



DOCKET ITEM #3
Special Use Permit #2014-0109
1940 Duke Street – Panera Bread

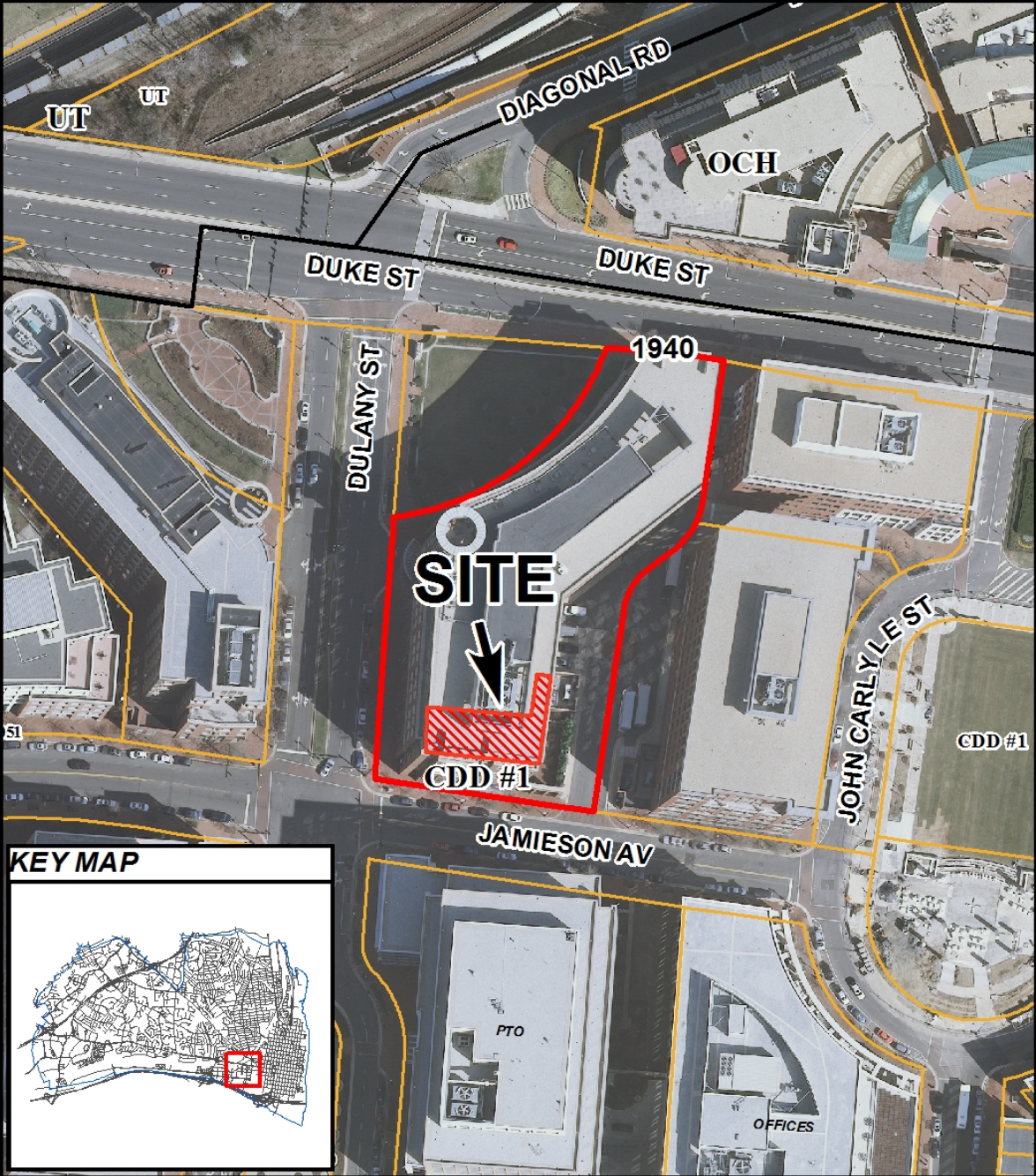
CONSENT AGENDA ITEM

If no one asks to speak about this case prior to the hearing, it will be approved without discussion as part of the Consent Agenda.

Application	General Data	
Request to amend Special Use Permit #2014-0081 to increase permitted number of delivery vehicles.	Planning Commission Hearing:	January 6, 2015
	City Council Hearing:	January 24, 2015
Address: 1940 Duke Street	Zone:	CDD#1/Coordinated Development District #1
Applicant: Panera, LLC represented by Duncan Blair, attorney	Small Area Plan:	Eisenhower East

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: Ann Horowitz, ann.horowitz@alexandriava.gov



SUP #2014-0109
1940 Duke Street



I. DISCUSSION

The applicant, Panera, LLC, represented by attorney Duncan Blair, requests to amend Special Use Permit #2014-0081 to increase the permitted number of delivery vehicles from one to three.

SITE DESCRIPTION

The subject property is one lot of record with approximately 96 feet of frontage on Duke Street, 368 feet of frontage on Dulany Street, and 180 feet of frontage on Jamieson Avenue. The total lot measures 62,198 square feet. The Carlyle Crescent, a multi-story office building, is located on the site. Panera occupies a 4,200 square foot first floor tenant space that is accessed from Jamieson Avenue. A parking garage services the office building and its retail tenants and is accessible from Jamieson Avenue.



The restaurant is sited near several office buildings with restaurant and retail establishments located on the ground floors in the Carlyle development area. The King Street Metro station is located to the north of the subject building and the Patent and Trademark Office operates to the south. The office buildings at 2000 Duke Street and 333 John Carlyle Streets are located to the to the east and west, respectively.

BACKGROUND

City Council approved Special Use Permit #2003-0081 for a restaurant that operated as Plaza Gourmet on October 18, 2003. No complaints had been received for this business. Special Use Permit #2014-0081 for a change of ownership and a minor amendment to add one delivery vehicle was approved administratively for Panera Bread, LLC, a quick-service bakery and sandwich restaurant, on August 27, 2014. The restaurant is undergoing interior renovations and is not currently open for business.

PROPOSAL

The applicant proposes to amend Condition 5 of its existing SUP to expand its existing delivery service from one to three vehicles for customer deliveries within and outside the Carlyle development area. The operation of the restaurant would not change as approved in SUP#2014-0081 and the characteristics of the restaurant are:

- Hours of Operation: 6:30 a.m. to 12:00 midnight, daily
- Number of seats: Total of 132 seats, indoor and outdoor
- Number of customers: 500 a day
- Alcohol: No alcohol sales
- Live Entertainment: No live entertainment

Supply Delivery: Up to five deliveries a day at the building loading area

Noise: Typical restaurant noises

Odors: Odors will be controlled through hood systems.

Trash/Litter: Product packaging and food remnants which are typical of general restaurant operations. Half a dumpster a day would be generated and regularly collected at the building's common trash facility.

PARKING

The Transportation Management Plan for Carlyle (SUP#2254) established parking requirements for the subject building which the on-site parking garage provided. The applicant, therefore, is not required to secure additional parking. Nonetheless, Condition 5 was amended in SUP2014-0081 to require off-street parking for one delivery vehicle and would be further amended through this SUP report.

ZONING/MASTER PLAN DESIGNATION

Section 11-511(A)(2)(b)(ii) of the Zoning Ordinance states that an existing SUP may be eligible for administrative minor amendment approval if the request is no greater than permitted in Section 11-513 for the same use. Section 11-513(L)(7) permits one delivery vehicle for restaurants. The applicant's request for two additional delivery vehicles, therefore, does not qualify for minor amendment review and requires a full hearing SUP.

The site is in the CDD#1 zone where SUP#2012-0006 allows restaurants through administrative or full hearing Special Use Permit approval. The proposed use is consistent with the Eisenhower East Small Area Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff believes the request for additional delivery vehicles is reasonable. The availability of three delivery vehicles would allow the establishment to expand its delivery capabilities and service more customers who choose to dine elsewhere. The number of permitted delivery vehicles has been increased from one to three in Condition 5. The condition also stipulates that the delivery vehicles must park off-street in the parking spaces between the restaurant and the parking garage entrance that the applicant has identified. Because one of these three parking spaces would be located in a space designated for loading/unloading, staff recommends that the applicant parks the delivery vehicles in the building's parking garage if parking is temporarily unavailable in the proposed area.

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2003-0081)
2. Seating shall be provided for no more than 132 patrons inside and outside. (P&Z) (SUP#2003-0081)
3. The hours of operation shall be limited to 6:30 a.m. to 12:00 midnight daily. Meals ordered before 12 midnight may be served, but no new patrons may be admitted after 12 midnight, and all patrons must leave by 1 a.m. (P&Z) (SUP#2014-0081)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0081)
5. **CONDITION AMENDED BY STAFF:** Not more than ~~one~~ three delivery vehicles used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicles in ~~an~~ off-street parking spaces when ~~it is~~ they are located in the vicinity of the restaurant as indicated on the applicant's site plan. The delivery vehicles shall park in the building's parking garage if the off-street parking spaces are temporarily unavailable. Delivery service is also permitted by foot, bicycle or motorized scooter. (P&Z) (T&ES) (~~SUP#2014-0081~~)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0081)
7. 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#2003-0081)
8. 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)(T&ES) (SUP#2003-0081)
9. 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#2014-0081)
10. The applicant shall control 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#2003-0081)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (SUP#2003-0081)
12. The applicant shall require its employees who drive to work 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. (P&Z) (T&ES) (SUP#2014-0081)
13. All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) (T&ES) (SUP2014-0081)
14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. The applicant shall also provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (T&ES) (SUP#2014-0081)
15. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2014-0081)
16. Condition deleted. (See Condition #3)
17. 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 be open as much as possible and provide some interior accent lighting 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#2003-0081)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0081)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning & 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 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#2014-0081~~)

20. No live entertainment shall be allowed either inside the restaurant or within the outdoor dining area. (P&Z) (SUP#2014-0081)
21. No alcohol sales shall be allowed at the restaurant. (P&Z) (SUP#2014-0081)
22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2014-0081)

STAFF: Alex Dambach, Division Chief, Planning and Zoning, Land Use Services;
Ann Horowitz, 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.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

Previous Conditions:

5. **CONDITION AMENDED BY STAFF:** Not more than ~~one~~ three delivery vehicles used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicles in ~~an~~ off-street parking spaces when ~~it is~~ they are located in the vicinity of the restaurant. Delivery service is also permitted by foot, bicycle or motorized scooter. (P&Z)(T&ES) (SUP2014-00081)
8. 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) (T&ES) (SUP2003-00081)
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14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. The applicant shall also provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (T&ES) (SUP2014-00081)

22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2014-00081)

Previous City Code Requirements:

1. 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) (SUP2014-00081)
2. 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) (SUP2003-00081)

Code Enforcement:

No comments

Fire:

No comments or concerns

Health:

Food Facilities:

- C-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, corporation or location to another. Permit application and fee are required.
- C-2 Construction plans shall be submitted to the Health Department located at 4480 King Street and 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.
- C-3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety 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.
- C-4 A Food Protection Manager shall be on-duty during all operating hours.
- C-5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.

C-7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Parks and Recreation:

No comments received

Police Department:

No comments received

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

REVISED

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 ten 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. Panera Bread Company	3630 S. Geyer Rd., Ste. 100, St. Louis, MO 63127	100%
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 1940 Duke Street, Alexandri, VA (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. I & G Direct Real Estate 25 L.P.	c/o JP Morgan Investment Mngt 270 Park Ave., New York, NY 10017	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

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. I & G Direct Real Estate 25 L.P.	None	City Council & Planning Commission
2. Panera Bread Company	None	City Council & Planning Commission
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.

October 28, 2014
Date

Greg Johnsen
Printed Name


Signature

REVISED

SUP # 2014-0109

PROPERTY OWNER'S AUTHORIZATION

As the property owner of I & G Direct Real Estate 25 L.P., I hereby
(Property Address)
grant the applicant authorization to apply for the Amendment to SUP #2014-0081 use as
(use)
described in this application.

Name: c/o JP Morgan Investment Management

Phone: (212) 648-2161

Please Print

Address: 270 Park Ave., New York, NY 10017

Email: Tara A. Andrews @ jpmorgan.com

Signature: Tara Andrews

Date: October 28, 2014

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 ten percent.

Panera, LLC, is a Delaware limited liability corporation. The only individuals or entities owning a
membership in excess of 10% is Panera Bread Company, a publicly traded company.

3630 South Geyer Road, Suite 100, St. Louis, MO 63127; ATTN: Greg Johnsen.

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

It is not anticipated that offensive odors will emanate from the use of the property as a restaurant.

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)

The type and volume of trash and garbage generated by the restaurant will be mainly refuse from products received and from general restaurant operations (product remnants).

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

The restaurant will generate about half a dumpster full of garbage per day.

C. How often will trash be collected?

The building management will schedule trash pick-up at the common trash facility.

D. How will you prevent littering on the property, streets and nearby properties?

Litter is not an anticipated problem; however, the restaurant's staff will self-police the sidewalks and area surrounding the restaurant.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of a business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

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:

Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of a business, will be stored, used as solvents, and disposed of in accordance with applicable regulations.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?

The location in the central business district and the proposed hours of operations should provide a safe environment for its patrons and staff. It is not anticipated that extraordinary security measures will be required.

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.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:
None: The parking requirements for the building are established by and specified in the TMP for Caryle (TMP #2254). Parking is located in the parking facility for the project.
- _____ Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
 _____ Other.

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

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

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

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 *N/A*

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

- A. How many loading spaces are available for the use? *there is a shared loading area for the building located in an interior service court off of Jamieson Ave.*

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

B. Where are off-street loading facilities located? Interior service court off of Jamieson Ave.

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

Pursuant to SUP #2014-0081 Condition #22, deliveries shall not occur between the hours of

11:00 p.m. and 7:00 a.m.

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

The restaurant anticipates about three (3) to five (5) per day.

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?

Existing street access is adequate.

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? _____ square feet.

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

4,200 sq. ft. (existing) + _____ sq. ft. (addition if any) = 4,200 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: _____

other. Please describe: _____

End of Application

SUP # 2014-0109
Admin Use Permit # _____

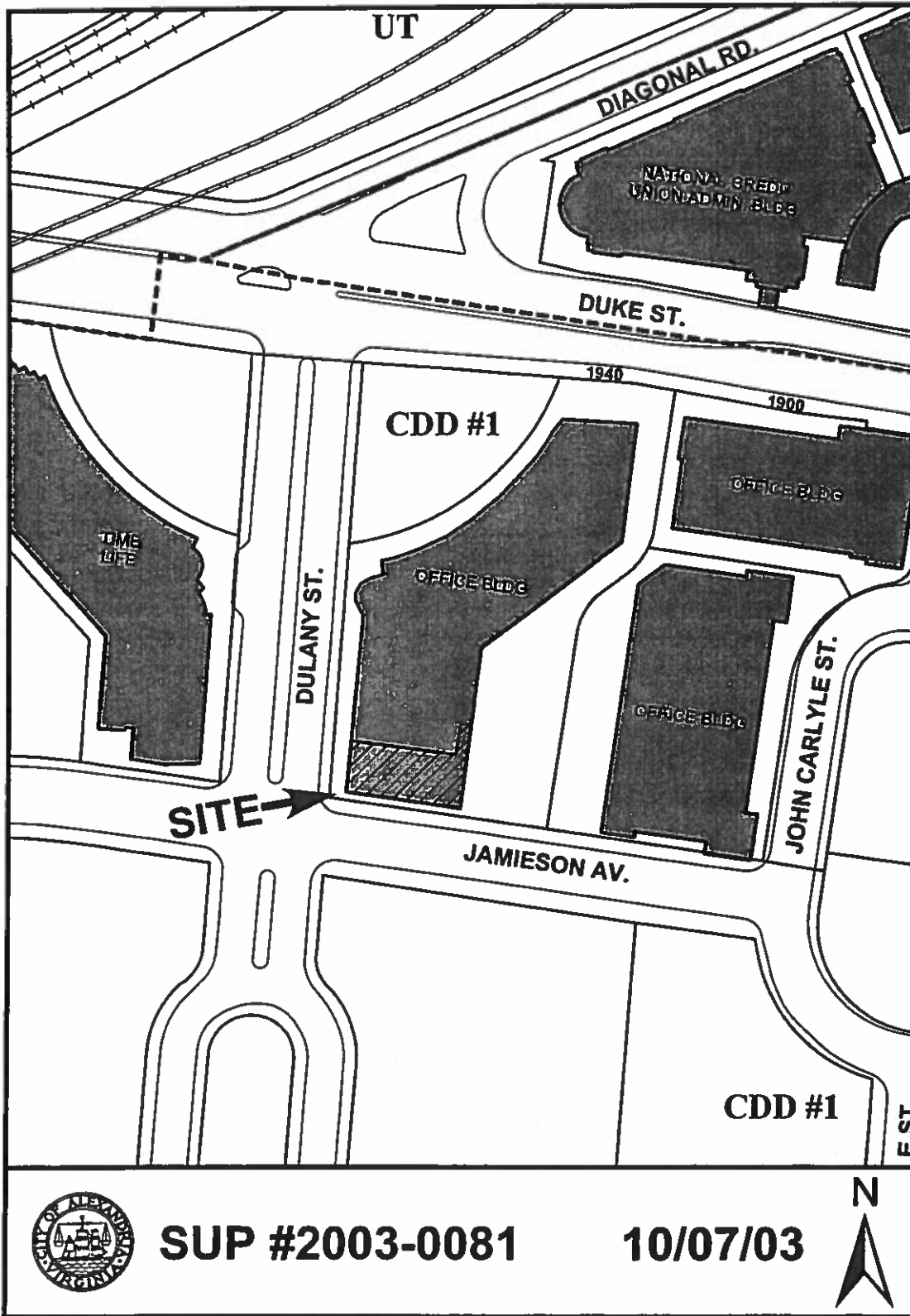


SUPPLEMENTAL APPLICATION

RESTAURANT

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

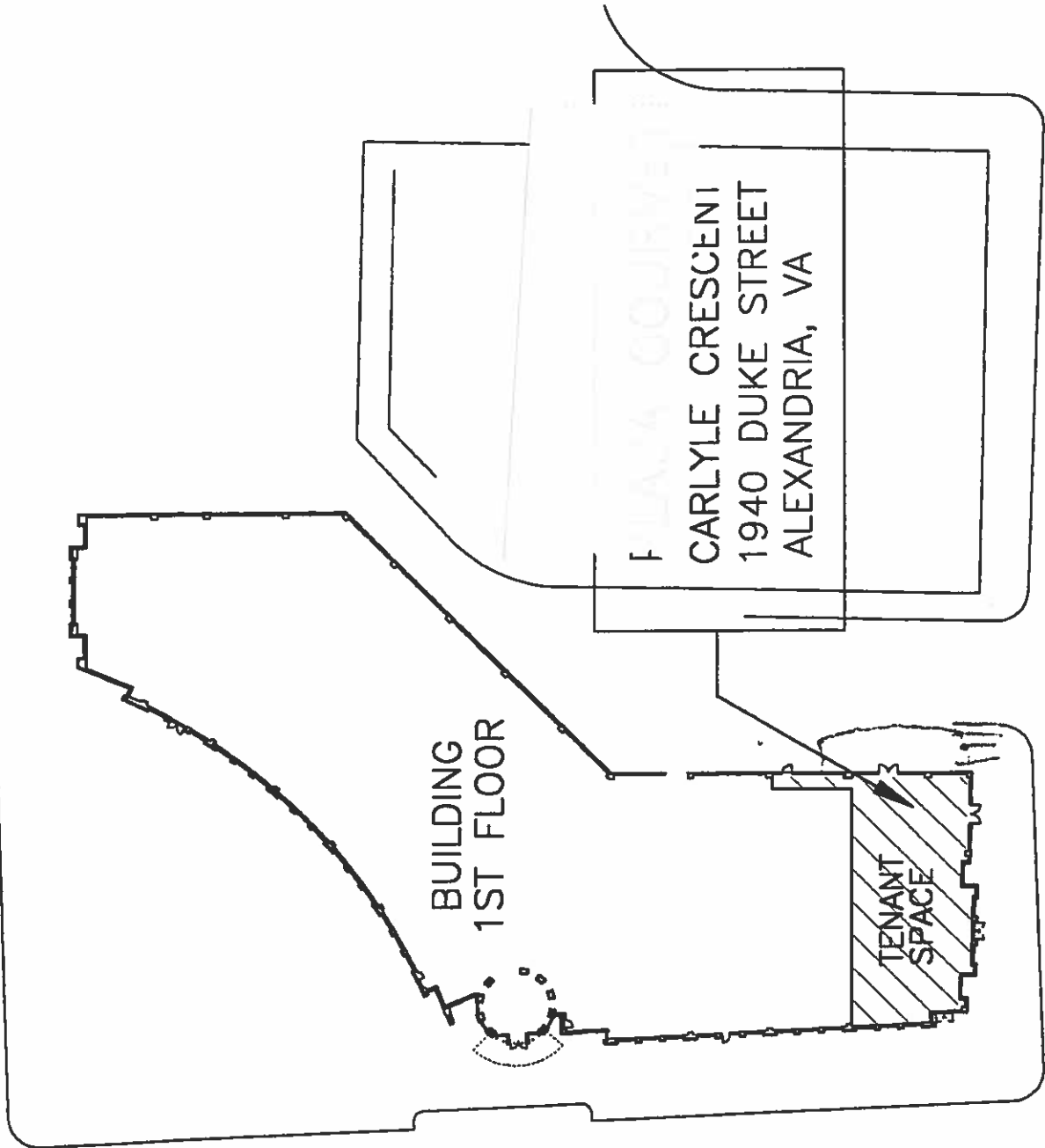
- How many seats are proposed?
Indoors: _____ Outdoors: _____ Total number proposed: 132
- Will the restaurant offer any of the following?
Alcoholic beverages (**SUP only**) _____ Yes x No
Beer and wine — on-premises _____ Yes x No
Beer and wine — off-premises _____ Yes x No
- Please describe the type of food that will be served:
Panera fare: baked goods, sandwiches, salads and non-alcoholic beverages.
- The restaurant will offer the following service (check items that apply):
X table service _____ bar X carry-out X delivery
- If delivery service is proposed, how many vehicles do you anticipate? Three (3)
Will delivery drivers use their own vehicles? _____ Yes X No
Where will delivery vehicles be parked when not in use?
Off-street in the interior service court.
- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
_____ Yes X No
If yes, please describe:



SUP #2003-0081

10/07/03

DUKE STREET



BUILDING
1ST FLOOR

TENANT
SPACE

JAMIESSON AVENUE

DULANEY STREET

12

BAKERY CAFE #700X
PROJECT NUMBER
DATE

ARCHITECT
NORR
1550 COMMONWEALTH AVENUE, SUITE 200
ALEXANDRIA, VA 22304
PH: 703.835.1100
WWW.NORRARCHITECTS.COM



BAKERY CAFE #700X
1550 COMMONWEALTH AVENUE, SUITE 200
ALEXANDRIA, VA 22304
DATE: 08/28/2014
PROJECT: BAKERY CAFE #700X

REVISION	DATE	BY

DATE: 08/28/2014
PROJECT: BAKERY CAFE #700X
SHEET NO. EX-A1

SHEET NO. EX-A1
EXHIBIT - A1
SCALE: AS SHOWN

REVISED

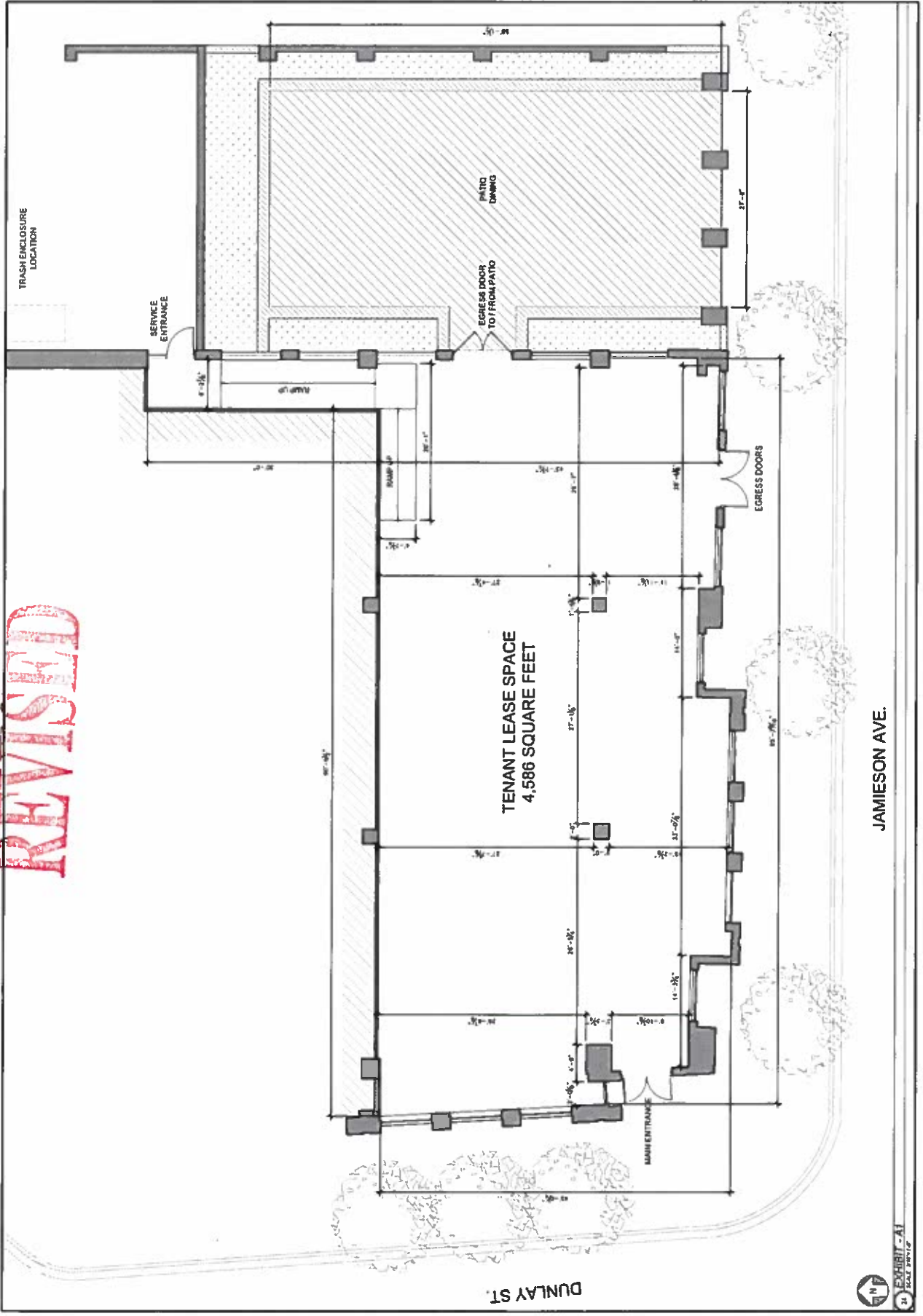


EXHIBIT - A1
SCALE: AS SHOWN



Land, Carroll & Blair PC
ATTORNEYS AT LAW, EST. 1978

H. CARTER LAND, III
F. ANDREW CARROLL, III
RICHARD S. MENDELSON
DUNCAN WARDMAN BLAIR
MARTIN J.A. YEAGER (VA, DC, & MD)

524 KING STREET
ALEXANDRIA, VA 22314-3104
703-836-1000
FAX 703-549-3335
WWW.LANDCARROLL.COM

October 28, 2014

BY HAND - AS ATTACHMENT TO SUP APPLICATION

Mr. Karl Moritz, Acting Director
Department of Planning & Zoning
City of Alexandria
301 King Street
Alexandria, Virginia 22314

***Re: Panera, LLC – 1940 Duke Street, Alexandria, Virginia SUP Application
Request for Waiver – Floor Plan and Plot Plan***

Dear Mr. Moritz:

I am writing on behalf of our client, Panera, LLC, the applicant requesting approval of a request to amend SUP #2014-0081, condition number 5, to increase the permitted number of delivery vehicles.

We are requesting consideration of a waiver of the requirement to submit a floor plan and plot plan, as the space is currently being built out under BLD #2014-01759. The requested amendment does not alter the layout of the restaurant.

Please don't hesitate to contact me with any questions. Thank you for your consideration.

Best Regards,
LAND, CARROLL & BLAIR, P.C.

Duncan W. Blair

cc: Greg Johnsen

DATE: August 27, 2014

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

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0081
Administrative Review for Change of Ownership and Minor Amendment
Site Use: Restaurant
Applicant: Panera Bread LLC
Location: 1940 Duke Street
Zone: CDD#1 / Coordinated Development District #1

Request

Special Use Permit #2014-0081 is a request for a minor amendment to add delivery service and to change ownership of an existing restaurant, formerly known as Plaza Gourmet, from Young Kim to Panera Bread LLC. The applicant's minor amendment request would allow one new delivery vehicle to deliver food to customers. No other changes to the existing SUP conditions are proposed. The applicant expects to operate the restaurant as a quick-service bakery/sandwich restaurant trading under the name of Panera Bread.

Background

A restaurant has operated at this location since 2003, when City Council approved SUP#2003-0081. The business closed in approximately May 2014. Staff has not received any complaints about the business.

Parking

The parking requirements for the subject building were specified in the Transportation Management Plan for Carlyle (SUP#2254) and these parking requirements were met for the subject site at the time the on-site parking garage was constructed. The applicant is thus not required to provide parking beyond that already provided at the subject site. However, staff has amended existing Condition #5 to require off-street parking for the new delivery vehicle.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Carlyle-Eisenhower Civic, Carlyle Towers Condominium Unit Owners, and Royalton at the King Street Metro Condominium Associations were sent an e-mail with information about the current application. Staff has not received any comments from the public regarding this request.

Staff Action

Staff supports the applicant's request. The change of ownership will allow recently-vacated tenant space in Carlyle to be occupied. The addition of one delivery vehicle as part of the

business is reasonable and typical for the type of restaurant proposed. It is also eligible for minor amendment approval consistent with Section 11-511(A)(2)(b)(ii) of the Zoning Ordinance.

Staff has amended various conditions for consistency with today's standard language. New Conditions #20 and #21 have been included to prohibit alcohol and live entertainment since neither feature was requested at the time of the prior SUP approval in 2003. Condition #5 has also been amended to allow the delivery vehicle, to limit the number of delivery vehicles to one, and to require the standard provision that that the vehicle be parked off-street at all times it is located in the vicinity of the restaurant.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: 8/27/2014

Action: Approved



Alex Dambach, Division Chief

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

CONDITIONS OF SPECIAL USE PERMIT #2014-0081

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#2003-0081)
2. Seating shall be provided for no more than 132 patrons inside and outside. (P&Z) (SUP#2003-0081)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 6:30 a.m. to 12:00 midnight daily. Meals ordered before 12 midnight may be served, but no new patrons may be admitted after 12 midnight, and all patrons must leave by 1 a.m. (P&Z) (~~SUP#2003-0081~~)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0081)
5. **CONDITION AMENDED BY STAFF:** Not more than one delivery vehicle used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicle in an off-street parking space when it is located in the vicinity of the restaurant. Delivery service is also permitted by foot, or bicycle or motorized scooter. (P&Z) (T&ES) (~~SUP#2003-0081~~)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0081)
7. 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#2003-0081)
8. 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)(T&ES) (SUP#2003-0081)
9. **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#2003-0081~~)
10. The applicant shall control 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#2003-0081)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (SUP#2003-0081)
12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work 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. (P&Z) (T&ES) (SUP#2003-0081)
13. **CONDITION AMENDED BY STAFF:** All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) (T&ES) (SUP2003-0081)
14. **CONDITION AMENDED BY STAFF:** The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. The applicant shall also provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (T&ES) (SUP#2003-0081)
15. **CONDITION AMENDED BY STAFF:** The applicant is to contact the ~~Crime Prevention~~ Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2003-0081)
16. **CONDITION DELETED BY STAFF (See Condition #3):** ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted, and all patrons must leave by one hour after the closing hour.~~ (P&Z) (SUP#2003-0081)
17. 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 be open as much as possible and provide some interior accent lighting 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#2003-0081)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0081)
19. **CONDITION AMENDED BY STAFF:** The Director of Planning & 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 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. 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, (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#2003-0081)~~

20. **CONDITION ADDED BY STAFF:** No live entertainment shall be allowed either inside the restaurant or within the outdoor dining area. (P&Z)
21. **CONDITION ADDED BY STAFF:** No alcohol sales shall be allowed at the restaurant. (P&Z)
22. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

PREVIOUSLY
APPROVED
STAFF REPORT

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 *Previous Conditions carried forward from SUP#2003-0081:*

8. 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) **(T&ES)**(SUP2003-0081)

9. **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)

10. The applicant shall control 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) (SUP2003-0081)

11. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (T&ES) (SUP2003-0081)

12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work 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. (P&Z) **(T&ES)**

13. **CONDITION AMENDED BY STAFF:** All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) **(T&ES)** (SUP2003-0081)

14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. (P&Z) **(T&ES)** (SUP2003-0081)

R-2 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

R-3 When storing any delivery vehicle, the applicant must park in an off-street parking space in the garage. (T&ES)

R-4 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business

promotional material, posting on the business website, and other similar methods.
(T&ES)

C-1 **NEW CODE REQUIREMENT ADDED BY STAFF:** 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)

C-2 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)

Code Enforcement:

F-1 No comment for request to add an outdoor dining area.

Health Department:

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

Police Department

F-1 No comments received

Fire Department

C-1 A fire prevention permit will be required for this occupancy condition – Assembly.

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STAFF REPORT