ES) (RPCA) (SUP #2017-0002)

5. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2013-0009)
6. **CONDITION AMENDED BY STAFF:** For indoor seats dining areas, ~~meals ordered before 12 a.m. Sunday—Thursday and before 1 a.m. Friday—Saturday, may be sold, but no new alcohol may be served and no new patrons may be admitted after 12 a.m. Sunday—Thursday and after 1 a.m. Friday—Saturday. All patrons must leave by 1 a.m. Sunday—Thursday and by 2 a.m. on Friday—Saturday one hour after the closing time.~~ (P&Z) (SUP #2015-0132)
7. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation for all outdoor seats shall be limited to between 7 a.m. and 11 p.m., 7 days a week. The outdoor dining areas shall be closed and cleared of all customers by 11 p.m. The outdoor seating areas shall not include ~~advertising signage, including~~ on umbrellas. (P&Z) (SUP #2013-0009) (PC)
8. **DUPLICATE CONDITION DELETED BY STAFF AND REPLACED WITH CONDITION #31:** ~~No live entertainment shall be permitted in any outdoor dining area. Limited live entertainment is permitted inside the restaurant and must comply with the City's noise ordinance.~~ (P&Z) (SUP #2013-0009)
9. **CONDITION AMENDED BY STAFF:** ~~No customer delivery service shall be available from the restaurant.~~ Restaurant-managed delivery vehicles must be provided with dedicated off-street parking spaces for each delivery vehicle. (P&Z) (SUP #2013-0009)
10. **CONDITION AMENDED BY STAFF:** On and off-premises alcohol sales may be ~~offered at the restaurant~~ sold consistent with a Virginia ABC license. (P&Z) (SUP #2013-0009)
11. **CONDITION DELETED BY STAFF:** ~~Beer or wine coolers may be sold for off premises consumption only in 4 packs, 6 packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.~~ (P&Z) (Police) (SUP #2013-0009)
12. **CONDITION AMENDED BY PLANNING COMMISSION:** The use must comply with the City's noise ordinance. The applicant may install loudspeakers at 7 King Street and 101 North Union Street. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line and cannot be heard beyond the property line inside the Torpedo Factory Art Center. (P&Z) (T&ES) (SUP #2017-0002) (PC)
13. 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) (SUP #2013-0009)

14. Condition deleted. (SUP #2013-0009)
15. **CONDITION DELETED BY PLANNING COMMISSION:** ~~The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES) (SUP #2013-0009)~~
16. **CONDITION DELETED BY STAFF:** ~~The applicant shall maintain an up-to-date parking agreement for three (3) off-street parking spaces for employees during business hours to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. Evidence of the parking agreement shall be provided during the SUP inspection. (T&ES) (SUP #2015-0132)~~
17. 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 #2015-0132)
18. All waste products including but not limited to organic compounds (solvents) and cleaners, shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2017-0002)
19. 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) (P&Z) (SUP #2017-0002)
20. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP #2013-0009)
21. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP #2013-0009)~~
22. **CONDITION AMENDED BY STAFF:** No food, beverages, or other material shall be stored outside and in all outdoor dining areas. (P&Z) ~~(SUP #2013-0009)~~
23. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit 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 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)(SUP #2017-00039)

24. **CONDITION DELETED BY PLANNING COMMISSION AND ADDED TO CONDITION 38:** ~~The applicant shall require its employees who drive to use off street parking (T&ES) (SUP #2015-0132)-(PC)~~
25. The applicant shall encourage their employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP #2017-0002)
26. 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 Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP #2017-0002)
27. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP #2017-0002)
28. **CONDITION AMENDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in ~~an enclosure with a roof~~side the building. (T&ES) (SUP #2017-0002)
29. **CONDITION AMENDED BY STAFF:** ~~If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. Used cooking grease drums/containers should be stored outside of the RPA if practicable. Lids must always remain closed on waste grease drums/containers and spills cleaned up by mopping or dry methods that do not produce a discharge to the gutter, storm or combined inlets.~~ (T&ES) (SUP #2017-0002)
30. **CONDITION AMENDED BY STAFF:** The applicant shall adhere to all conditions of the lease agreement with the City as approved by City Council on March 18, 2017 10, 2020, or any future leases for use of this area bordering the waterfront for outdoor dining that might be granted by the City Council to the applicant. (P&Z) (SUP #2017-00039)
31. **CONDITION AMENDED BY PLANNING COMMISSION:** No admission or cover fee shall be charged for limited live entertainment in the indoor dining areas. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment to the principal function of the restaurant as an eating establishment by featuring the food service as well as the entertainment. ~~Limited live entertainment is not permitted in the outdoor dockside dining area.~~ (P&Z) (SUP #2017-00039)-(PC)

32. Excluding the existing screening of windows in the Hi-Tide Lounge, all other windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP #2017-00039)
33. **CONDITION DELETED BY STAFF:** ~~The applicant shall comply with the intent and policies listed in its parking management plan, to the satisfaction of the Directors of Transportation and Environmental Services. (T&ES) (SUP #2017-00039)~~
34. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall encourage patrons to park off-street through the provision of information about nearby garages and availability, and alternative modes of transportation on advertising and on the restaurant's website. Where applicable, the applicant shall provide a map of nearby garages. ~~Information on the garages and alternative modes of transportation shall be clearly indicated on daily menus for customer use. (T&ES) (P&Z) (SUP #2017-00039) (PC)~~
35. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide employees memberships to the City's bike sharing program on a per request basis. (T&ES) (SUP #2017-00039)~~
36. **CONDITION DELETED BY STAFF:** ~~The applicant shall submit a parking management plan for review and approval that is consistent with the conditions of its SUP approval. (T&ES) (SUP #2017-00039)~~
37. **CONDITION ADDED BY STAFF:** The outdoor dining areas shall be cleaned and washed at the close of each business day that they are in use. (P&Z) (SUP #2018-0111)
38. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall require its employees who drive to use off-street parking. The applicant shall contact the T&ES parking planner at 703.746.4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town Businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends. (P&Z) (SUP #2018-0111) (PC)
39. **CONDITION ADDED BY STAFF:** The applicant shall manage and maintain the public bathrooms adjacent to Blackwall Hitch. The public restrooms will operate from 9 a.m. to 11 p.m. seven (7) days per week all year long, including holidays and when outdoor dining is not in use by the applicant. The applicant will inspect and clean restrooms on an interval of at least every three (3) hours each day. The applicant shall provide the City with the name of the organization responsible for providing restroom service for fabrication and posting by the City at the public restrooms. The applicant shall be responsible for all maintenance of the restrooms to ensure continuous operations and availability to the public.

Maintenance is to be performed within one (1) business day and/or consistent with Health Code regulations. (RPCA).

40. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall allow the City to use the outdoor area near the temporary trailer free of charge up to five (5) days per year on a Thursday, Friday, or Saturday and up to five (5) days per year on a Sunday, Monday, Tuesday, or Wednesday, unless otherwise mutually agreed upon, for public events. The applicant shall be responsible for removal of ~~the furniture and/or ropes, lights, planters and stanchions~~ prior to the event and replacement of the same after the event at no charge to the City. The applicant shall be responsible for removal of the lights and/or planters prior to the event and replacement of the same after the event, subject to reimbursement of the cost of such removal by the City to the applicant. All users shall be responsible for compliance with all conditions of the SUP. Such use and any required removal of furniture, ropes, lights, and/or planters, shall be scheduled with at least 90 days written notice or within a time frame mutually agreed in writing between the City and the applicant. ~~(RPCA)~~ (PC)
41. **CONDITION ADDED BY STAFF:** The applicant shall not use outdoor generators. ~~(P&Z)~~ (RPCA) (SUP #2018-0111)
42. **CONDITION ADDED BY STAFF:** The applicant shall ensure that the patron queue line shall be along the eastern edge of the brick patio area and does not extend into the public right of way or impedes entrance to The Torpedo Factory Art Center. ~~(P&Z)~~ (RPCA) (SUP #2018-0111)
43. **CONDITION ADDED BY STAFF:** The applicant shall maintain a minimum clearance of 13 feet between the north entrance of the Torpedo Factory Art Center and the outdoor dining area. ~~(T&ES)~~ (P&Z) (RPCA) (SUP #2018-0111)
44. **CONDITION AMENDED BY PLANNING COMMISSION:** In the outdoor dining area with the temporary trailer:
 - a. ~~Unamplified acoustic limited live entertainment shall be permitted between the hours of 6 p.m. to 11 pm, Monday through Friday and until 11 p.m. on Saturdays, Sundays and holidays. Amplification is only permitted in association with a special event that requires a permit from Recreation, Parks, and Cultural Activities Department or in the form of background music until 11 p.m. and cannot be heard beyond the property line and inside the Torpedo Factory Art Center.~~ ~~(RPCA)~~ ~~(T&ES)~~ ~~(P&Z)~~ ~~(SUP#2019-00118)~~ (PC)
 - b. Umbrellas and other objects or structures higher than six feet shall be located 7'6" from the façade of the Torpedo Factory Art Center building. No structures or object shall exceed 10 feet in height in the outdoor dining area containing the trailer. Should the existing Airstream trailer be replaced with a new trailer taller than six feet, it shall be placed 7'6" from the façade of the Torpedo Factory Art Center building and shall not exceed 10 feet (P&Z) (RPCA) (SUP #2018-0111)

- c. Seating in the outdoor dining area with the temporary trailer shall be available for public seating when the restaurant and/or outdoor dining area is not in operation to include off season. Public seating shall be available when the outdoor dining is not being used and shall be signed to communicate public access. (P&Z) (RPCA)
 - d. Install signs, consistent with City standards, in and adjacent to the dining area to (1) indicate the location of patron bathrooms behind Blackwall Hitch and (2) the restaurant dining hours. (RPCA)
 - e. Ninety seats are permitted at the outdoor area and Tables and chairs shall be placed a minimum of three feet from the façade of the Torpedo Factory Art Center to prevent damage. (P&Z) (RPCA) (PC)
 - f. The area shall be cleaned, maintained and kept orderly at all times, including when the area is not in use and in the off season. (P&Z) (RPCA)
 - g. The design of the outdoor dining areas and all its components shall be consistent with the quality standards of the King Street Outdoor Dining Design Guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. (P&Z) (SUP #2018-0111) (PC)
45. **CONDITION AMENDED BY PLANNING COMMISSION:** Sound systems, speakers, or any corresponding equipment cannot be attached to any building face including the Torpedo Factory Art Center. (RPCA) (SUP #201-00118) (PC)
46. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall repair the Torpedo Factory Art Center walls on the eastern elevation where tables and chairs have damaged the façade. An action plan describing proposed repair methods shall be submitted to preservation@alexandriava.gov for review within 30 days of SUP approval before repairs work commences. Final repairs shall be to the satisfaction of the Directors of Recreation, Parks, and Cultural Activities and Planning and Zoning ensure that any marks on the Torpedo Factory Art Center façade that result from outdoor dining furnishings are removed in a timely manner. (RPCA) (P&Z) (PC)
47. **CONDITION AMENDED BY PLANNING COMMISSION:** The temporary trailer is permitted for two years until September 16, 2024 with an opportunity to increase the term for an additional ~~one~~ three years through administrative SUP approval. (P&Z) (PC)

STAFF: Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal 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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The existing conditions from SUP2015-00132 and SUP2018-00111 shall apply.
- F-2 The property is located in the RPA, however, no changes to impervious surfaces or land use, as it pertains to water quality, are proposed with this SUP. No objections at this time.
- R-1 AMENDED CONDITION: Chemicals, detergents, cleaners and used oil shall be stored securely inside the building. (T&ES)
- R-2 AMENDED CONDITION: Used cooking grease drums/containers should be stored outside of the RPA if practicable. Lids must always remain closed on waste grease drums/containers and spills cleaned up by mopping or dry methods that do not produce a discharge to the gutter, storm or combined inlets. (T&ES)

Code Enforcement:

- C-1 Per 2018 Virginia Construction Code Table 403.1, for a restaurant, one water closet could serve 75 occupants and per 2018 Virginia Existing Building Code Sec. 809.1, the number of occupants using existing plumbing fixtures could be increased by max 20% . As indicated on plans there are four existing water closets, which can serve max. 360 occupants. Therefore, if the number of proposed seats exceeds 360 additional plumbing fixtures are required.
- C-2 In accordance with 2018 Virginia Existing Building Code a building permit is required for a space with a change of occupancy.

Fire:

No comments or concerns

Health:

No comments received

Recreation, Parks and Cultural Activities

- R-1 Retain relevant conditions from SUP-2019-00118
- R-2 The applicant shall allow the City to use the outdoor area near the temporary trailer free of charge up to five (5) days per year on a Thursday, Friday, or Saturday and up to five (5)

days per year on a Sunday, Monday, Tuesday, or Wednesday, unless otherwise mutually agreed upon, for public events. The applicant shall be responsible for removal of furniture, lights, planters and stanchions prior to the event at no charge to the City. All users shall be responsible for compliance with all conditions of the SUP. Such use shall be scheduled with at least 90 days written notice or within a time frame mutually agreed in writing between the City and the applicant. (RPCA)

- R-3 Umbrellas and other objects or structures higher than six feet shall be located 7'6" from the façade of the Torpedo Factory Art Center building. No structures or object shall exceed 10 feet in height in the outdoor dining area containing the trailer. Should the existing Airstream trailer be replaced with a new trailer taller than six feet, it shall be placed 7'6" from the façade of the Torpedo Factory Art Center building and shall not exceed 10 feet (RPCA)
- R-4 Seating in the outdoor dining area with the temporary trailer shall be available for public seating when the restaurant and/or outdoor dining area is not in operation to include off season. Public seating shall be available when the outdoor dining is not being used and shall be signed to communicate public access. (P&Z) (RPCA)
- R-5 Install signs, consistent with City standards, in and adjacent to the dining area to (1) indicate the location of patron bathrooms behind Blackwall Hitch and (2) the restaurant dining hours. (RPCA)
- R-6 Tables and chairs shall be placed a minimum of three feet from the façade of the Torpedo Factory Art Center to prevent damage. (RPCA)
- R-7 The area shall be cleaned, maintained and kept orderly at all times, including when the area is not in use and in the off season. (RPCA)
- R-8 The applicant shall repair the walls facing the waterfront at the south and north side of the TFAC where tables and chairs have damaged the façade. (RPCA)
- R-9 The applicant shall manage and maintain the public bathrooms adjacent to Blackwall Hitch. The public restrooms will operate from 9 a.m. to 11 p.m. seven (7) days per week all year long, including holidays and when outdoor dining is not in use by the applicant. The applicant will inspect and clean restrooms on an interval of at least every three (3) hours each day. The applicant shall provide the City with the name of the organization responsible for providing restroom maintenance service for fabrication and posting by the City at the public restrooms. The applicant shall be responsible for all maintenance of the restrooms to ensure continuous operations and availability to the public. Maintenance is to be performed within one (1) business day and/or consistent with Health Code regulations. (RPCA).
- R-10 The applicant shall pay TFAC \$1500 a year for electrical use and rental of the closet that contains the electrical connections. (RPCA)

SUP #2022-00049
7 King Street and 101, 105 and 107 North Union Street

Police Department:

No comments received



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 101 and 105 N Union Street, 7 King St

TAX MAP REFERENCE: 075.01-04-03 and 075.01-04-07 **ZONE:** CD and KR

APPLICANT:

Name: ARP Waterfront, LLC

Address: 101 and 105 N Union St, 7 King Street

PROPOSED USE: SUP amendment to add outdoor and indoor seating and for a temporary trailer

- ☒ THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

scott shaw

Print Name of Applicant or Agent

201 N Union St suite 110

Mailing/Street Address

alexandria VA

City and State

22314

Zip Code

Signature

7/9/2022

Date

703-362-2901

Telephone #

Fax #

sshaw@alexrestpart.com

Email address

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 101 and 105 N Union St, I hereby
(Property Address)
grant the applicant authorization to apply for the restaurant use as
(use)
described in this application.

Name: Stuart Fox for Route 66 Ventures Phone: 410-375-2300
Please Print
Address: 118 King Street, Suite 2, Alexandria VA 22314 Email: sfox@route66ventures.com
Signature: _____ Date: _____

- 1.** Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ **Required floor plan and plot/site plan attached.**

☐ **Requesting a waiver. See attached written request.**

- 2.** The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Scott Shaw, David Clapp, David Nicholas at 12.6% each
Jody Manor 10.0%; Tom Herrity 5.69%; Jay Bonitt 5.21%
Win Sheridan 12.14%; Jason Yates 3.22%

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|---------------------|---------|----------------------|
| 1. uploaded to APEX | | 74% total |
| 2. | | |
| 3. | | |

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 101 and 105 N Union St. 7 King Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|------|---|----------------------|
| 1. | | |
| 2. | | |
| 3. | 118 King Street, Suite 2, Alexandria VA 22314 | |

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

| Name of person or entity | Relationship as defined by Section 11-350 of the Zoning Ordinance | Member of the Approving Body (i.e. City Council, Planning Commission, etc.) |
|--------------------------|---|---|
| 1. ARP Waterfront | Investor | Jody Manor |
| 2. | | |
| 3. | | |

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

6/27/2022

scott shaw

Date

Printed Name

Signature

ARP Waterfront LLC**Ownership****Address**

| | | |
|--------------------------------------|--------------|---|
| David Clapp | 12.6% | 201 Union St, Suite 110, Alexandria VA 22314 |
| David Nicholas | 12.6% | 201 Union St, Suite 110, Alexandria VA 22314 |
| Scott Shaw | 12.6% | 201 Union St, Suite 110, Alexandria VA 22314 |
| Jody Manor | 10.0% | 823 King Street, Alexandria VA 22314 |
| Tom Herrity | 5.7% | 709 N Jackson St., Arlington VA 22201 |
| Jay Bonitt | 5.2% | 1200 Villamay Blvd, Alexandria VA 22307 |
| Win Sheridan | 12.1% | 211 N Union St, Suite 220, Aalexandria VA 22314 |
| Jason Yates | 3.2% | 10115 View Point Ct, Fairfax Station VA 22039 |
| <i>Others with less than 3% each</i> | <u>25.9%</u> | |
| | 100.00% | |

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[] **Yes.** Provide proof of current City business license

[] **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

Applicant is requesting SUP approval for addition of indoor seats on areas 3 and 4 (see map), for addition of outdoor seats in area 4b to Vola's SUP, and for trailer on a temporary basis, said trailer be used for food and beverage production in area 4b.

The applicant is offering to take over management of the City owned restrooms
adjacent to the 4B parcel in order to ensure that there are adequate public facilities
from 10am to 11pm seven days a week.

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

- ☐ a new use requiring a special use permit,
☐ an expansion or change to an existing use without a special use permit,
☒ an expansion or change to an existing use with a special use permit,
☐ other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

500 per day on summer weekdays, 1000 on summer weekends

150-250 on fall/winter weekdays, 250-500 on winter weekends

60% of all sales occur from 5-11pm.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

25 on summer weekdays, 50 on summer weekends

20 on fall/winter weekdays, 30 on fall/winter weekends

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Mon-Thur

Hours:

10am-midnight (4B parcel 11pm)

Fri

10 am to midnight (4B parcel 11pm)

Sat

10 am to midnight (4B parcel 11pm)

Sunday

10 am to midnight (4B parcel 11pm)

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

no change from current operations; no noise that would impact nearby residents

B. How will the noise be controlled?

N/A

8. Describe any potential odors emanating from the proposed use and plans to control them:

no changes from current operations

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)
no change from current operations, all trash is moved to City-owned compactor compactor throughout the day

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
~~approximately thirty 40 gal containers on busiest days. 50-75% less on slower days.~~

C. How often will trash be collected?
daily

D. How will you prevent littering on the property, streets and nearby properties?
our staff polices the public areas surrounding Volas, including the breezeway.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[] Yes. [✓] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?
We have not seen the need to enact any special steps to ensure guest or staff safety.

ALCOHOL SALES

13.

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Vola's has two ABC licenses, one for the main restaurant and another for the 4B (taco trailer) area. Both licenses are currently for on-premise sales but may become eligible for modification to off-premise at a future date, subject to proposed changes to state and local legislation (ex if Alexandria adopts a "walking district" similar to Shirlington Village)

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

N/A Standard spaces
N/A Compact spaces
N/A Handicapped accessible spaces.
N/A Other.

| |
|--|
| <p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200A _____</p> <p>Does the application meet the requirement?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|--|

- B. Where is required parking located? (*check one*)
- ☐ on-site
- ☐ off-site

If the required parking will be located off-site, where will it be located?

none required due to CD zoning

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ **Parking reduction requested; see attached supplemental form**

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? none, street 🚚

| |
|---|
| <p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|---|

B. Where are off-street loading facilities located? there are no off-street options for Volas

C. During what hours of the day do you expect loading/unloading operations to occur?

7am to 2pm

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

6 days a week, occasionally 7 days,

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

only change we would ask for is to provide more delivery-or-uber only spaces (lose 2-3 parking street parking spaces to allow for these uses, and to make up for losing the unit block to pedestrian only).

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? n/a square feet.

18. What will the total area occupied by the proposed use be?

9800 sq. ft. (existing) + _____ sq. ft. (addition if any) = 9800 sq. ft. (total)

19. The proposed use is located in: (check one)

☐ a stand alone building

☐ a house located in a residential zone

☐ a warehouse

☐ a shopping center. Please provide name of the center: _____

☒ an office building. Please provide name of the building: 101 N Union

☒ other. Please describe: 4B parcel adjacent to Torpedo Factory

End of Application



Department of Planning & Zoning

Special Use Permit Application Checklist

Supplemental application for the following uses:

- ☐ Automobile Oriented
- ☒ Parking Reduction
- ☐ Signs
- ☐ Substandard Lot
- ☐ Lot modifications requested with SUP use

Interior Floor Plan

- ☒ Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

If Applicable

- ☒ Plan for outdoor uses

Contextual site image

- ☐ Show subject site, on-site parking area, surrounding buildings, cross streets



SUPPLEMENTAL APPLICATION

RESTAURANT

All applicants requesting a Special Use Permit for a restaurant shall complete the following section.

1. How many seats are proposed?
Indoors: 383

2. Will the restaurant offer any of the following?
Alcoholic beverages
On-premises Yes ☒ No ☐
Off-premises Yes ☒ No ☐

3. The restaurant will offer the following service (check items that apply):

☒ table service ☐ bar ☒ carry-out ☒ delivery

4. If delivery service is proposed, how many vehicles do you anticipate? max 2 at any time

Will delivery drivers use their own vehicles? Yes ☒ No ☐

Where will delivery vehicles be parked when not in use?
3rd party delivery only

OLD TOWN RESTAURANT POLICY

Changes to Old Town Small Area Plan Chapter of the Master Plan Adopted by City Council on November 13, 1993

On November 13, 1993, the City Council adopted Resolution No. 1672, which outlines new policy and criteria used in applying the revised Old Town Restaurant Policy. Individuals who apply for a special use permit to operate a restaurant in Old Town must address in their entirety five criteria in order to be considered for a special use permit. An application will not be formally accepted for processing until this questionnaire is completed.

GOALS OF THE OLD TOWN RESTAURANT POLICY

1. To lessen the on-street parking impact of restaurants in Old Town and adjacent areas;
2. To prevent rowdiness and vandalism from patrons leaving restaurants, particularly in the late evening; and
3. To control the spread of litter in Old Town.

POLICIES TO ATTAIN THE GOALS OF THE OLD TOWN RESTAURANT POLICY

City Council shall not approve a request for special use permit for any new restaurant, carry-out or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment, unless it finds that the request does not significantly impact nearby residential neighborhoods. City Council shall consider the cumulative impact of the proposal and the number of already established restaurants, carry-outs, fast food establishments and the number of food service seats, bar seats and standing service areas in the immediate area. In the case of an expansion or other intensification, the entire operation of the establishment may be taken into account in determining its impact upon the nearby residential neighborhoods. In making that determination, City Council shall consider the following factors:

- The availability of off-street parking.
- The predicted impact of the restaurant on parking supply in the adjacent neighborhood.
- The extent to which the restaurant is open in the late night hours.
- The extent to which alcohol (such as spirits, mixed drinks, wine, and beer) consumption will predominate over food consumption, including consideration of the number of bar seats, if any, and the standing areas in the vicinity of bars.
- The predicted extent of litter generated in nearby neighborhoods.

CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS

Parking Management Plan. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:

- The parking demand generated by the proposed restaurant.
- The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
- How employees who drive will be accommodated off the street at least in the evenings and on weekends.
- The predicted impact of the restaurant on the parking supply at the evening, weekend, and daytime peaks.
- A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

Parking impacts. Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)

☐ 100%
☐ 75-99%
☒ 50-74% *estimate using available public garages*
☐ 1-49%
☐ No parking can be accommodated off-street

2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)

☐ All
☒ 75-99% *using available garages*
☐ 50-74%
☐ 1-49%
☐ None

3. What is the estimated peak evening impact upon neighborhoods? (check one)

☐ No parking impact predicted
☐ Less than 20 additional cars in neighborhood
☒ 20-40 additional cars *Assuming 2/3 rd is public garages*
☐ More than 40 additional cars

Litter plan. The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours. Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:

332 _____ Maximum number of patron dining seats
 + 51 _____ Maximum number of patron bar seats
 + 0 _____ Maximum number of standing patrons
 = 383 _____ Maximum number of patrons

2. 40 _____ Maximum number of employees by hour at any one time

- 3.
- Hours of operation.**
- Closing time means when the restaurant is empty of patrons. (check one)

☐ Closing by 8:00 PM
☐ Closing after 8:00 PM but by 10:00 PM
☒ Closing after 10:00 PM but by Midnight
☐ Closing after Midnight

- 4.
- Alcohol Consumption**
- (check one)

☐ High ratio of alcohol to food
☒ Balance between alcohol and food
☐ Low ratio of alcohol to food

70/30 (alcohol)

383 SEATS
 + 20% LOUPEL who
 = 77 WALK
 306 ÷ 3 PATRONS
 = 102 PATRONS
 + 33%
 = 34 CANS

MEMORANDUM

DATE: SEPTEMBER 2, 2022

TO: CHAIRMAN NATHAN MACEK
AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL W. MORITZ, DIRECTOR
DEPARTMENT OF PLANNING & ZONING

SUBJECT: DOCKET ITEM #10 – SUP #2022-00049 –
7 KING STREET AND 101, 105 AND 107 NORTH UNION STREET-
VOLA’S DOCKSIDE GRILL

This memorandum contains staff recommendations for several additional SUP #2022-00049 condition amendments. Many of the conditions were previously edited in the docketed staff report; additional proposed amendments are marked as blue text. Rationale for only the new proposed changes, the subject of this memorandum, precedes each condition as discussion of the original amendments exists in the staff report.

- **Condition 2**

Given that the 114-seat limit and the dining arrangement are memorialized in the lease agreement for use of the waterfront dockside dining, reference to these are also deleted from Condition 2.

2. CONDITION AMENDED BY PLANNING COMMISSION: The maximum number of ~~total indoor~~ seats at the restaurant shall be determined by the statewide building code. ~~The number of indoor seats shall not exceed 166 seats. Up to 114 outdoor seats may be provided on the Marina in the designated area through the previously approved lease agreement between the applicant and the City provided minimum aisle clearance requirements are met. The layout of the outdoor dining areas shall be consistent with the plans submitted with this application and illustrated in the report.~~ Additionally, up to twenty (20) outdoor seats along King Street may be provided on the premises subject to approval by the Director of Planning and Zoning through the ~~King Street Outdoor Dining Program (P&Z) (SUP 2017-00039) (PC)~~

- **Condition 3**

The limitation for use of only the North Union Street loading zone has been deleted to allow the applicant access to any legal loading zone.

3. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~The applicant shall utilize Fayette Alley as a loading and unloading area located off North Union Street for supply deliveries. Loading and unloading may not only occur and is strictly prohibited on King Street and in loading zone designated areas on North Union Street. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (P&Z)(T&ES) (SUP #2014-0128)-(PC)~~

- **Condition 7**

As signage regulations must be content neutral, “advertising” has been deleted from a condition carried over from a previous SUP.

7. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation for all outdoor seats shall be limited to between 7 a.m. and 11 p.m., 7 days a week. The outdoor dining area shall be closed and cleared of all customers by 11 p.m. The outdoor seating area shall not include ~~advertising~~ signage, ~~including~~ on umbrellas. ~~(P&Z) (SUP #2013-0009)-(PC)~~

- **Condition 12**

Building mounted speakers are permitted at 7 King and 101 North Union Streets.

12. **CONDITION AMENDED BY PLANNING COMMISSION:** The use must comply with the City’s noise ordinance. ~~The applicant may install~~ ~~All~~ loudspeakers ~~at 7 King Street and 101 North Union Street. #~~No amplified sound shall be audible at the property line and cannot be heard beyond the property line inside the Torpedo Factory Art Center. ~~(P&Z) (T&ES) (SUP #2017-0002)-(PC)~~

- **Condition 31**

Amendments to Condition 31 allow for limited live entertainment in all dining areas, subject to compliance with the noise ordinance.

31. **CONDITION AMENDED BY PLANNING COMMISSION:** No admission or cover fee shall be charged for limited live entertainment in the indoor dining areas. The applicant shall comply with the noise ordinance. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment to the principal function of the restaurant as an eating establishment by featuring the food service as well as the entertainment. ~~Limited live entertainment is not permitted in the outdoor dockside dining area. (P&Z) (SUP #2017-00039) (PC)~~

- **Condition 40**

Arrangements for preparation and breakdown of the furnishings in the area containing the temporary trailer for public events are added in this condition.

40. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall allow the City to use the outdoor area near the temporary trailer free of charge up to five (5) days per year on a Thursday, Friday, or Saturday and up to five (5) days per year on a Sunday, Monday, Tuesday, or Wednesday, unless otherwise mutually agreed upon, for public events. The applicant

shall be responsible for removal of ~~the furniture and/or ropes, lights, planters and stanchions~~ prior to the event ~~and replacement of the same after the event~~ at no charge to the City. ~~The applicant shall be responsible for removal of the lights and/or planters prior to the event and replacement of the same after the event, subject to reimbursement of the cost of such removal by the City to the applicant.~~ All users shall be responsible for compliance with all conditions of the SUP. Such use ~~and any required removal of furniture, ropes, lights, and/or planters,~~ shall be scheduled with at least 90 days written notice or within a time frame mutually agreed in writing between the City and the applicant. ~~(RPCA) (PC)~~

- **Condition 45**

With the allowance of mounted speakers at 7 King and 101 North Union Streets, Condition 45 has been amended.

45. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~Sound systems, speakers, or any corresponding equipment cannot be attached to~~ ~~any building face including~~ the Torpedo Factory Art Center. ~~(RPCA) (SUP #201-00118) (PC)~~

- **Condition 46**

The Historic Preservation staff visited the site immediately after the staff report was docketed to assess the extent of the damage on the Torpedo Factory Art Center façade. It found that the markings on the wall are easily removed with soap and water and the use of paint in some locations. Overall, the City staff is comfortable rephrasing the condition in this way to ensure maintenance of the façade in the dining area should it be marred in the future.

46. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~The applicant shall~~ ~~repair the Torpedo Factory Art Center walls on the eastern elevation where tables and chairs have damaged the façade. An action plan describing proposed repair methods shall be submitted to preservation@alexandriava.gov for review within 30 days of SUP approval before repairs work commences. Final repairs shall be to the satisfaction of the Directors of Recreation, Parks, and Cultural Activities and Planning and Zoning ensure that any marks on the Torpedo Factory Art Center façade that result from outdoor dining furnishings are removed in a timely manner.~~ ~~(RPCA) (P&Z) (PC)~~

- **Condition 47**

Staff considers the extension of up to three years beyond the originally granted two-year term to be reasonable as the existence of the trailer has generated no negative impacts or resident complaints since it opened in 2019.

47. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~The~~ temporary trailer is permitted for two years until September 16, 2024 with an opportunity to increase the term for an additional ~~one~~ three years through administrative SUP approval. ~~(P&Z) (PC)~~

Staff continues to recommend approval of SUP #2022-00049 with additional amendments to Conditions 2, 3, 7, 12, 31, 40 and 45-47.

Samantha Lockwood

From: Nate Macek
Sent: Tuesday, September 6, 2022 5:09 PM
To: Samantha Lockwood
Cc: Karl Moritz; Nancy Williams; Christina Brown; Karl Moritz; Tony LaColla; Nancy Williams; Ann Horowitz; Christina Brown; Jack Browand; Diane Ruggiero; Brian Dofflemyer; Arbina Shrestha; William Skrabak; Megan Oleynik
Subject: RE: September 6, 2022 PC Hearing Docket: Update #3

Fellow commissioners: Further suggested changes to the conditions for Item 7, Vola's Restaurant, are attached for your review, for discussion during our meeting tonight. Mark-ups are based on changes to the conditions proposed by staff in the memo this afternoon.

Thanks,

Nate

2. The maximum number of seats at the restaurant shall be determined by the statewide building code and applicable lease agreements.

Incorporates secondary basis for establishing seat counts.

7. The hours of operation for all outdoor seats shall be limited to between 7 a.m. and 11 p.m., 7 days a week. The outdoor dining areas shall be closed and cleared of all customers by 11 p.m. The outdoor seating areas shall not include signage on umbrellas.

Minor edit to make "areas" plural.

12. The use must comply with the City's noise ordinance. The applicant may install loudspeakers at 7 King Street and 101 North Union Street. ~~No amplified sound shall be audible at the property line and cannot be heard beyond the property line inside the Torpedo Factory Art Center.~~

Language suggested for deletion is addressed by the noise ordinance.

~~**15.** The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES) (SUP #2013-0009)~~

Remove—redundant with more current language in condition 34.

~~**24.** The applicant shall require its employees who drive to use off street parking (T&ES) (SUP #2015-0132)~~

Remove—suggested to be incorporated into condition 38 below.

31. No admission or cover fee shall be charged for limited live entertainment in the dining areas. ~~The applicant shall comply with the noise ordinance.~~ Any advertising of the entertainment shall reflect the subordinate nature of the entertainment to the principal function of the restaurant as an eating establishment by featuring the food service as well as the entertainment.

Noise ordinance is addressed in condition 12. Remove reference in this condition.

34: The applicant shall encourage patrons to park off-street through the provision of information about nearby garages and availability, an alternative modes of transportation on advertising and on the restaurant's website. Where applicable, the applicant shall provide a map of nearby garages. ~~Information on the garages and alternative modes of transportation shall be clearly indicated on daily menus for customer use.~~

Parking information provided on daily menus is not provided in a timely manner for use in informing parking decisions.

38. The applicant shall require its employees who drive to use off-street parking. The applicant shall contact the T&ES parking planner at 703-746-4025 for information about applying to participate in the Discount Parking Program for Employees of Old Town businesses (or other similar program if one is created) that offers discounted parking at select City parking facilities on evenings and weekends.

Revise to incorporate condition 24.

44: In the outdoor dining area with the temporary trailer:

~~**a.** Unamplified acoustic limited live entertainment shall be permitted between the hours of 6 p.m. to 11 pm, Monday through Friday and until 11 p.m. on Saturdays, Sundays and holidays. Amplification is only permitted in association with a special event that requires a permit from Recreation, Parks, and Cultural Activities Department or in the form of background music until 11 p.m. and cannot be heard beyond the property line and inside the Torpedo Factory Art Center. (RPCA) (T&ES) (P&Z) (SUP#2019-00118) \~~

Remove—incorporated into conditions 12 and 31.

~~**e.** Ninety seats are permitted at the outdoor area and~~ Tables and chairs shall be placed a minimum of three feet from the façade of the Torpedo Factory Art Center to prevent damage. (P&Z) (RPCA)

Remove seat count—covered by Condition 2.

~~**g.** The design of the outdoor dining areas and all its components shall be consistent with the quality standards of the King Street Outdoor Dining Design Guidelines. Any outdoor seating areas, including umbrellas, shall not include advertising signage. (P&Z) (SUP #2018-0111)~~

Remove—covered by condition 7.

Nathan M. Macek