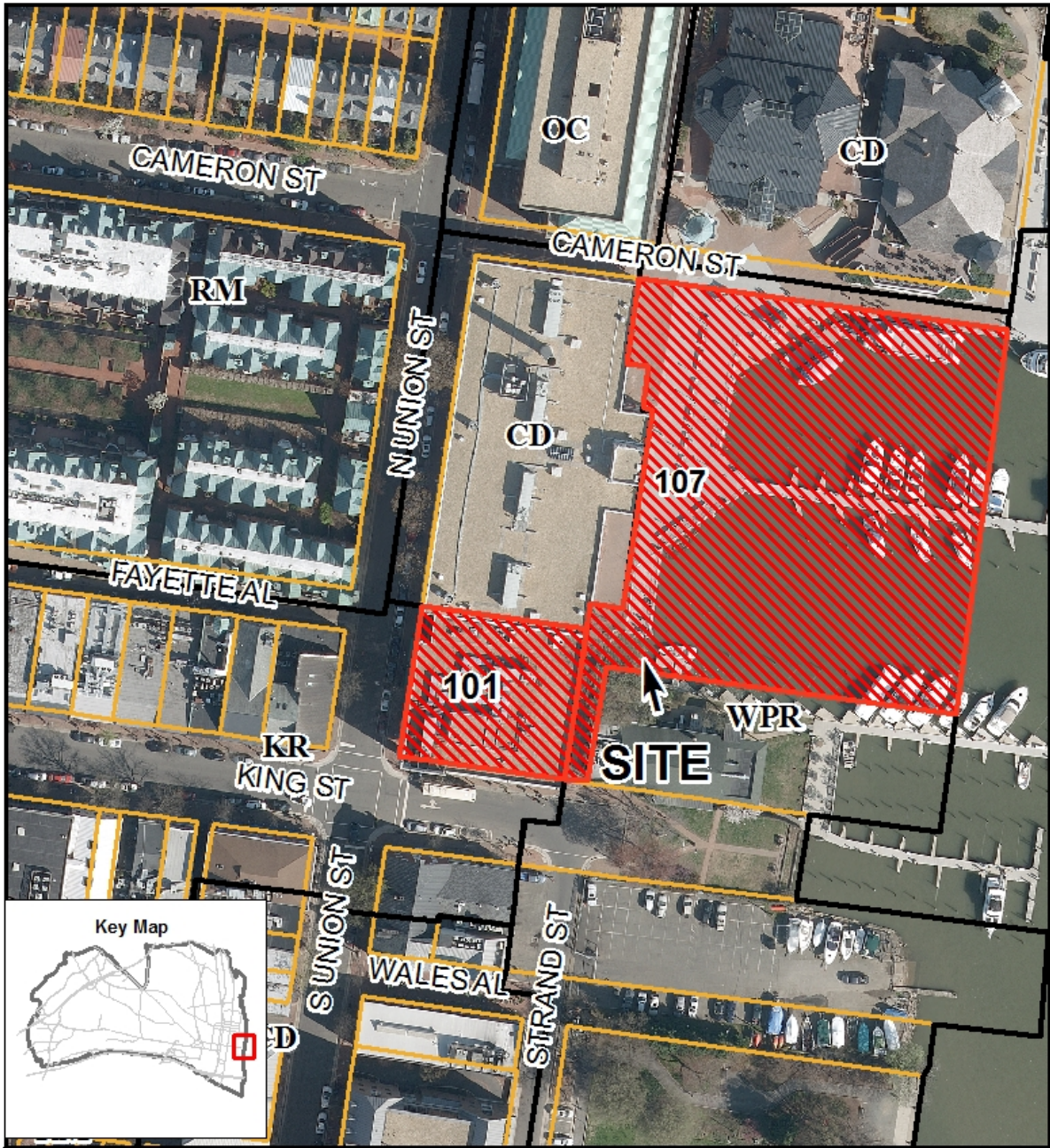
**DOCKET ITEM #6*****Special Use Permit #2017-0002******7 King Street (Parcel Addresses: 101 and 107 North Union Street) – Vola's Restaurant***

Application	General Data	
Public hearing and consideration of a request to amend Special Use Permit #2015-0132 for additional outdoor seating and for a change of ownership	Planning Commission Hearing:	March 7, 2017
	City Council Hearing:	March 18, 2017
Address: 7 King Street (Parcel Addresses: 101 and 107 North Union Street)	Zone:	KR/King Street Retail WPR/Waterfront Park and Recreation
Applicant: ARP Waterfront, LLC	Small Area Plan:	Old Town Waterfront

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: Alex Dambach, alex.dambach@alexandriava.gov
Ann Horowitz, ann.horowitz@alexandriava.gov



Special Use Permit #2017-0002
7 King Street (parcel addresses:
101 & 107 N. Union St)



I. DISCUSSION

The applicant, ARP Waterfront, LLC, requests to amend Special Use Permit #2015-0132 to add 47 additional outdoor seats and expand its existing City Marina outdoor dining area. It also requests approval to change the ownership of the restaurant at 7 King Street.

SITE DESCRIPTION

The restaurant site occupies two lots of record. The indoor restaurant and its 4,530 square foot dining and kitchen area is located on the parcel at 101 North Union Street; the existing outdoor dining area is sited on the 107 North Union Street parcel. The parcel at 101 North Union Street has a lot area of 12,075 square feet. The restaurant has approximately 46 feet of frontage on North Union Street and 116 feet of frontage on King Street. The outdoor dining area occupies 883 square feet within the 64,860 square foot 107 North Union Street parcel, which is part of the City Marina. The outdoor area has approximately 61 feet of frontage along the Potomac River. The restaurant's space is addressed as 7 King Street, which is the applicant's tenant portion of the applicable parcels.

The restaurant is located in a three story commercial building along with other ground floor retail businesses. The Torpedo Factory Art Center occupies the majority of the

remainder of the building, and its entrance is located to the north; The Old Dominion Boat Club and the City Marina are to the east; and two restaurants are located to the south across King Street. Retail uses border the restaurant across North Union Street to the west.

The outdoor dining area is located to the northeast of the indoor restaurant and is accessed from a City Marina pedestrian walkway. The City Marina and other two restaurants are located to the



north, the Torpedo Factory Art Center is located to the west, the Potomac River borders to the east, and the Old Dominion Boat Club is located to the south of the outdoor dining area.

BACKGROUND

City Council approved SUP #2013-0009 in May 2013 to operate a 150-seat restaurant and accessory market in the two retail bays at 7 King Street. The restaurant, known as the Waterfront Market, was approved for 76 indoor seats and 54 outdoor seats in the Marina area. Twenty outdoor seats along King Street were permitted separately through the King Street Outdoor Dining Program. At the same hearing, City Council approved SUP #2013-0002 which granted approval for accessory outdoor dining under Section 9.06 of the City Charter for a change of use for a portion of the City Marina, permitting the applicant's outdoor seating area.

In March 2015, City Council approved SUP #2014-0128 which permitted the expansion of the restaurant from a 3,950 square foot restaurant and market to an approximately 4,530 square foot full service establishment. An additional 222 total seats (135 indoor seats and 67 outdoor seats at the City Marina) were also approved (Figure 1 indicates the existing outdoor dining plan). The applicant continued the placement of 20 seats along King Street through the King Street Outdoor Dining Program. The Waterfront Market operated until the winter of 2015 when it briefly closed for the introduction of its current restaurant concept, which was renamed as Vola's Dockside Grill and Hi-Tide Lounge.

Staff administratively approved SUP #2015-0132 for a change of ownership from the Waterfront Market, LLC to Alexandria Restaurant Partners, LLC as well as for a minor amendment to add one hour of operation each day between Sunday and Thursday, for the restaurant. An inspection revealed in June 2014 that delivery vehicles for the restaurant were violating Condition 18 of SUP #2013-0009 by using King Street for unloading instead of the required use of Thompson Alley. As Thompsons Alley proved challenging to access due to its distance to the restaurant, the condition was amended in SUP #2014-0128 to permit delivery vehicles to unload restaurant supplies from Fayette Alley.

Staff inspected the restaurant in February 2017 and found that the restaurant had 39 more indoor seats than were permitted. Staff also observed that the hours of operation were not posted at the business entrance and outdoor speakers were being used. The applicant agreed to resolve the issues.

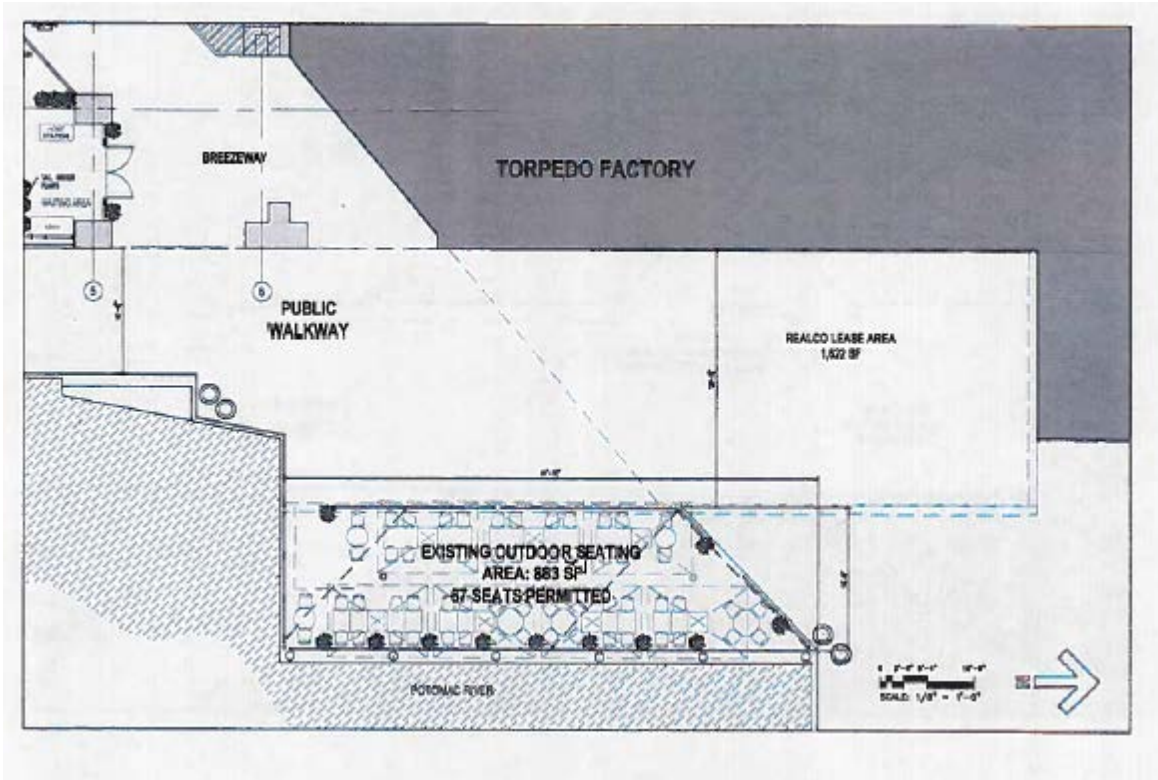


Figure 1: Existing outdoor dining plan at the City Marina

PROPOSAL

The applicant proposes to expand the outdoor seating area by enlarging the space it leases from The City and by adding 47 more seats in that expanded area increasing the number of seats from 67 to 114. The dining space would expand westward toward the Torpedo Factory Building using additional area of the existing pedestrian plaza at the City Marina. The size of the area would increase from 883 square feet to 1,225 square feet. A 21-foot wide pedestrian pathway would remain between the outdoor dining area and the building (Figure 2). The additional seating area would operate in the same manner as the existing outdoor dining area.

The applicant also proposes to change the ownership of the restaurant from Alexandria Restaurant Partners, LLC to ARP Waterfront, LLC. Other than the change of ownership and the expansion of the outdoor dining area, no other changes are proposed.

Details of the applicant's existing and proposed operation are as follows:

Hours of Operation:

Existing:

Indoor:

7 a.m. – 12 a.m., Sunday – Thursday

7 a.m. – 1 a.m., Friday – Saturday

Outdoor:

7 a.m. – 11 p.m., Sunday – Saturday

<u>Number of Seats:</u>	<i>Existing:</i> 135 indoor seats 20 outdoor seats (King Street Outdoor Dining Program) <u>67 outdoor seats (City Marina)</u> 222 total seats Proposed: 135 indoor seats 20 outdoor seats (King Street Outdoor Dining Program) <u>114 outdoor seats (City Marina)</u> 269 total seats
<u>Type of Service:</u>	Table and carry-out
<u>Alcohol Sales:</u>	On-premises and off-premises
<u>Delivery:</u>	No delivery service of food to customers
<u>Live Entertainment:</u>	Live entertainment is not permitted.

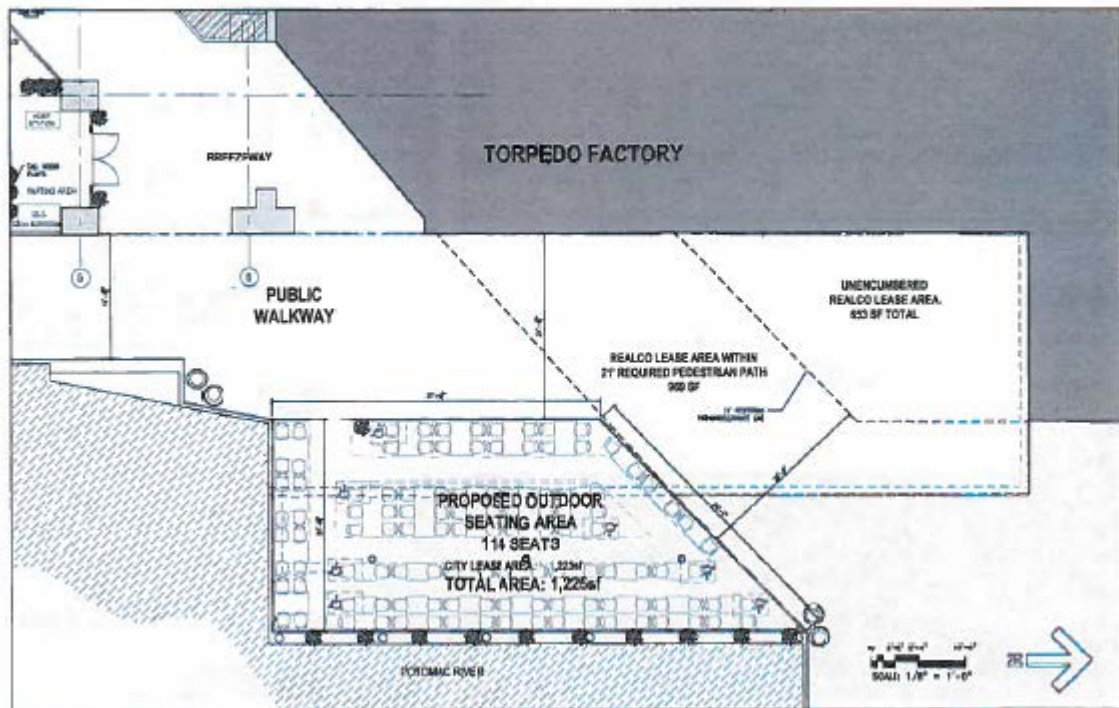


Figure 2: Proposed outdoor dining plan at the City Marina

LEASE AGREEMENT

In addition to SUP approval, the applicant must secure a lease to use the City's property at the City Marina for its outdoor dining. The current outdoor dining in this location has a lease that was approved at the same time as the original SUP for the Waterfront Market, and it continued for Vola's restaurant. This lease expires at the end of March.

The expanded area increases the outdoor dining space from 883 square feet to 1,225 square feet with added area to the west. It will require a new lease that would account for the proposed expansion of the dining area. That draft lease will have its public hearing and be considered by City Council on the same docket as this SUP request on March 18. The proposed expanded lease agreement requires payment of a fee, calculated with reference to the market value of commercial floor space adjusted for because the space is outdoors. Under the terms of the agreement, the City retains ownership of the land but the applicant has permission to use it consistent with the SUP approval for three years. After the three years, the applicant would need to request a renewal of the lease at which time the City may reconsider the terms of the lease.

PARKING

The restaurant is located in the City's Central Business District (CBD). Section 8-300(B) of the Zoning Ordinance exempts restaurants in the CBD from parking requirements. Nevertheless, the applicant is required to provide three off-street parking spaces, confirmed through a parking agreement, for employees, as established in SUP #2014-0128, Condition 16.

ZONING/MASTER PLAN DESIGNATION

The overall restaurant site is split-zoned, with the restaurant and its indoor seating in area zoned KR/King Street Urban Retail Zone. The outdoor dining area proposed for expansion at the City Marina is zoned WPR/Waterfront Parks and Recreation. The restaurant and the outdoor seating are both permitted with a Special Use Permit in these respective zones.

The proposed restaurant and outdoor dining use is within the boundaries of the Waterfront Small Area Plan section of the Master Plan. The Plan for this site encourages active uses and amenities along the Waterfront such as stores, restaurants, waterfront dining, enhanced parks and public spaces, and programmed activities. The proposed expansion of the outdoor dining in this location corresponds with the Master Plan.

II. STAFF ANALYSIS

Staff supports the applicant's request to increase the outdoor seating at the City Marina for Vola's restaurant. The additional seating area would enhance the liveliness and outdoor activity with more table-service dining in this area of the Waterfront while also expanding business activity in this part of Old Town. Outdoor dining is a valuable tool to enriching the waterfront experience for residents and tourists. The 114 outdoor seats from this proposal would allow Vola's to have a similar number of outdoor seats as the other restaurants on the Marina. Blackwall Hitch has 195 outdoor seats, and The Chart House has 77 outdoor seats. This

enlargement of Vola's dining area is relatively modest and has been designed to ensure an ample area for pedestrian circulation between the proposed dining area and the Torpedo Factory. As proposed, a 21-foot wide path would be designated as part of the pedestrian circulation area through the lease agreement, resulting in a suitable area for pedestrian movement.

The applicant had originally requested a larger outdoor dining area of 142 seats, however, it revised its proposal to 114 seats to accommodate staff concerns that the larger dining area would impact pedestrian flow. Staff believes this revised proposal appropriately maintains the balance of space for circulation with expanded outdoor dining activity.

It should also be noted that there is a narrow pedestrian passage to the immediate south of this dining area, constrained by the west wall of the Old Dominion Boat Club. As the boat club building is proposed for removal, the entire City Marina area will become more spacious and open with additional pedestrian routes in that area.

In addition, staff does not anticipate parking impacts to result from the additional seats as the free King Street Trolley is immediately adjacent to the restaurant. Alternative methods of transportation exist including access to nearby bicycle rental businesses as well as to Capitol BikeShare stations in this area close to the Mount Vernon Trail. Water taxis also service the City Marina. In addition, the applicant has indicated that most employees take public transit to and from work.

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:

The 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 by the Director 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 corporation in which the applicant has a controlling interest. (P&Z)(SUP #2014-0128)
2. **CONDITION AMENDED BY STAFF:** The maximum number of total seats at the restaurant shall be ~~222~~ 249 seats, which include seasonal outdoor dining. The number of indoor seats shall not exceed 135 seats. Up to ~~67~~ 114 outdoor seats may be provided on the Marina in the designated area through the previously approved ~~license~~ lease agreement between the applicant and the City provided minimum aisle clearance requirements are met. Additionally, up to twenty (20) outdoor seating 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 #2014-0128~~)

3. 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 occur and is strictly prohibited on King Street and on 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)
4. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers maintained in the Torpedo Factory Office Building/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. (P&Z)(T&ES)(~~SUP #2014-0128~~)
5. The applicant shall post the hours of operation at the entrance of the business. (P&Z)(SUP #2013-0009)
6. For indoor seats, meals ordered before 12 a.m. Sunday – Thursday and before 1a.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. (P&Z)) (SUP #2015-0132)
7. The hours of operation for 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)
8. No live entertainment shall be permitted either inside the restaurant or in any outdoor dining area. (P&Z) (SUP #2013-0009)
9. No customer delivery service shall be available from the restaurant. (P&Z)(SUP #2013-0009)
10. On and off-premises alcohol sales may be offered at the restaurant. (P&Z) (SUP #2013-0009)
11. 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 STAFF:** The use must comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z)(T&ES) ~~(SUP #2013-0009)~~
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. 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. 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. **CONDITION AMENDED BY STAFF:** 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 #2013-0009)~~
19. **CONDITION AMENDED BY STAFF:** 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 #2013-0009)~~
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. 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. No food, beverages, or other material shall be stored outside. (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 #2015-0132)

24. The applicant shall require its employees who drive to use off-street parking (T&ES) (SUP #2015-0132)
25. **CONDITION AMENDED BY STAFF:** The applicant shall encourage their employees to use public transit to travel to and from work. ~~Within 60 days of City Council or administrative approval, the business shall contact Local Motion at 703-746-4686 for information on establishing an employee transportation benefits program.~~ The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)(SUP #2015-0132)
26. **CONDITION AMENDED BY STAFF:** 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~~ Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP #2015-0132)
27. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
28. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
29. **CONDITION ADDED 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. (T&ES)
30. **CONDITION ADDED 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. (P&Z)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning
Ann Horowitz, Urban Planner III

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 No new or substantial improvements to existing structures or land disturbance is proposed by the revision of this SUP, therefore SWM have no RPA nor Floodplain comments on the seating expansion. (Storm)
- R-1 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 occur and is strictly prohibited on King Street and on 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)
- R-2 **CONDITION AMENDED BY STAFF:** Trash and garbage shall be stored inside or placed in sealed containers maintained in the Torpedo Factory Office Building/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. (P&Z)(T&ES)
- R-3 **CONDITION AMENDED BY STAFF:** The use must comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building and no amplified sound shall be audible at the property line. (P&Z)(T&ES)
- R-4 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)
- R-5 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)
- R-6 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)

- R-7 **CONDITION AMENDED BY STAFF:** 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-8 **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-9 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)
- R-10 The applicant shall require its employees who drive to use off-street parking (T&ES) (SUP #2015-0132)
- R-11 **CONDITION AMENDED BY STAFF:** The applicant shall encourage their employees to use public transit to travel to and from work. ~~Within 60 days of City Council or administrative approval, the business shall contact Local Motion at 703 746 4686 for information on establishing an employee transportation benefits program.~~ The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-12 **CONDITION AMENDED BY STAFF:** 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~~ Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
- R-13 **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
- R-14 **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-15 **CONDITION ADDED 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. (T&ES)

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP #2014-00081)
- C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES) (SUP #2014-00128)

Code Enforcement:

- C-1 Egress provided will need to be adequate for additional seating load.

Fire:

- C-1 Due to occupant load, two exits are required for this configuration. Add exit at the Northeast corner of the area.

Health:

No comments

Parks and Recreation:

No comments received.

Police Department:

No comments received.



APPLICATION SPECIAL USE PERMIT

REVISED

SPECIAL USE PERMIT # 2017-0002

PROPERTY LOCATION: 101 & 107 N. Union Street (7 King Street, Property Address)

TAX MAP REFERENCE: 075.01-04-02 & -03 ZONE: KR & WPR

APPLICANT:

Name: ARP Waterfront, LLC

Address: 7 King Street, Alexandria VA 22314

PROPOSED USE: Change of ownership & expansion of previously approved outdoor dining (SUP2015-0132)

☒ **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.

M. Catharine Puskar, attorney/agent

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, & Walsh, P.C.

2200 Clarendon Blvd., Suite 1300

Mailing/Street Address

Arlington, VA

City and State

22201

Zip Code

MC Puskar by aif

Signature

Date

703-528-4700

Telephone #

703-525-3197

Fax #

cpuskar@thelandlawyers.com

Email address

Revised 2/10/2017
Revised 2/3/2017
Revised 1/12/2017
12/27/2016

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 101 & 107 N. Union Street, I hereby
(Property Address)
grant the applicant authorization to apply for the outdoor dining use use as
(use) SEE ATTACHED
described in this application.

Name: _____ Phone: _____
Please Print
Address: _____ Email: _____
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.

See attached

(Letterhead)
Realco Management
P.O. Box 239
Cream Ridge, NJ 08514

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Consent to File Application for Special Use Permit Amendment and Associated Requests
Parcel Address - 101 N. Union Street
Property Address - 7 King Street
Tax Map ID 075.01-04-03 (the "Property")

Dear Mr. Moritz:

Alexandria Waterfront Associates LP hereby consents to the filing of applications by Alexandria Restaurant Partners, LLC for a special use permit amendment any related requests for outdoor dining associated with the restaurant on the Property.

Very truly yours,

By: 

Its: 

Date: 

REVISED



ARP Waterfront LLC
DBA Vola's Dockside Grill
101 N Union Street
Alexandria, VA 22314

Registered Office
221 South Pitt St
Alexandria VA 22314

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Authorization to File Application for Special Use Permit Amendment and Associated Requests
Parcel Address - 101 & 107 N. Union Street
Property Address - 7 King Street
Tax Map ID 075.01-04-02 & -03 (the "Property")

Dear Mr. Moritz:

ARP Waterfront, LLC hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of applications for a special use permit amendment any related requests for outdoor dining on the Property.

Very truly yours,

By: 

Its: Member

Date: 2/3/17

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 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. 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 101 & 107 N Union 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. See attached		
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 require 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 indicated 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. NONE		
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.

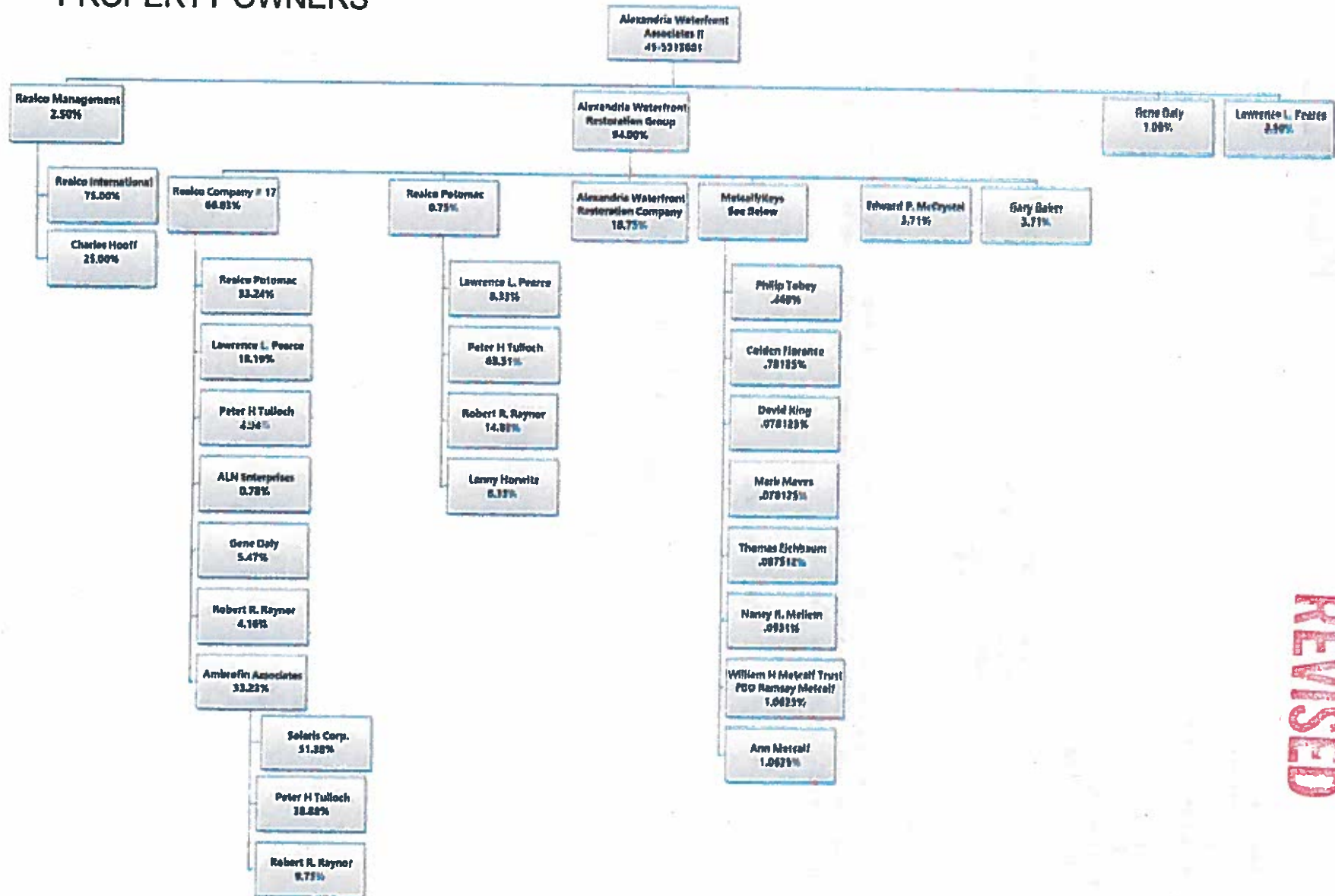
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/3/17
Date

Scott H. Han
Printed Name

[Signature]
Signature

PROPERTY OWNERS



REVISED

REVISED

ARP Waterfront, LLC

Ownership (3% or more)

Scott Shaw	15.00%
David Clapp	15.00%
David Nicholas	15.00%
Jody Manor	10.00%
Tom Herrity	5.69%
Jay Bonnit	5.21%
Win Sheridan	4.94%
Jason Yates	3.22%

REVISED

Statement of Justification
Parcel Address: 101 & 107 N. Union Street
Street Address: 7 King Street
Tax Map ID: 075.01-04-02 & -03

ARP Waterfront, LLC ("The Applicant") requests approval of a change of ownership request and an amendment to previously approved SUP2015-0312 for an expansion of outdoor dining located at parcel address 101 & 107 N. Union Street, street address 7 King Street, tax map ID 075.01-04-02 & -03 (the "Property").

By way of background, in May 2013, City Council approved SUP #2013-0009 to allow for a 150-seat restaurant to operate on the Property. The restaurant, the Waterfront Market, opened in 2013. In March 2014, SUP#2014-0128 was approved, which increased the number of indoor and outdoor seats to 222. The Waterfront Market operated until winter 2015 when it was briefly closed in anticipation of a new restaurant concept. On January 22, 2016, an administrative change of ownership and minor amendment was approved for the current restaurant, Vola's Dockside Grill and Hi-Tide Lounge ("Vola's").

Vola's is currently permitted to have 67 outdoor seats along the Alexandria Marina and 20 outdoor seats along King Street. The outdoor seating, which has proven to be very successful, enlivens the boardwalk throughout the day and evening hours and furthers the goals of the Waterfront Plan by "increasing the use, frequency, and effectiveness of public spaces for gatherings and events" in order to "create a living, active Waterfront that is a destination and is welcoming to all Alexandrians and visitors." The demand for this outdoor dining often exceeds capacity, particularly when the weather is pleasant. As such, the Applicant proposes to expand the amount of outdoor seating on the Marina by 47 seats for a total of 114 seats. In addition, the Applicant proposes to adjust the configuration of the seating area in order to maintain a 21'-wide path for pedestrian access between the seating and the Torpedo Factory building to the west. No other changes to the current approval are proposed.

Pursuant to the Old Town Restaurant Policy, public parking is available within the vicinity of the restaurant and has been extensively documented through the Old Town Area Parking Study. As required by Condition 16, the Applicant agrees to provide 3 off-street parking spaces for employees during business hours. No changes to the late-night hours and alcohol policies are proposed. As for litter, the Applicant is required to monitor the site and adjacent areas per Condition 20. Finally, no change to the ratio of food-to-alcohol sales for the restaurant is anticipated.

The expansion of the outdoor dining on the Property will further the goals of the Waterfront Plan, enhance the Phase I of the Waterfront Design, and activate the King Street entryway into the Alexandria Marina.

REVISED

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).

0 - 460 patrons per day for outdoor dining (varies seasonally)

- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).

17 - 35 employees per day (varies seasonally)

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

Day:

Outdoor dining: 7am - 11pm, 7 days a week

Hours:

Indoor dining: 7am-12am Sunday-Thursday

Indoor dining: 7am - 1am Friday-Saturday

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

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

It is not anticipated that noise levels will exceed permitted levels under the noise ordinance.

- B. How will the noise be controlled?

Noise levels will comply with the noise ordinance.

SUP # _____

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

No odors are anticipated.

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, bottles & cans

- 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 approximately one dumpster per day.

- C. How often will trash be collected?

The restaurant currently uses the City's dumpster across Union Street.

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

The Applicant will comply with SUP2015-0132 Condition 20 regarding litter monitoring and pick up on the site and as required adjacent to the site.

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 hazardous materials, generally recognized to be appropriate for use by restaurants in the operation of 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 hazardous materials, generally recognized to be appropriate
for use by restaurants in the operation of 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 existing permitted hours of
operation of the restaurant 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.

On premises and off premises sales of beer and wine as currently
permitted. Mixed drinks on premises as approved by the VA ABC.

SUP # _____

PARKING AND ACCESS REQUIREMENTS

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

N/A

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

The use is exempt from parking requirements pursuant to the Central Business District regulations.

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?

Three (3) parking spaces are required to be provided off-site for employees pursuant to SUP2015-0132 Condition 16

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? Fayette Alley

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

SUP # _____

- B. Where are off-street loading facilities located? Fayette Alley per SUP2015-0132 Condition 3
- C. During what hours of the day do you expect loading/unloading operations to occur?
Between 11am-7pm pursuant to SUP2015-0132 Condition 3
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
2 - 4 deliveries 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?
Street access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☐ Yes ☐ No N/A Outdoor dining
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?
883 sq. ft. (existing) + 342 sq. ft. (addition if any) = 1,225 sq. ft. (total) Total outdoor area proposed:
1,225 sf
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: outdoor dining

End of Application

SUP # _____
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: 135 existing Outdoors: 114 proposed outdoor patio seats Total number proposed: 269 proposed
67 existing outdoor patio seats 222 existing total
20 outdoor seats on King
- 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
- Please describe the type of food that will be served:
Southern-style cuisine and seafood.

- The restaurant will offer the following service (check items that apply):
☒ table service ☒ bar ☒ carry-out ☐ delivery Outdoor dining: table
- If delivery service is proposed, how many vehicles do you anticipate? N/A
Will delivery drivers use their own vehicles? ☐ Yes ☐ No
Where will delivery vehicles be parked when not in use?

- Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
☐ Yes ☒ No No entertainment offered for outdoor dining
If yes, please describe:

SUP # _____

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:

	269	Maximum number of patron dining seats
+	n/a	Maximum number of patron bar seats
+	n/a	Maximum number of standing patrons
=	269	Maximum number of patrons
2. 17-35 Maximum number of employees by hour at any one time
varies seasonally
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
Outdoor dining ☒ Closing after 10:00 PM but by Midnight
Indoor dining ☒ 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

