



***Special Use Permit #2016-0017***  
***725 King Street (Parcel Address 101 N. Columbus Street)***  
***Five Guys Burgers***

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<b>Application</b>	<b>General Data</b>	
Public hearing and consideration of a request to operate a restaurant.	<b>Planning Commission Hearing:</b>	May 3, 2016
	<b>City Council Hearing:</b>	May 14, 2016
<b>Address:</b> 725 King Street (Parcel Address 101 N. Columbus Street)	<b>Zone:</b>	KR/ King Street Retail Zone
<b>Applicant:</b> Five Guys Burgers	<b>Small Area Plan:</b>	Old Town Small Area Plan

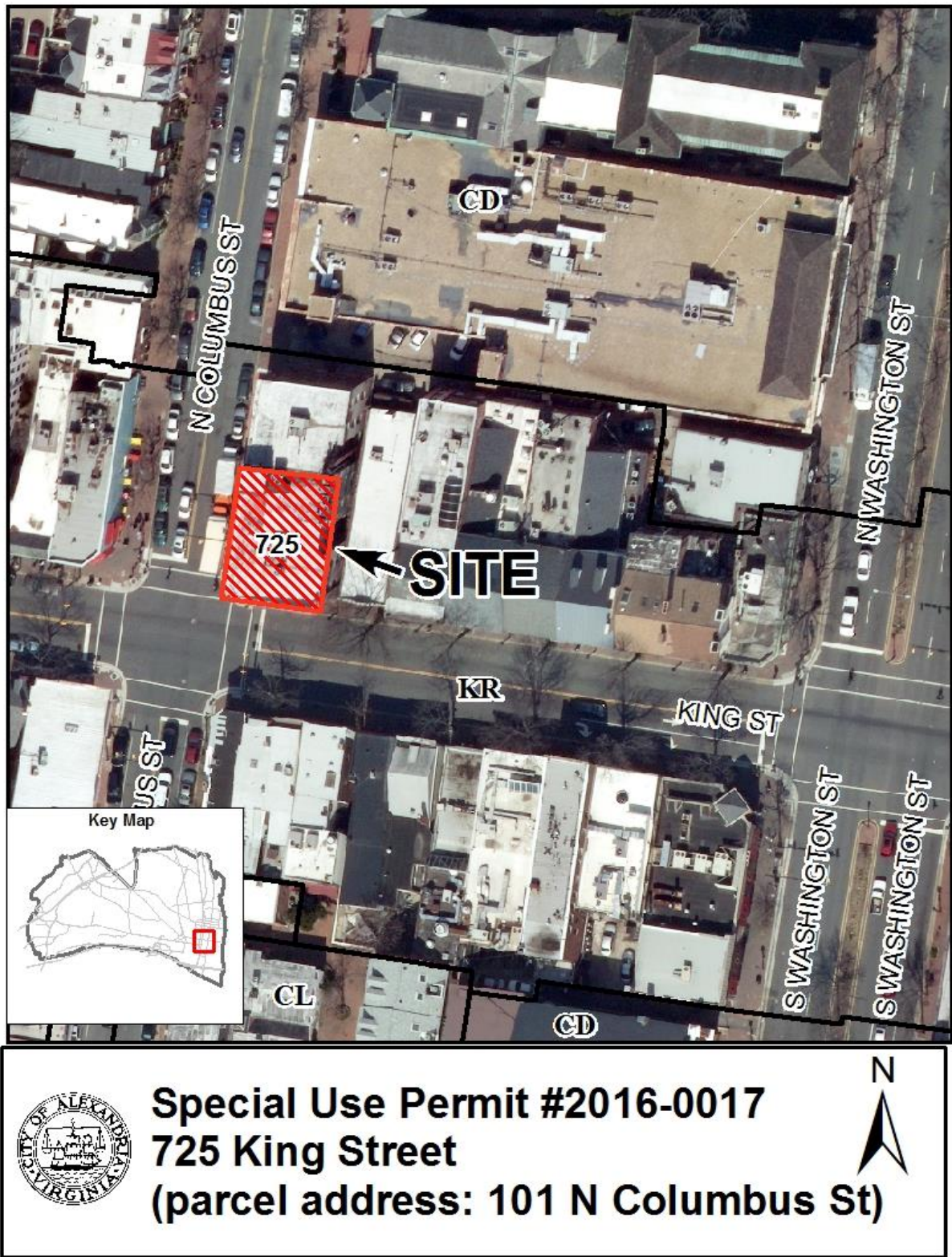
**Staff Recommendation:** APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

**Staff Reviewers:** Sara Brandt-Vorel, [Sara.BrandtVorel@alexandriava.gov](mailto:Sara.BrandtVorel@alexandriava.gov)

**PLANNING COMMISSION ACTION, MAY 3, 2016:**

By unanimous consent, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances, and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



## I. DISCUSSION

The applicant, Five Guys Burgers, requests Special Use Permit approval to operate a restaurant at 725 King Street.

### SITE DESCRIPTION

The subject site is a rectangular corner parcel at the intersection of King Street and Columbus Street. The lot has approximately 43 feet of frontage along King Street and approximately 100 feet of frontage along Columbus Street for a total lot area of 4,300 square feet. The site was developed in 1907 with a four-story commercial brick structure, known as the Doniphan Building which has served a range of commercial purposes. The ground floor contains a commercial restaurant with office space on the upper floors. The ground floor restaurant space is approximately 3,350 square feet.



The 700 block of King Street has a mix of retail and restaurant uses with retailers such as Lululemon, Papyrus, The Dog Park, and two wig sellers. The majority of remaining commercial uses are restaurants including the site's current restaurant tenant Bertucci's. Nine other restaurants in the block include The Light Horse, Murphy's Irish Pub, Nando Peri Peri's, and Eammon's Restaurant. The block also has one ground floor retail vacancy.

### BACKGROUND

The subject tenant space has been leased to a number of commercial uses over the years. The ground floor was a drugstore for many decades while the upper floors have been consistently used as office space. SUP #95-0131 was approved by City Council in November 1995 to allow a full-service restaurant, known as Bertucci's, to operate there. Bertucci's remains at this location, but will vacate the space. In November 1996, City Council approved SUP #96-0139 amending the location of its off-site loading to an adjacent alley. City Council approved SUP # 97-0177 in January 1998 and SUP #99-0012 in April of 1999 in response to SUP Condition violations related to trash and off-street parking, respectively. Since then, the City has received complaints regarding illegal signage and trash in the alleyway which were quickly addressed by the existing restaurant.



## PROPOSAL

The applicant proposes a quick-service restaurant at this location which specializes in custom-made burgers, hot dogs, and French fries. The applicant proposes 83 indoor seats. Additional outdoor seats would be applied for as a separate permit through the King Street Outdoor Dining Program. At this time the applicant proposes to apply for 12 outdoor seats. Five Guys Burgers operates as a counter-service restaurant where customers can eat at one of the restaurant's tables or take their order to go. The applicant would relocate its existing operation from 107 North Fayette Street (approved through SUP #96-0176) and expand into the larger tenant space at 725 King Street. Five Guys Burgers began as a local Arlington-based restaurant in 1986, since the first restaurant the company has expanded through franchise opportunities to over 1,000 locations nationally and to locations in Europe, the Middle East, and Canada. This proposed restaurant location would be part of the corporate structure, owned by original members of the Five Guys Family and not a franchised location.

Additional elements of the applicant's proposal are as follows:

Hours of Operation: 11:00 a.m. – 10 p.m., daily.

Number of Seats: 83 indoor seats.

Type of Service: Counter-service (quick service) and carry-out.

Delivery: No delivery service of food to customers is proposed.

Live Entertainment: No live entertainment is proposed.

Alcohol: No alcohol sales are proposed.

Employees: Generally, up to six employees at any one time.

Noise: No loud noises are expected from a restaurant use.

Odors: Minimal odors associated with cooking will be addressed through proper ventilation and hood systems.

Trash/Litter: Fifteen trash and recycling bags are expected each day. Dumpsters associated with the restaurant will be emptied three to four times a week.

## ZONING/MASTER PLAN DESIGNATION

The subject property site is located in the KR/King Street Urban Retail Zone and Section 6-702(A)(2)(K) of the Zoning Ordinance permits a ground floor restaurant use only through a Special Use Permit. The subject property is also located within the Old Town Small Area Plan which seeks to retain the retail pattern along King Street to preserve a vibrant downtown.

The subject building is also located in the Old and Historic District. Board of Architectural Review (BAR) approval is required for any exterior alterations proposed to buildings within the district, including signage.

## PARKING

The applicant's proposed restaurant is located within the City's Central Business District and Section 8-300(B) of the Zoning Ordinance waives the parking requirement for restaurants located in the District. As such, the applicant is not required to provide any off-street parking. The King Street Restaurant Policy recommends that parking be a consideration in approval of a Special Use Permit.

## **II. STAFF ANALYSIS**

Staff finds the applicant's request for a restaurant use at 725 King Street to be reasonable. The ongoing restaurant use at a prominent corner in the City's Central Business District ensures continuing commercial and economic activity along the corridor. The restaurant will offer a convenient dining experience for visitors, residents, and workers in the City. In addition, the applicant's request would provide an opportunity for expansion in the King Street corridor in a larger retail space from their current retail space located off of King Street.

The Five Guys Burgers proposal is consistent with the Old Town Restaurant Policy, which requires an analysis of the restaurant's potential impact on parking, alcohol and late hours, litter, and a diversity of uses on the surrounding area.

### Parking

Although a restaurant with 83 indoor seats could potentially impact parking along King Street, staff anticipates that a fast-casual restaurant would primarily attract customers within walking distance, reducing the need for vehicular parking. In addition, the proposed location on King Street offers a range of alternative transportation options such as the King Street Trolley, DASH and Metro buses, and Capital Bikeshare. Off-street parking at the nearby Alfred Street Garage offers additional parking alternatives if customers choose to drive to the proposed location. Staff has included several conditions to mitigate potential parking impacts such as Condition 17 requiring employees to use off-street parking; Condition 18 encouraging staff to use alternative forms of transportation; Condition 19 directing patrons to use nearby parking garages; and Condition 20 requiring the applicant to post information on websites and promotional materials highlighting alternative transportation options available to reach the restaurant.

Litter

Staff does not anticipate litter impacts as the applicant is proposing to install trash cans within the restaurant which will be emptied as needed and trash removed to external dumpsters for pickup. Nonetheless, staff has included Condition 21 to ensure that litter is picked up three times a day in surrounding areas on days the restaurant is open.

Alcohol and Late Hours

The applicant does not propose to sell alcohol or operate late-night hours. Therefore, staff does not expect impacts related to the sale of alcohol and hours of operation.

Diversity of Uses

The applicant's proposed restaurant use is replacing an existing restaurant which has been in operation since 1995. With a one-to-one replacement of a restaurant use there will be no impact on the overall mix of uses found within the 700 block of King Street.

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

### III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation for the restaurant shall be 11:00 a.m. to 10 p.m., daily. Meals ordered before 10 p.m. may be served, but no new patrons may be admitted and all patrons must leave by 11:00 p.m., daily.(P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
4. No delivery of food to customers may operate from the restaurant. (P&Z)
5. The maximum number of indoor seats shall be 83. (P&Z)
6. The outdoor dining area shall be cleaned and washed at the close of each business day that it is in use. (P&Z)
7. Live entertainment is not permitted. (P&Z)
8. No alcohol sales are permitted. (P&Z)
9. No food, beverages, or other material shall be stored outside. (P&Z)
10. 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)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of the containers. (P&Z)
12. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
13. 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 & Environmental Services. (T&ES)
14. 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)

15. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)
16. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
17. The applicant shall require its employees who drive to use off-street parking. (T&ES)
18. The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
19. 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 (Old Town Area Parking Study). (T&ES)
20. 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 Local Motion at 703-746-4686 or [www.alexandriava.gov/LocalMotion](http://www.alexandriava.gov/LocalMotion) for more information about available resources. (T&ES)
21. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
22. 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)

**STAFF:** Alex Dambach, Division Chief, Land Use Regulatory Services,  
Department of Planning and Zoning;  
Sara Brandt-Vorel, Urban Planner.

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**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:

- R-1 Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 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)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 The applicant shall require its employees who drive to use off-street parking. (T&ES)
- R-7 The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program. (T&ES)
- R-8 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 (Old Town Area Parking Study). (T&ES)
- R-9 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 Local Motion at 703-746-4686 or [www.alexandriava.gov/LocalMotion](http://www.alexandriava.gov/LocalMotion) for more information about available resources. (T&ES)
- R-10 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

**City Code Requirements:**

- C-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](mailto: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 The following comments are for SUP review only. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon the building permit plans and the additional information submitted. If there are any questions, the applicant may contact Charles Cooper, Plan Review Division at Charles.cooper@alexandriava.gov or 703-746-4197.
- C-1 A building permit review is required for this proposal.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 A new certificate of occupancy will be required prior to this business operating.

Fire Department:

- F-1 A fire prevention permit will be required for this use and occupancy conditions – assembly.

Health Department:

- 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.



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2016-0017

**PROPERTY LOCATION:** 725 King Street, ALEXANDRIA, VA

**TAX MAP REFERENCE:** \_\_\_\_\_ **ZONE:** KR-King Street Retail

**APPLICANT:**

**Name:** FIVE GUYS BURGERS

**Address:** 10718 RICHMOND HIGHWAY, LORTON, VA 22079

**PROPOSED USE:** A-2 RESTAURANT (FAST CASUAL)

☒ **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.

**DAVE GONZALES (DXU)**

Print Name of Applicant or Agent

**404 S.WELLS, SUITE 300**

Mailing/Street Address

**CHICAGO, IL**

City and State

**60607**

Zip Code

Signature

**2/19/2016**

Date

**847.732.7683**

Telephone #

Fax #

**DAVE.GONZALES@DXU-STUDIO.COM**

Email address

**ACTION-PLANNING COMMISSION:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**ACTION-CITY COUNCIL:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 101 N. COLUMBUS, ALEXANDRIA, VA, I hereby  
(Property Address)  
 grant the applicant authorization to apply for the FIVE GUYS (A-2 RESTAURANT) use as  
(use)  
 described in this application.

Name: TK Properties, 101 N Columbus Street, LLCPhone: 703-548-1810
Please Print  
 Address: 815 King Street Alexandria, VA 22314
Email: rob@pmaproperties.comSignature: Date: 2.20.2016

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.

Five Guys Operations, LLC is wholly-owned subsidiary of Five  
Guys Holdings, Inc. Shareholders of Five Guys Holdings, Inc. are  
listed below: Victor Jerome Murrell, Jane K. Murrell, James J. Murrell,  
Matthew D. Murrell, Chad M. Murrell, Tyler D. Murrell, Benjamin J. Murrell

## 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 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.

See attached

	Name	Address	Percent of Ownership
1.	Five Guys	See Attached	See Attached
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 10718 RICHMOND HIGHWAY, LORTON, VA 220 (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.	n/a TK Properties	101 North Columbus	100%
2.			
3.			

**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.	Five Guys	NONE	NONE
2.	TK Properties	NONE	NONE
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.

2/19/2018

Date

Jane K. Murrell

Printed Name

  
Signature



## FIVE GUYS HOLDINGS, INC.

As of February 1, 2016

	Percentage Ownership
Shareholders	Common Stock
Victor Jerome Murrell	11.096%
Jane K. Murrell	12.245%
James J. Murrell	12.039%
Matthew D. Murrell	10.539%
Chad M. Murrell	12.008%
Benjamin J. Murrell	12.121%
Tyler D. Murrell	12.139%

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.)

The intent of this special use is to replace an existing full service restaurant with a smaller quick service restaurant. The impact to the neighboring tenants and owners should be a positive one. No liquor will be served. Hours of operation are between 11am to 10 pm. Seating count is reduced from the previous restaurant, so parking impact should be positive. Patio seats along Columbus are limited to 12.

• Staffing is normally 8 to 10 persons per shift by  
2 shifts

• Ordering - Walk up to the counter and place order,  
and then wait for your ticket number to be called.

• We serve hamburger, Hot dogs and french fries.

• We will have 83 seats indoors and 12 seats  
on the patio.

**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).

200-250 meals meals per Day

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

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

10/day

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

Day:

Monday through Sunday

Hours:

11:00 AM to 10:00 PM

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

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

Minimal - Mechanical equipment is essentially silent. Patron  
conversation is the only noise generated.

B. How will the noise be controlled?

Unacceptable rambunctious behavior will be stopped by restaurant  
management.

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

Odors generated by food preparation will be eliminated by exhaust hood.

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)  
Food wrappers & waste will be collected in trash containers & emptied into dumpsters separating recyclable from garbage.

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

12 to 15 bags per day

C. How often will trash be collected?

TBD 3 to 4 times per week

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

We will have a trash receptacle adjacent to outdoor dining. Our staff will clean up exterior trash & dispose of in our trash containers.

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:

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

Stores are very well lit and are  
not open late.

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## 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.

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**PARKING AND ACCESS REQUIREMENTS**

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

0 Standard spaces  
0 Compact spaces  
0 Handicapped accessible spaces.  
0 Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- 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?

Metered street parking

**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? Alley+7 spots

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No



- B. Where are off-street loading facilities located? N/A
- C. During what hours of the day do you expect loading/unloading operations to occur?  
AFTER HOURS BETWEEN 9PM-5AM
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
3 DAYS/WEEK
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?  
N/A

## 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?

3350 sq. ft. (existing) + --- sq. ft. (addition if any) = 3350 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

**ACTION BY WRITTEN CONSENT IN LIEU OF MEETING  
OF THE MANAGER OF  
FIVE GUYS OPERATIONS, LLC**

December 21, 2007

The undersigned, being the manager (the "Manager") of Five Guys Operations, LLC, a Delaware limited liability company (the "Company"), acting in accordance with the Delaware Limited Liability Company Act and the Operating Agreement of the Company, dated October 9, 2007 (the "Operating Agreement"), does hereby: approve and adopt the following resolutions; consent in writing that the following resolutions shall have the same force and effect as if duly adopted at a meeting, duly called and held in accordance with the Delaware Limited Liability Company Act and the Operating Agreement; and direct that the following resolutions be filed with the minutes of the proceedings of the Manager:

WHEREAS, Section 7.2(a) of the Operating Agreement confers upon the Manager (a) the power to appoint such officers as it deems necessary or desirable for the effective management of the Company and the pursuit of the Company's business, with such titles and duties as may be designated by the Manager, and (b) the power to delegate to such officers responsibility for the day-to-day management of the Company;

WHEREAS, Section 7.2(a) of the Operating Agreement further provides that such officers shall have, and exercise on behalf of the Company, all powers and rights necessary or convenient to carry out those management responsibilities conferred upon them; and

WHEREAS, the Manager desires to appoint certain officers of the Company, with such titles and duties, including, without limitation, responsibility for the day-to-day management of the Company, as set forth in these resolutions.

NOW, THEREFORE, BE IT RESOLVED, that each of the following individuals be, and hereby is, elected to the office(s) of the Company set forth opposite his or her name to serve until his or her successor has been duly elected and qualified, or until his or her earlier resignation or removal:

<u>Name</u>	<u>Title</u>
V.J. Murrell	President
Jane K. Murrell	Secretary, Treasurer

; and be it further

RESOLVED, that the President (a) shall be the chief executive officer of the Company and shall have general supervision, direction and control of the business and affairs of the Company, (b) may sign and execute any and all notes, bonds, contracts and other obligations on behalf or in the name of the Company, (c) may perform such other acts not inconsistent with the

Delaware Limited Liability Company Act and the Operating Agreement and (d) may delegate to the other officers of the Company the authority to do any of the foregoing; and be it further

RESOLVED, that the Secretary (a) shall keep accurate records of the acts and proceedings of all meetings of the Manager and shall give all notices required by the Delaware Limited Liability Company Act or the Operating Agreement, (b) shall have general charge of the books and records of the Company and shall have the responsibility and authority to maintain and authenticate such books and records, (c) shall have general charge of the transfer books of the Company and shall keep at the principal office of the Company a record of the member(s) showing the name and address of the member(s), (d) shall sign such instruments as may require the signature of the Secretary and (e) in general, shall perform the duties incident to the office of Secretary and such other duties as may be assigned from time to time by the Manager or the President; and be it further

RESOLVED, that the Treasurer (a) shall keep full and accurate accounts of the finances of the Company, including a balance sheet as of the end of the fiscal year, an income statement for that year, and a statement of cash flows for that year unless that information appears elsewhere in the financial statements, and (b) in general, shall perform the duties incident to the office of Treasurer and such other duties as may be assigned from time to time by the Manager or the President; and be it further

RESOLVED, that the above-appointed officers shall have, and exercise on behalf of the Company, all powers and rights necessary or convenient to carry out those management responsibilities conferred upon them; and be it further

RESOLVED, that any and all actions and activities taken by the above-appointed officers, on behalf or in the name of, the Company prior to the date of these resolutions are hereby ratified and approved as acts and deeds of the Company, to the fullest extent permitted by the Delaware Limited Liability Company Act and the Operating Agreement.

IN WITNESS WHEREOF, by executing this Action by Written Consent In Lieu of Meeting, the undersigned, being the sole manager of the Company, is giving its written consent to the foregoing resolutions effective as of the date first above written. Any copy, facsimile or other reliable reproduction of this Action by Written Consent In Lieu of Meeting may be substituted or used in lieu of the original writing for any and all purposes for which the original writing could be used.

MANAGER:

FIVE GUYS HOLDINGS, INC.,  
a Delaware corporation

By: 

V.J. Murrell, President

SUP # 2016-0017

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.

1. How many seats are proposed?

Indoors: 64 83

Outdoors: 12

Total number proposed: 64 95

2. Will the restaurant offer any of the following?

Alcoholic beverages (**SUP only**) \_\_\_\_\_ Yes ☒ No

Beer and wine — on-premises \_\_\_\_\_ Yes ☒ No

Beer and wine — off-premises \_\_\_\_\_ Yes ☒ No

3. Please describe the type of food that will be served:

Hamburgers, french fries, hot dogs, milkshakes.

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

\_\_\_\_\_ table service \_\_\_\_\_ bar ☒ carry-out \_\_\_\_\_ delivery ☒ Counter Service

5. If delivery service is proposed, how many vehicles do you anticipate? 0

Will delivery drivers use their own vehicles? \_\_\_\_\_ Yes \_\_\_\_\_ No

Where will delivery vehicles be parked when not in use?

N/A

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?

\_\_\_\_\_ Yes ☒ No

If yes, please describe:

**Parking impacts.** Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
  - ☐ 100%
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 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%
  - ☐ 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
  - ☐ 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:
 

<u>95</u>	Maximum number of patron dining seats
+	<u>          </u> Maximum number of patron bar seats
+	<u>          </u> Maximum number of standing patrons
=	<u>95</u> Maximum number of patrons
  
2. 6 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
  - ☒ N/A Low ratio of alcohol to food



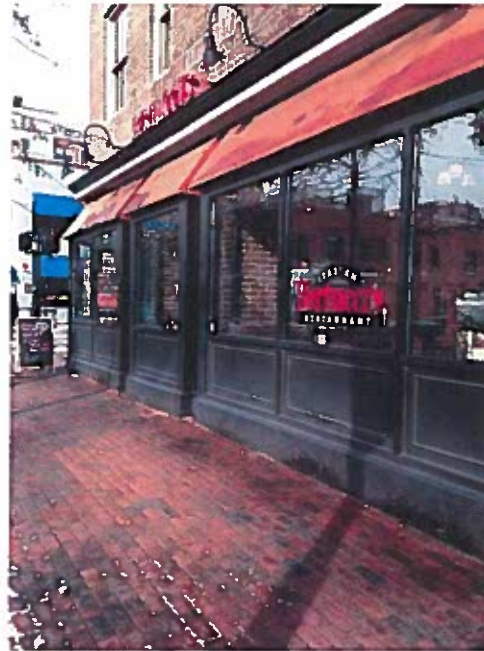
Date: February,22,2016

Project: Five Guys – 725 King Street

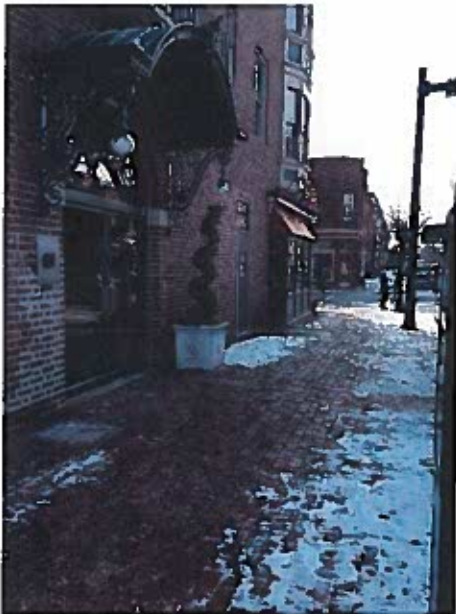
Project No: 16-021



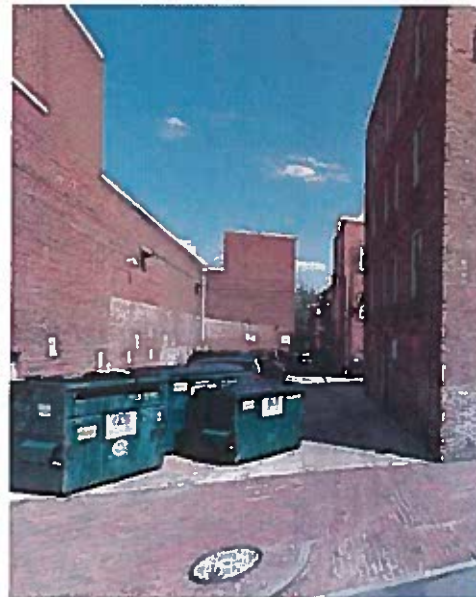
View of entry



View of south facade looking West



View of west facade from the North



View of alley/north facade from west



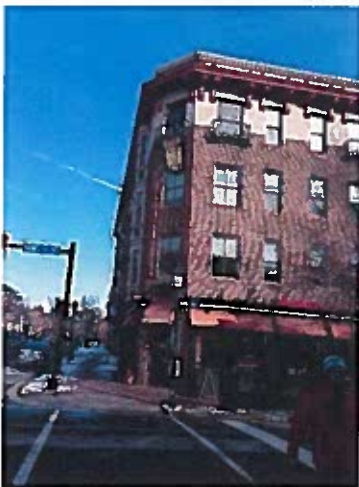
Date: February,22,2016

Project: Five Guys – 725 King Street

Project No: 16-021



View looking Northeast from King and Columbus

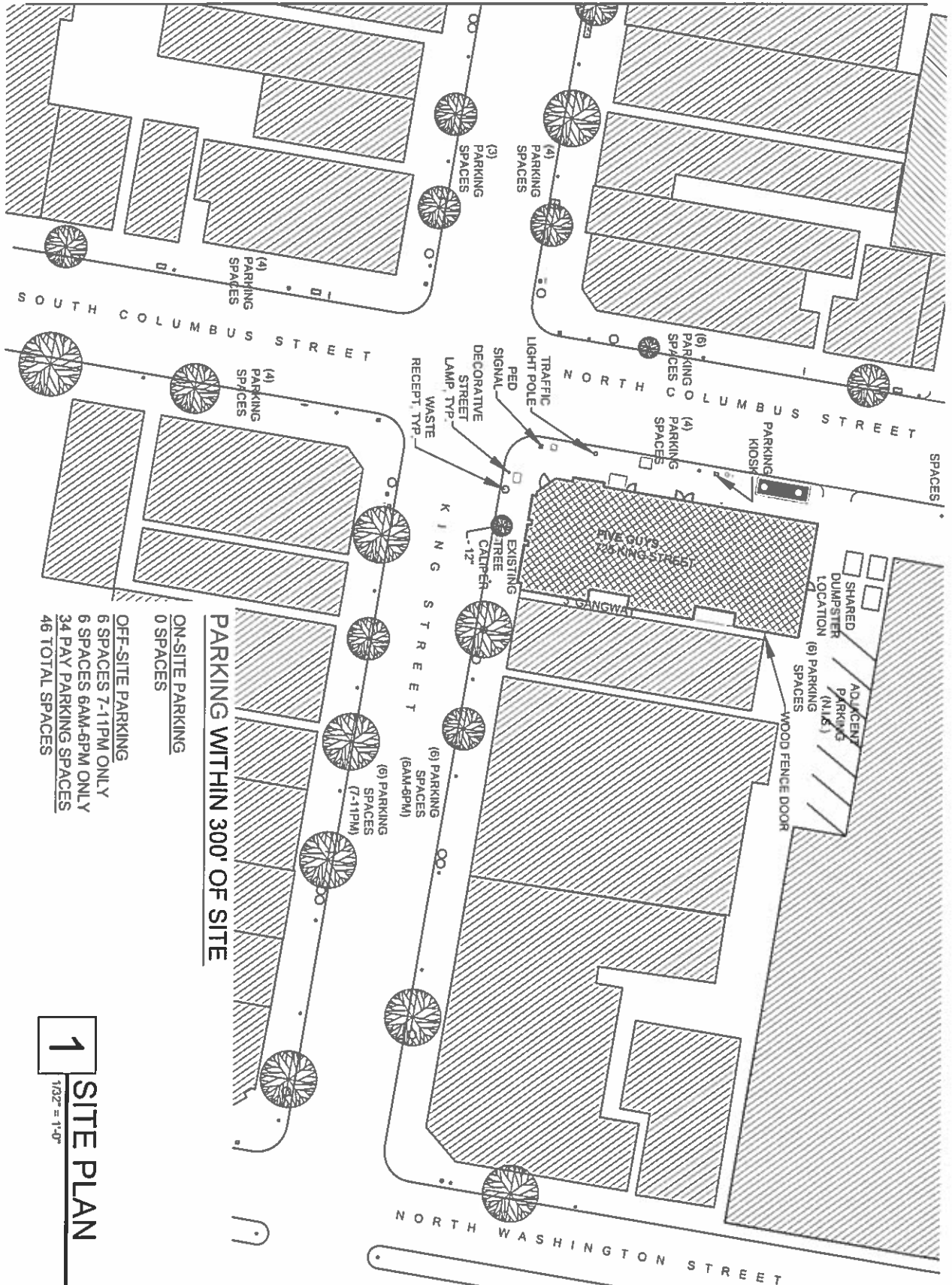


View looking North from King and Columbus



View looking East from King and Columbus

DXU, LLC. : 404 South Wells, Suite 300, Chicago, IL 60607 : p: 312.955.0334 : Andrew.Johnson@



**1 SITE PLAN**  
1/32" = 1'-0"

**FIVE GUYS**  
725 KING STREET  
ALEXANDRIA, VA 22314

**DXB**  
ARCHITECT & ENGINEER

**SUP SUBMITTAL**

Project Number: 16-0017

Approved: [Signature]

Date: [Date]

**SITE PLAN**

**S-1**

