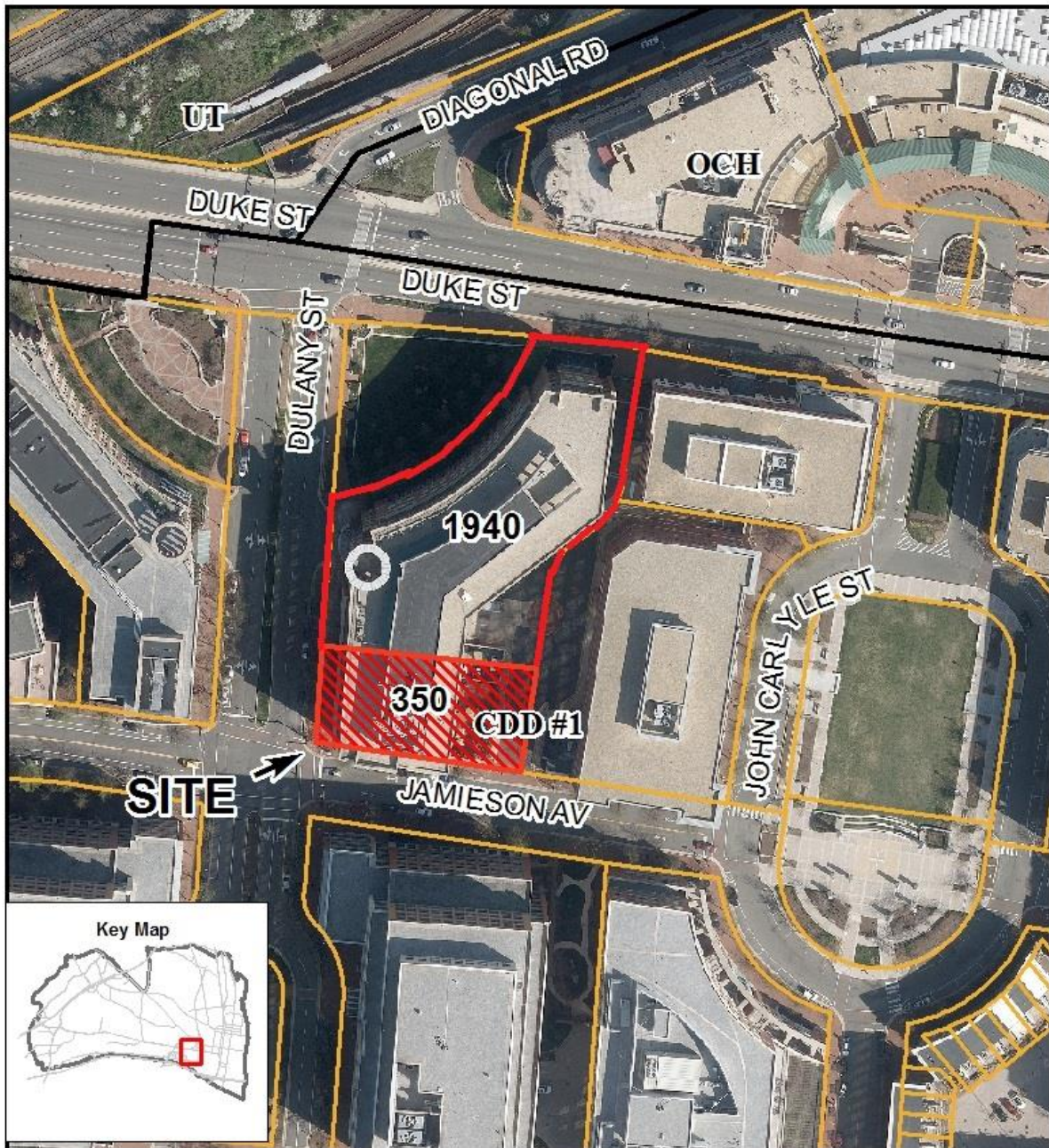
**DOCKET ITEM #6*****Special Use Permit #2017-0019******350 Dulany Street (Parcel address: 1940 Duke Street) -  
Panera Bread*****CONSENT AGENDA ITEM**

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

<b>Application</b>	<b>General Data</b>	
Public hearing and consideration of a request amend Special Use Permit #2014-0109 to increase permitted number of delivery vehicles and to add hours of operation	<b>Planning Commission Hearing:</b>	May 2, 2017
	<b>City Council Hearing:</b>	May 13, 2017
Address: 350 Dulany Street (parcel address: 1940 Duke Street)	<b>Zone:</b>	CDD#1/Coordinated Development District #1
<b>Applicant:</b> Panera, LLC represented by Duncan Blair, attorney	<b>Small Area Plan:</b>	Eisenhower East

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

**Staff Reviewer:** Ann Horowitz, [ann.horowitz@alexandriava.gov](mailto:ann.horowitz@alexandriava.gov)



**Special Use Permit #2017-0019**  
**350 Dulany Street (parcel**  
**address:1940 Duke Street)**





## I. DISCUSSION

The applicant, Panera, LLC, represented by attorney Duncan Blair, requests to amend Special Use Permit #2014-0109 to increase the permitted number of delivery vehicles from three to ten and to add a one-half hour of operation each morning.

### SITE DESCRIPTION

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



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

### BACKGROUND

City Council approved Special Use Permit #2003-0081 for a restaurant that operated as Plaza Gourmet on October 18, 2003. Special Use Permit #2014-0081 was administratively approved on August 27, 2014 for a change of ownership and a minor amendment for Panera Bread, LLC, a quick-service bakery and sandwich restaurant, on August 27, 2014. City Council approved SUP #2014-0109 in January 2015 to increase the number of delivery vehicles from one to three.

An SUP inspection in January 2017 revealed violations of Condition #3 for expanded hours of operation, Condition #5 for an increase in the number of delivery vehicles), and Condition #14 for lack of posting directions for on-site parking. The applicant corrected the violations and was found to be in compliance in March 2017. It submitted this SUP application to request the expansion of operational hours and the number of delivery vehicles.

### PROPOSAL

The applicant proposes to amend Condition #3 for hours of operation and Condition #5 for the number of delivery vehicles. It requests to add one-half hour of operational hours, daily, to open at 6 a.m. instead of 6:30 a.m. The applicant also proposes to expand its catering and small order delivery service for customers within a five-mile radius from three to ten vehicles. The added delivery capacity provided by ten vehicles would enable the applicant to accommodate its current delivery demand during the peak hours between 11 a.m and 2 p.m.

The operation of the restaurant would not otherwise change. The existing and proposed characteristics of the restaurant would be:

<u>Hours of Operation:</u>	<i>Existing - 6:30 a.m. to 12:00 midnight, daily</i> <b>Proposed - 6 a.m. to 12:00 midnight, daily</b>
<u>Number of seats:</u>	Total of 132 seats, indoor and outdoor
<u>Number of customers:</u>	500 a day
<u>Number of delivery vehicles:</u>	<i>Existing – Three</i> <b>Proposed - Ten</b>
Alcohol:	No alcohol sales
Live Entertainment:	No live entertainment
Supply Delivery:	Up to five deliveries a day at the building loading area
Noise:	Typical restaurant noises
Odors:	Odors will be controlled through hood systems.
Trash/Litter:	Product packaging and food remnants which are typical of general restaurant operations. Half a dumpster a day would be generated and building management will arrange for regular collection at the building's common trash facility.

### PARKING

The Transportation Management Plan for Carlyle (SUP#2254) established parking requirements for the subject building which the on-site parking garage provides. The applicant, therefore, is not required to secure additional parking spaces. Nonetheless, the applicant has exclusive access to four spaces in the interior service court, which are currently designated for delivery vehicle use, and has eight leased spaces in the parking garage.

ZONING/MASTER PLAN DESIGNATION

Section 11-511(A)(2)(b)(i)(a) of the Zoning Ordinance permits up to two additional hours of operation a day through an administrative minor amendment review. Section 11-511(A)(2)(b)(i)(e.1) of the Zoning Ordinance states that up to two delivery vehicles may be approved through an administrative minor amendment for restaurants with more than 20 seats. As the applicant requests ten delivery vehicles, a full-hearing SUP is required. Although the additional half-hour proposed to the existing operating hours may be approved administratively, the request is combined with the full-hearing requirement in this report.

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

**II. STAFF ANALYSIS**

Staff supports the applicant's request to amend Condition #3 and Condition #5 of SUP #2014-0109. The slight increase in morning hours of operation is consistent with neighborhood standards for restaurant hours, such as Dunkin Donuts, which is located across the street from Panera Bread on Dulany Street, as well as the Starbucks operations on Ballenger Avenue and on Jamieson Avenue. Staff has amended Condition #3 to reflect the additional half-hour of operation that would provide office employees and Carlyle residents with another early morning food service option. Neighborhood impacts are not expected from an earlier opening hour, as Panera Bread is surrounded by commercial uses.

Likewise, staff recommends approval of the increase in delivery vehicles as amended in Condition #5. This supports the applicant's revised corporate business model as it expands delivery opportunities through technology and the use of apps, a present-day trend in the fast-casual restaurant sector. The addition of seven delivery vehicles to the existing three vehicles would be necessary to accommodate increased delivery demand that may result from customer deliveries booked through the Panera Bread app. Given the potential for delivery vehicle impacts, staff has amended Condition #5 to require the applicant to park delivery vehicles in designated, off-street parking spaces. The condition also ensures that delivery vehicles would not double-park on City streets.

Standard conditions have been carried forward and Conditions #7, #11, #12 have been amended to reflect modern-day language. Environmental concerns are addressed with the addition of Conditions #23 - #25.

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:

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2003-0081)
2. Seating shall be provided for no more than 132 patrons inside and outside. (P&Z) (SUP#2003-0081)
3. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to ~~6:30~~ 6 a.m. to 12:00 midnight, daily. Meals ordered before 12 midnight may be served, but no new patrons may be admitted after 12 midnight, and all patrons must leave by 1 a.m. (P&Z) (~~SUP#2014-0081~~)
4. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2003-0081)
5. **CONDITION AMENDED BY STAFF:** Not more than ~~three~~ ten delivery vehicles used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicles in off-street parking spaces designated for delivery vehicle use when they are located in the vicinity of the restaurant as indicated on the applicant's site plan. Delivery vehicles shall not double-park on City streets. Delivery service is also permitted by foot, bicycle or motorized scooter. (P&Z) (T&ES) (~~SUP2014-0109~~)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2003-0081)
7. **CONDITION AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape, invasion by animals, or leaking, ~~and shall be stored inside or in a closed container which does not allow invasion by animals~~. No trash and debris shall be allowed to accumulate on-site outside of those containers. 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#2003-0081~~)
8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)(T&ES) (SUP#2003-0081)

9. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP#2014-0081)
10. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2003-0081)
11. **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 sounds shall be audible at the property line. (T&ES) (~~SUP#2003-0081~~)
12. **CONDITION AMENDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. ~~and/or provide employees who use mass transit subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on site for employees.~~ (P&Z) (T&ES) (~~SUP2014-0081~~)
13. All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) (T&ES) (SUP2014-0081)
14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. The applicant shall also provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (T&ES) (SUP2014-0081)
15. **CONDITION SATISFIED AND DELETED BY STAFF:** ~~The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP#2014-0081)~~
16. Condition deleted.
17. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall be open as much as possible and provide some interior accent lighting when the business is closed. The front of the business may not be illuminated by flood lights placed on the sidewalk, trees or poles. (P&Z) (SUP#2003-0081)
18. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP#2003-0081)

19. **CONDITION AMENDED BY STAFF:** The Director of Planning & Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2014-0109)
20. No live entertainment shall be allowed either inside the restaurant or within the outdoor dining area. (P&Z) (SUP#2014-0081)
21. No alcohol sales shall be allowed at the restaurant. (P&Z) (SUP#2014-0081)
22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2014-0081)
23. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
24. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
25. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)

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

##### **Existing conditions:**

5. **CONDITION AMENDED BY STAFF:** Not more than ~~three~~ ten delivery vehicles used to deliver food and beverages to customers shall operate from the restaurant at any one time. The applicant must park the delivery vehicles in off-street parking spaces designated for delivery vehicle use when they are located in the vicinity of the restaurant ~~as indicated on the applicant's site plan.~~ Delivery vehicles shall not double-park on City streets. Delivery service is also permitted by foot, bicycle or motorized scooter. (P&Z) (T&ES) (~~SUP2014-0109~~)
7. **AMENDED BY STAFF:** Trash and garbage shall be placed in sealed containers which do not allow odors to escape, invasion by animals, or leaking. ~~and shall be stored inside or in a closed container which does not allow invasion by animals.~~ No trash and debris shall be allowed to accumulate on-site outside of those containers. 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)
8. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
9. 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)
10. 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)
11. **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 sounds shall be audible at the property line. (T&ES)
12. The applicant shall require its employees who drive to work to use off-street parking. ~~and/or provide employees who use mass transit subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on site for employees.~~ (P&Z) (T&ES) (~~SUP2014-00109~~)

13. All loading and unloading associated with the restaurant shall take place either from the loading spaces located within the building, or approved on street loading spaces. (P&Z) (T&ES) (SUP2014-0081)
14. The applicant shall post signs directing patrons to the availability of parking at the on-site underground garage. The applicant shall also provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (T&ES) (SUP2014-0081)
22. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z) (T&ES) (SUP2014-0081)

**New Conditions:**

1. **ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES)
2. **ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
3. **ADDED BY STAFF:** If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)

**City Code Requirements:**

1. The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP 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)
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)
3. Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from

May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Code Enforcement:

No comments.

Fire:

No comments or concerns.

Health:

No comments.

Parks and Recreation:

No comments received.

Police Department:

No comments received.



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2017-0019

**PROPERTY LOCATION:** 350 Dulany Street (Parcel Address: 1940 Duke Street), Alexandria, Virginia

**TAX MAP REFERENCE:** Part of 073.01-02-16 **ZONE:** CDD #1

**APPLICANT:**

Name: Panera, LLC, a Delaware limited liability company

Address: 3630 South Geyer Road, Suite 100, St. Louis, MO 63127 Attn: Greg Johnsen

**PROPOSED USE:** Amendment to SUP #2014-0109, Condition #5, to allow ten (10) delivery operations at any one time, and Condition #3 to allow for opening at 6:00AM.

☒ **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.

Duncan W. Blair

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code

Signature

703-836-1000

Telephone #

dblair@landcarroll.com

Email address

Revised 3/3/17

2/21/17

Date

Fax #

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

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

SUP # \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 1940 Duke Street, Alexandria, Virginia, I hereby  
(Property Address)  
grant the applicant authorization to apply for the Amendment to SUP #2014-0109 use as  
(use)  
described in this application.

Name: I & G Direct Real Estate 25 LP c/o JP Morgan Investment Mngt

Phone 212-648-2161

Please Print

Address: 270 Park Ave, New York, NY 10017

Email: tara.a.andrews@jpmorgan.com

Signature: Tara Andrew

Date: 2/21/17

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.

The Applicant, Panera, LLC, is a Delaware limited liability company. The only  
individuals or entities owning an interest in excess of 3% is Panera Bread Company, a  
publicly traded company. 3630 South Geyer Road, Suite 100, St. Louis, MO 63127

Attn: Greg Johnsen.



## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1.		
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1940 Duke Street, Alexandria, Virginia 22314 (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. I & G Direct Real Estate 25 LP	c/o JP Morgan Investment Mngt, Inc. 270 Park Ave., NY, NY 10017	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. I & G Direct Real Estate 25 LP	None	PC and CC N/A <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">APP</span>
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.

2/21/17  
Date

TARA Andrews  
Printed Name

Tara Andr  
Signature

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Panera Bread Company	3630 S. Geyer Rd., Ste. 100, St. Louis, MO 63127	100%
2.		
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 1940 Duke Street, Alexandria, Virginia 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

**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. Panera Bread Company	None	PC and CC N/A <i>(initials)</i>
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.

2/21/17 AVONCA W BRIR

Date

Printed Name

*(Signature)*

Signature

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 applicant is requesting amendments to SUP #2014-0109. The requested  
amendments are:

1) Condition #3. Amend the hours of operation from 6:30AM to 12 Midnight daily to  
6:00AM to 12 Midnight daily.

2) Condition #5. Amend Condition #5 to increase the number of delivery vehicles that  
can be used to deliver food and beverages that may operate from the restaurant at any  
one time from three (3) vehicles to ten (10) vehicles. The delivery vehicles will, as  
required by SUP #2014-0109, be parked in either the four (4) parking spaces on the  
interior court or within the parking garage located below the property. The vehicles  
used for deliveries, with the exception of one (1) Panera-owned vehicle used for  
catering deliveries, are personal vehicles of employees of the restaurant. Pursuant to  
the SUP, all employees are required to park off-street. As such, no delivery vehicles  
will be parked on the street at any given time. The requested increase in vehicles  
permitted to make deliveries at any given time allows the restaurant to meet its current  
delivery demand during its peak hours of operations, from 11:00AM to 2:00PM.

## 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: An amendment to Conditions #5 and #3 of existing SUP #2014-0109

**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).

The applicant anticipates the restaurant will continue to serve approximately 500 diners per day.

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

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

The restaurant will continue to employ twenty (20) full-time and part-time employees; It is anticipated that no more than ten (10) employees will be on site at any given time, except during the highest volume period of 10:30AM - 2:00PM, when there may be up to sixteen (16) employees present.

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

Day:

Hours:

\_\_\_\_\_

\_\_\_\_\_

Monday through Sunday

6:00AM - 12 Midnight

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

No change from SUP #2014-0109. It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

B. How will the noise be controlled?

No change from SUP #2014-0109. It is not anticipated that patron noise will be a source of complaints; as such, no extraordinary noise mitigation and control measures are warranted.



SUP # \_\_\_\_\_

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

No change from SUP #2014-0109. It is not anticipated that offensive odors will emanate from the use of the property as a restaurant.

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

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)  
No change from SUP #2014-0109. The type and volume of trash and garbage generated by the restaurant will be mainly refuse from products received and from general restaurant operations (product remnants).

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)  
No change from SUP #2014-0109. The restaurant will generate about half a dumpster full of garbage per day.

C. How often will trash be collected?

No change from SUP #2014-0109. The building management will schedule trash pick-up at the common trash facility.

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

No change from SUP #2014-0109. Litter is not an anticipated problem; however, the restaurant's staff will self-police the sidewalks and area surrounding the restaurant.

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

☒ Yes.                      ☐ No.

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

No change from SUP #2014-0109. Small quantities of organic compounds, generally recognized to be appropriate for use by restaurants in the operation of a business, will be stored, used as solvents and disposed of in accordance with applicable regulations.



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

☒ Yes.      ☐ No.

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

No change from SUP #2014-0109. Small quantities of organic compounds, generally  
recognized to be appropriate for use by restaurants in the operation of a business, will be  
stored, used as solvents and disposed of in accordance with applicable regulations.

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

No change from SUP #2014-0109. The location in the central business district and the  
proposed hours of operations should provide a safe environment for its patrons and staff.  
It is not anticipated that extraordinary security measures will be required.

## ALCOHOL SALES

**13.**

- A. Will the proposed use include the sale of beer, wine, or mixed drinks? No change from SUP #2014-0109.

☐ 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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SUP # \_\_\_\_\_

## PARKING AND ACCESS REQUIREMENTS

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

\_\_\_\_\_ Standard spaces  
\_\_\_\_\_ Compact spaces  
\_\_\_\_\_ Handicapped accessible spaces.  
\_\_\_\_\_ Other.

**\*\*The applicant has control of twelve (12) total parking spaces: eight (8) leased garage spaces, and four (4) surface spaces in the interior court off of Jamieson Avenue.**

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

Not applicable. No change from SUP #2014-0109.

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

\_\_\_\_\_

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

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

☐ Parking reduction requested; see attached supplemental form

Not applicable.

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

- A. How many loading spaces are available for the use? No change from SUP #2014-0109.

There is a shared loading area for the building located in an interior service court off of Jamieson Avenue.

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

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- B. Where are off-street loading facilities located? No change from SUP #2014-0109.  
Interior service court off of Jamieson Avenue.
- C. During what hours of the day do you expect loading/unloading operations to occur?  
No change from SUP #2014-0109. Pursuant to SUP #2014-0081 Condition #22, deliveries shall not occur between the hours of 11:00PM and 7:00AM.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
The applicant anticipates that delivery operations will continue to occur at a rate of three (3) to five (5) delivery periods 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?  
No change to SUP #2014-0109. Existing street access is adequate.

## SITE CHARACTERISTICS

- 17.** Will the proposed uses be located in an existing building? ☒ Yes ☐ No No change to SUP #2014-0109.  
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? Not applicable.  
4,200 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = 4,200 sq. ft. (total)
- 19.** The proposed use is located in: (check one)  
☐ a stand alone building  
☐ a house located in a residential zone  
☐ a warehouse  
☐ a shopping center. Please provide name of the center: \_\_\_\_\_  
☒ an office building. Please provide name of the building: Carlyle at Crescent  
☐ other. Please describe: \_\_\_\_\_

End of Application



SUP # \_\_\_\_\_  
Admin Use Permit # \_\_\_\_\_



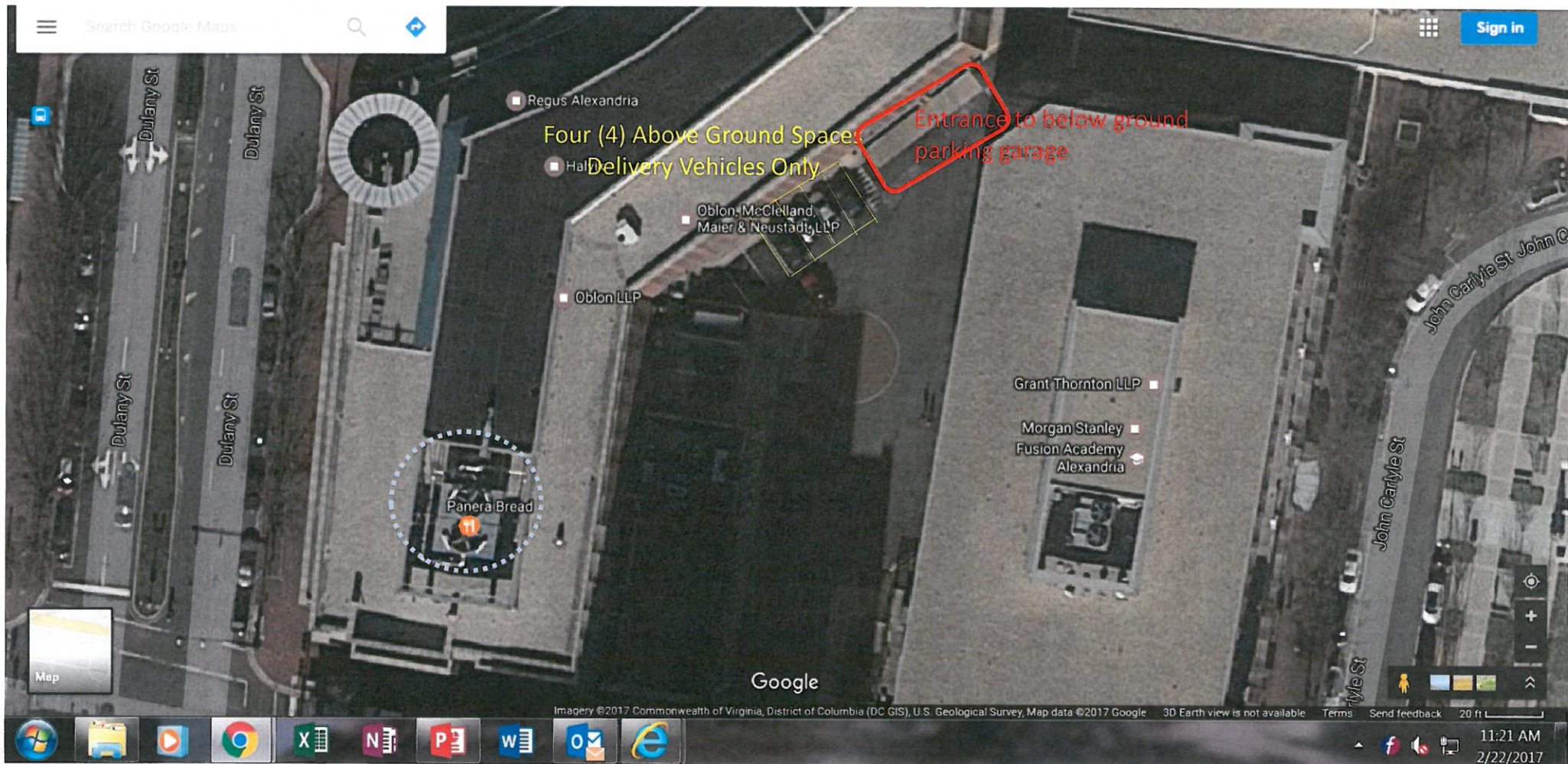
## SUPPLEMENTAL APPLICATION

### RESTAURANT

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

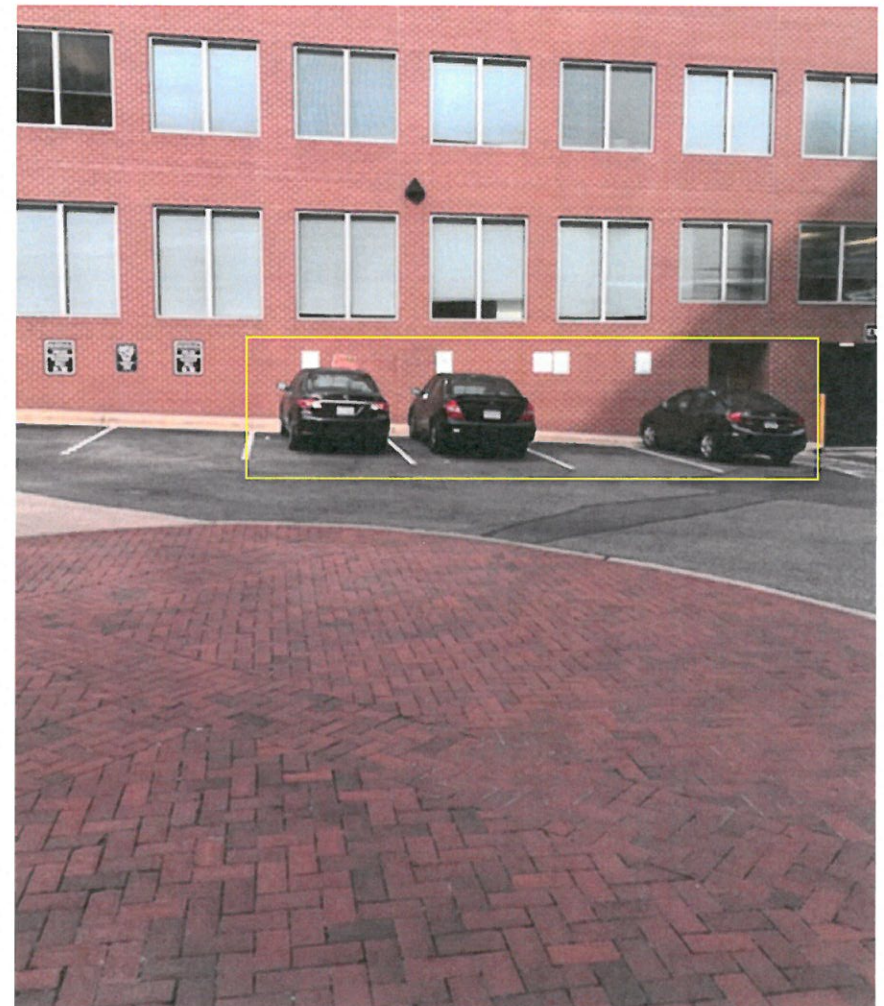
1. How many seats are proposed?  
Indoors: \_\_\_\_\_ Outdoors: \_\_\_\_\_ Total number proposed: 132
2. Will the restaurant offer any of the following?  
Alcoholic beverages (**SUP only**) \_\_\_\_\_ Yes ☒ No  
Beer and wine — on-premises \_\_\_\_\_ Yes ☒ No  
Beer and wine — off-premises \_\_\_\_\_ Yes ☒ No
3. Please describe the type of food that will be served:  
Panera fare: baked goods, sandwiches, salads and non-alcoholic beverages.  
\_\_\_\_\_  
\_\_\_\_\_
4. The restaurant will offer the following service (check items that apply):  
☒ table service \_\_\_\_\_ bar ☒ carry-out ☒ deli
5. If delivery service is proposed, how many vehicles do you anticipate?  
Will delivery drivers use their own vehicles? ☒ Yes \_\_\_\_\_ No  
One (1) Panera owned catering vehicle; twelve (12) full or part-time delivery drivers whose personal vehicles may be used for delivery operations.  
Where will delivery vehicles be parked when not in use?  
In the four (4) spaces located in the interior service court located off of Jamieson Avenue, and  
in the below-grade parking garage.
6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
\_\_\_\_\_ Yes ☒ No  
If yes, please describe:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Panera – Amendment to SUP#2014-0109  
Delivery Vehicles  
1940 Duke Street/350 Dulany Street

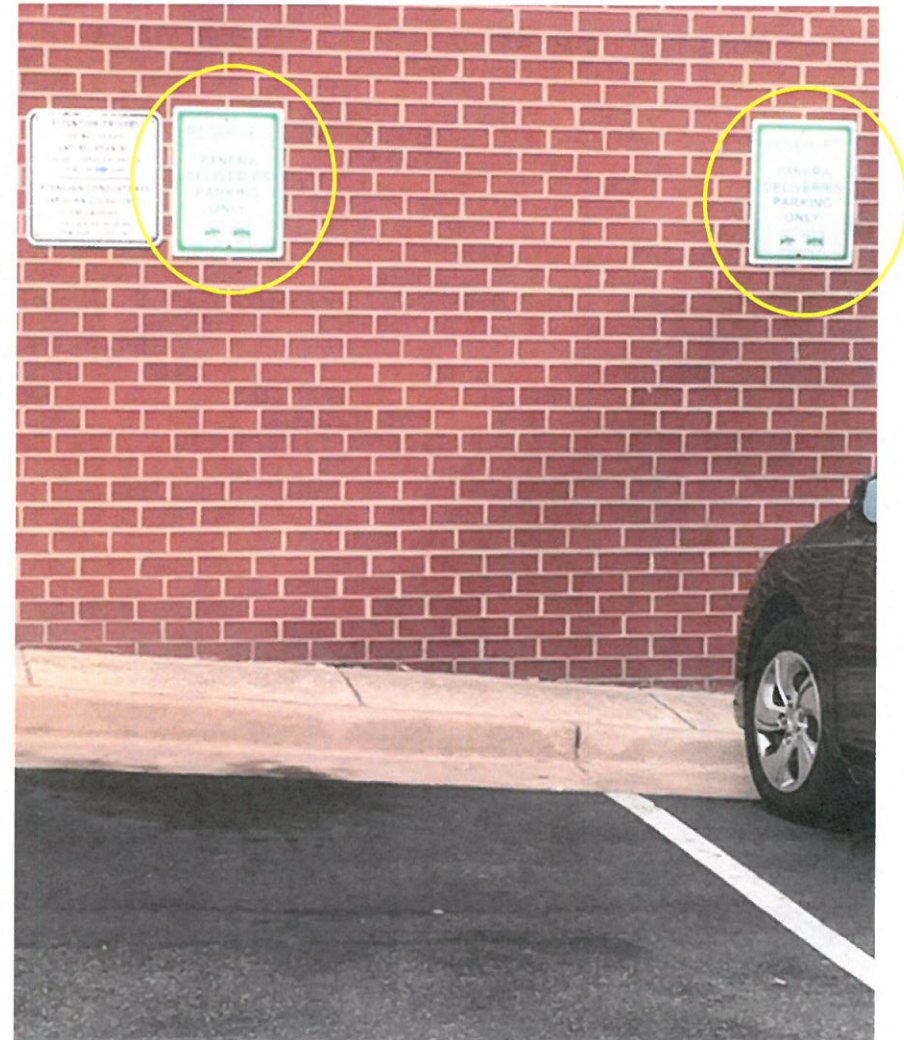
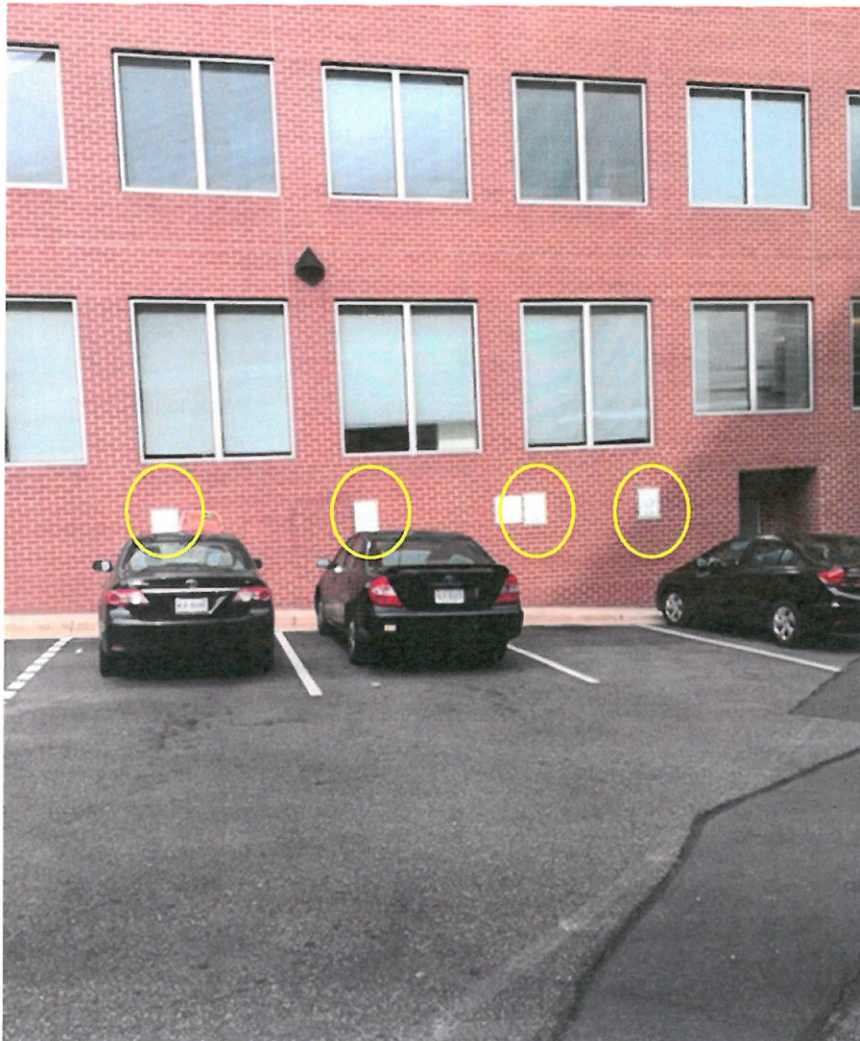




Panera – Amendment to SUP#2014-0109  
Delivery Vehicles  
1940 Duke Street/350 Dulany Street







Panera – Amendment to SUP#2014-0109  
Delivery Vehicles  
1940 Duke Street/350 Dulany Street

**Narrative to Explain  
Delivery Operations,  
Provided by Panera Cafe7007  
General Manager**

**Panera To You Delivery Operation**

We have 2 phases to our delivery operation. We have our catering phase which employs no more than 4 drivers at any time, and this includes our catering van which is parked in the underground garage. Most of our catering business comes between the hours of 6:00 AM and 12:00PM Monday through Friday.

The second phase of our delivery operation is our small order delivery, which operates from 6:30 AM until 8:30 PM. Again most of our delivery business comes between the hours of 11:00AM and 2:00 PM Monday through Friday. During this peak time we employ 6 to 8 drivers during these hours. Before and after these hours there are no more than 3 drivers working on any shift.

On the weekends our business slows dramatically so we only employ 3 to 4 drivers to cover the entire day on Saturday and Sunday. These drivers handle all deliveries; small order and catering.

Our drivers are not subcontracted out and **NOT** given a 1099. They receive a W2 from Panera and are our employees. On down time in between deliveries their duties include preparing food and prep, cleaning and washing dishes, and any other duties our normal associates perform.

As far as parking for our drivers goes we have 4 designated spaces at the rear of the building for our peak time delivery hours to get our drivers in and out faster. During our non peak hours we also have 8 reserved spaces in the underground garage for our associates when they are not out on delivery. At no time do our drivers use public parking while inside the café.

Our delivery radius is approximately 5 miles in all directions of the café. This stretches to Landmark Mall, Potomac Yard, and the waterfront in Old Town Alexandria. We deliver approximately 70 to 80 small order deliveries by 2:00PM Monday thru Friday. Catering orders Monday through Friday average out at about 15-20 per day. On the weekends we only average 35 to 40 deliveries per day for Saturday and Sunday. This includes our catering deliveries as well.



**Delivery Labor Tracker**  
**Panera Bread store 607007**

SUP2017-0019  
Application Materials  
3/3/17

Date	Hour of Day	Order Count	Run Count	Deliveries/Run	Drive Time	Non Drive Time	Total Time
1/23/2017	6-7	0	0		0.04	0.88	0.92
1/23/2017	7-8	2	2	1	0.79	1.1	1.89
1/23/2017	8-9	1	1	1	0.58	2.11	2.68
1/23/2017	9-10	1	1	1	0.22	2.78	3
1/23/2017	10-11	3	3	1	1.27	1.73	3
1/23/2017	11-12	23	11	2.1	2.54	1.44	3.98
1/23/2017	12-13	34	14	2.4	5.1	0.44	5.54
1/23/2017	13-14	29	13	2.2	5.28	0.56	5.83
1/23/2017	14-15	9	6	1.5	2.77	1.55	4.32
1/23/2017	15-16	2	2	1	0.28	0.98	1.25
1/23/2017	16-17	4	4	1	1.28	1.09	2.37
1/23/2017	17-18	4	3	1.3	1.6	0.79	2.39
1/23/2017	18-19	8	5	1.6	1.44	0.35	1.78
1/23/2017	19-20	3	3	1	1.41	0.16	1.57
1/23/2017	20-21	5	2	2.5	0.92	0.54	1.45
1/23/2017	21-22	0	0		0	0.33	0.33
1/24/2017	5-6	0	0		0	0	0
1/24/2017	6-7	0	0		0.38	1.02	1.4
1/24/2017	7-8	3	3	1	0.46	1.54	2
1/24/2017	8-9	4	4	1	0.75	1.98	2.73
1/24/2017	9-10	4	3	1.3	0.8	3.28	4.08
1/24/2017	10-11	5	5	1	1.17	3.39	4.55
1/24/2017	11-12	9	6	1.5	2.6	3.77	6.36
1/24/2017	12-13	18	11	1.6	4.2	2.93	7.13
1/24/2017	13-14	18	9	2	3.53	2.8	6.33
1/24/2017	14-15	5	5	1	1.07	1.46	2.53
1/24/2017	15-16	2	2	1	0.71	0.97	1.68
1/24/2017	16-17	3	3	1	1.09	1.76	2.84
1/24/2017	17-18	6	4	1.5	1.96	1.04	3

**Delivery Labor Tracker**  
**Panera Bread store 607007**

SUP2017-0019  
Application Materials  
3/3/17

Date	Hour of Day	Order Count	Run Count	Deliveries/Run	Drive Time	Non Drive Time	Total Time
1/24/2017	18-19	5	3	1.7	1.96	1.04	3
1/24/2017	19-20	7	5	1.4	1.69	1.31	3
1/24/2017	20-21	0	0		0.36	2.23	2.58
1/24/2017	21-22	0	0		0	0.61	0.61
1/25/2017	7-8	3	2	1.5	0.7	0.28	0.97
1/25/2017	8-9	3	2	1.5	0.87	1.09	1.96
1/25/2017	9-10	6	3	2	0.99	2.01	3
1/25/2017	10-11	2	1	2	0.89	2.18	3.07
1/25/2017	11-12	8	7	1.1	3.37	2.76	6.12
1/25/2017	12-13	21	11	1.9	4.34	3.17	7.52
1/25/2017	13-14	18	10	1.8	4.04	1.54	5.58
1/25/2017	14-15	9	5	1.8	1.29	1.45	2.74
1/25/2017	15-16	1	1	1	0.3	1.57	1.87
1/25/2017	16-17	3	3	1	1.11	0.81	1.92
1/25/2017	17-18	3	3	1	0.9	0.56	1.47
1/25/2017	18-19	6	4	1.5	1.24	0.45	1.69
1/25/2017	19-20	4	3	1.3	0.8	0.81	1.61
1/25/2017	20-21	2	2	1	0.2	0.75	0.95
1/26/2017	6-7	0	0		0	0.29	0.29
1/26/2017	7-8	0	0		0	1	1
1/26/2017	8-9	4	3	1.3	1.65	0.67	2.32
1/26/2017	9-10	3	2	1.5	0.5	1.64	2.14
1/26/2017	10-11	2	2	1	0.5	1.92	2.42
1/26/2017	11-12	6	5	1.2	2.33	2.73	5.07
1/26/2017	12-13	27	13	2.1	4.11	1.88	6
1/26/2017	13-14	13	7	1.9	2.48	1.52	4
1/26/2017	14-15	9	5	1.8	2.34	1.66	4
1/26/2017	15-16	4	4	1	0.79	1.48	2.27
1/26/2017	16-17	7	4	1.8	0.68	1.59	2.27



**Delivery Labor Tracker**  
**Panera Bread store 607007**

SUP2017-0019  
 Application Materials  
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Date	Hour of Day	Order Count	Run Count	Deliveries/Run	Drive Time	Non Drive Time	Total Time
1/26/2017	17-18	4	3	1.3	0.8	1.2	2
1/26/2017	18-19	8	5	1.6	1.84	0.16	2
1/26/2017	19-20	4	3	1.3	1.53	0.47	2
1/26/2017	20-21	1	1	1	0.12	1.16	1.28
1/27/2017	7-8	1	1	1	0.18	0.77	0.95
1/27/2017	8-9	3	2	1.5	1.1	1.58	2.67
1/27/2017	9-10	6	4	1.5	0.58	3.33	3.91
1/27/2017	10-11	3	2	1.5	0.98	3.74	4.71
1/27/2017	11-12	14	6	2.3	2.67	2.33	5
1/27/2017	12-13	24	11	2.2	4.32	1.57	5.89
1/27/2017	13-14	8	6	1.3	2.35	2.17	4.52
1/27/2017	14-15	2	2	1	0.45	0.72	1.17
1/27/2017	15-16	3	2	1.5	0.22	0.78	1
1/27/2017	16-17	3	3	1	0.71	0.29	1
1/27/2017	17-18	4	4	1	0.52	0.48	1
1/27/2017	18-19	2	2	1	0.55	0.45	1
1/27/2017	19-20	0	0		0	0.58	0.58
<b>Total</b>		<b>471</b>	<b>292</b>	<b>1.4</b>	<b>103.57</b>	<b>105.48</b>	<b>209.05</b>