

DOCKET ITEM #3
Special Use Permit #2019-0061
1400 Duke Street
Executive Diner

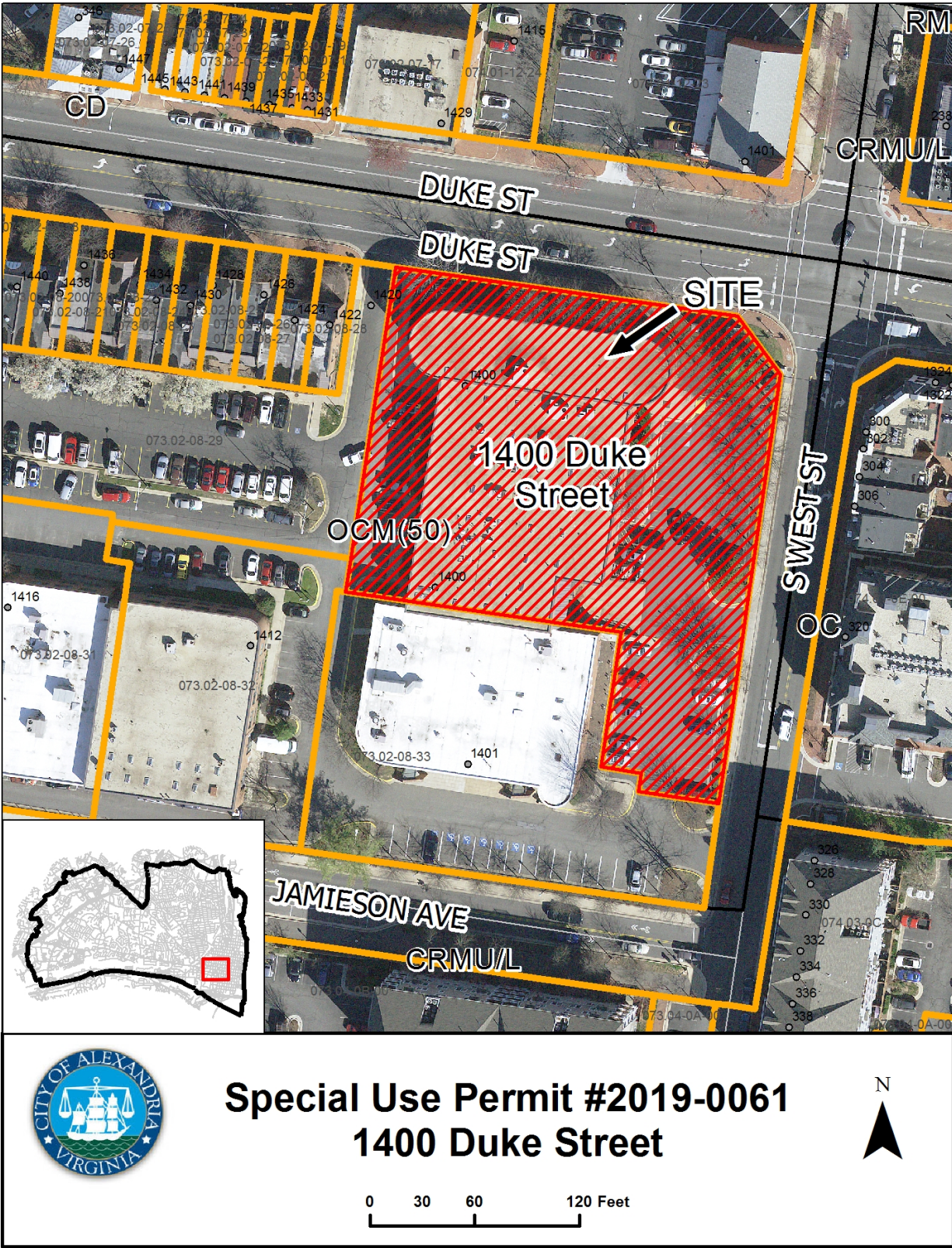
CONSENT AGENDA ITEM

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

Application	General Data	
Request: Public hearing and consideration of a request for additional outdoor seating at an existing restaurant (amending SUP #2018-0116)	Planning Commission Hearing:	September 3, 2019
	City Council Hearing:	September 14, 2019
Address: 1400 Duke Street	Zone:	OCM (50)/Office Commercial Medium
Applicant: J&S Restaurant, LLC., represented by David L. Chamowitz, attorney	Small Area Plan:	King Street Metro/ Eisenhower Avenue

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



PROJECT LOCATION MAP

I. REPORT SUMMARY

The applicant, J&S Restaurant, LLC, represented by David Chamowitz, attorney, requests an amendment to SUP #2018-0116 to increase outdoor seating by 58 seats in front of the restaurant along Duke Street. Staff recommends approval of the SUP request with the conditions noted in the report.

SITE DESCRIPTION

The lot at 1400 Duke Street is part of the Round House Square development that includes the connecting building at 1401 Duke Street (Shiloh Baptist Church), 1412 and 1416 Duke Street (Bluebird of Alexandria day care and private elementary school), 1420 Duke Street (12 office condominiums). A total of 169 parking spaces surround the individual buildings. Parking spaces are divided and attributed to buildings according to property boundaries. The commercial development is accessed at three points from Duke Street or South West Street (Figure 1).



Figure 1: Round House Square outlined in red; subject lot outlined in blue

The subject lot is located on one irregularly-shaped parcel of record. This corner lot has 220 feet of frontage on Duke Street, 270 feet of frontage on South West Street, and a lot depth that ranges between 190 feet and 270 feet. The lot area is 47,372 square feet and is developed with a 26,480 square foot; two story commercial building with two tenant spaces (1400 and 1400 A Duke Street). A 46-space parking lot services the building tenants. Three loading docks are located on the east side of the building.



Figure 2: Restaurant facade

The 6,450 square foot Executive Diner restaurant space has frontage on Duke Street and is accessed from east and west entrances (Figure 2). The tenant space at 1400A Duke Street contains offices for Delta Bridge, a commercial communications consultancy, which is located south of the proposed restaurant

site. Of the 46 parking spaces included on the lot, 12 parking spaces are located on the west side of the building and 34 spaces exist to the east.

In addition to the uses at Round House Square, a mix of residential, commercial, and institutional uses surround the subject site. Residential condominiums and single family rowhouses are located to the east, south, and north. Several offices and the Residence Inn Hotel are located to the west. The Shiloh Baptist Church, the institution's historic church site, is located across Duke Street, to the north. The African American Heritage Park is located to the southwest.

BACKGROUND

The construction of the building at 1400 Duke Street, was approved through Site Plan #78-005. The site plan was amended in 2017 to approve the construction of a 28-inch retaining wall in front of the building that now houses the restaurant.

Several uses have occupied the subject tenant space. TESST Electronics and Computer Institute operated at the site between 1985 and 1999 and received SUP approvals (SUP #94-0391, SUP #96-0009, and SUP #98-0035) for expansions and a parking reduction from City Council. City Council later approved SUP #2005-0074 for a day care operation and staff administratively approved SUP #2006-0068 for an expansion of the use. The day care operated at the tenant space until early 2016.



Figure 3: Retaining wall approved through a minor site plan amendment in 2017

Two previous SUP approvals relate to the Executive Diner. City Council approved SUP #2016-0041 on December 17, 2016 for a 6,450 square foot, 114-seat restaurant with a 10-space parking reduction for the applicant, J&S Restaurant, LLC. The hours of operation were approved as 6:00 a.m. to 12:00 midnight, daily. The restaurant opened for business in March 2018. Later, City Council approved SUP #2018-0116 on March 16, 2019 to add 27 indoor seats at booths for a total of 141 indoor seats, add eight outdoor seats outside the restaurant entrance to the east, and increase the hours of operation to between 5 a.m. and 1 a.m., daily. The parking reduction no longer applied with the January 2018 changes to the commercial parking regulations. Recently, a zoning inspector conducted an SUP inspection and found no violations of the SUP. Staff also periodically monitors the restaurant parking to ensure that restaurant patrons are only parking in the property's lot.

PROPOSAL

The applicant, J&S Restaurant, LLC, proposes to add 58 outdoor seats on the lot at a 1,055 square foot patio to be constructed on an existing landscaped area, located between the front of the restaurant and the existing brick retaining wall. The outdoor dining area would face Duke

Street. A new entrance at the center of the building facing Duke Street would be added to provide access between the indoor restaurant to the new proposed outdoor dining site (Figures 4 and 5).

The total number of outdoor seats would be 66, including the existing eight seats located in a separate area outside the east entrance at the side of the restaurant.

Other than the proposal for an additional 58 outdoor dining seats, the business would continue to operate as follows.

Hours of Operation:	5 a.m. – 1 a.m., daily
Indoor seats:	141
Live Entertainment:	No live entertainment
Employees:	Up to 20 employees
Supply Deliveries:	Deliveries to the restaurant would be accommodated in the applicant's parking lot
Trash/Litter:	Approximately 55 bags of refuse a week. Garbage collected Monday through Saturday.
Alcohol:	On-premises allowed through SUP Condition 5 and consistent with the granting of a Virginia Alcohol Beverage Control Authority license

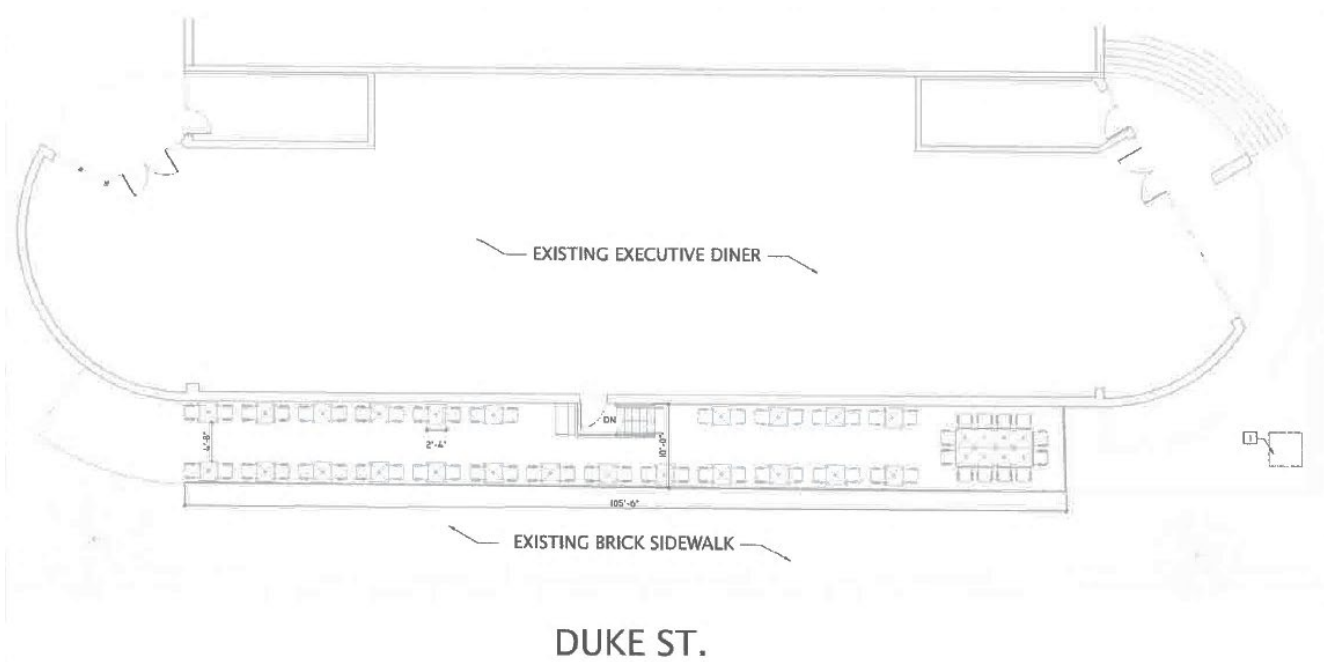


Figure 4: Proposed outdoor dining plan for 58 seats



Figure 5: Rendering of proposed outdoor dining area

PARKING

As Section 8-200(A)(17)(c) exempts the first 20 outdoor dining seats from a parking requirement, the applicant is required to provide parking spaces for 46 outdoor dining seats. The area attributed to outdoor dining seats is calculated at 15 square feet for each seat. The 46 seats would account for 690 square feet. Pursuant to Section 8-200(A)(17)(a)(i), the applicant is required to provide a minimum of one space for each 1,000 square feet of outdoor dining area in the enhanced transit area, or one additional parking space. Factoring in the existing seven space requirement for the indoor dining seats, the overall restaurant use would need to provide a minimum of eight parking spaces.

The 20,000 square foot Delta Bridge office use requires a minimum of five spaces in the shared parking lot, pursuant to Section 8-200(A)(19)(a)(i), and the combined requirement of both uses is 13 parking spaces which is accommodated in the 46-space parking lot.

Should the applicant choose in the future to offer food delivery to customers using two restaurant-sponsored vehicles, as approved in SUP #2016-0041, the parking lot could also accommodate the two required spaces to park these vehicles.

ZONING/ MASTER PLAN DESIGNATION

The proposed use is located in the OCM (50) zone. Section 4-902.1(E) of the Zoning Ordinance allows up to 20 outdoor dining seats at a restaurant with administrative SUP approval. As the applicant's proposal to add 58 outdoor dining seats, for a total of 66, exceeds the number that can be approved administratively, the request requires Planning Commission and City Council consideration at public hearings.

The property is located within the King Street Metro/Eisenhower Avenue Small Area Plan that designates it for commercial use.

II. STAFF ANALYSIS

Staff supports the applicant's proposal to add 58 outdoor seats in front of the Executive Diner at 1400 Duke Street. The additional seats would provide the applicant with the opportunity to expand its business and provide more individual dining opportunities in an area where a high concentration of restaurant uses does not exist. Outdoor seating along this section of Duke Street would also activate the commercial area predominated by office and institutional uses.

Noise impacts from outdoor dining patrons are not anticipated as the closest residential properties are located 145 feet from the outdoor dining area, across South West Street. In other areas of the City where restaurant outdoor dining exists, similar distances from residents have proven to mitigate noise impacts. In addition, compliance with the noise ordinance, as required in Condition 18, would ensure that noise would not be audible at the property line.

The conditions from SUP #2018-0016 have been carried forward with an amendment to Condition 2 allowing 66 outdoor dining seats. Further, staff has added Conditions 31 through 33 relating to the construction of the patio and the need for a minor site plan amendment. The restriction on advertising in the outdoor dining area is included as Condition 34.

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

III. RECOMMENDED CONDITIONS

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

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#2016-0041)
2. **CONDITION AMENDED BY STAFF:** The maximum number of indoor seats shall be 141. The maximum of outdoor seats is ~~eight~~ 66. (P&Z) (~~SUP#2018-0116~~)
3. The hours of operation for indoor seating shall be 5 a.m. to 1 a.m., daily. Meals ordered indoors before 1 a.m. may be served, but no new patrons may be admitted and all patrons must leave by 2 a.m., daily. The outdoor dining area shall be closed and cleared of all customers by 1 a.m., daily, and shall be cleaned and washed at the close of each business day that it is in use. (PC) (SUP#2018-0116)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2016-0041)
5. On-premises alcohol sales are permitted, consistent with a valid ABC license. Off-premises alcohol services are not permitted. (P&Z) (SUP#2016-0041)
6. Not more than two delivery vehicles used to deliver food and beverages to customers may operate from the restaurant at any one time. The applicant must park the delivery vehicles in the applicant's parking lot when they are located in the vicinity of the restaurant. (P&Z) (SUP#2016-0041)
7. Live entertainment shall be prohibited. (CC) (SUP#2016-0041)
8. Food, beverages, or other material shall not be stored outside. (P&Z) (SUP#2016-0041)
9. 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#2016-0041)
10. Supply delivery vehicles shall deliver from the applicant's parking lot. No loading or unloading of vehicles shall at any time block the drive aisles of parking lots on or adjacent to the subject property. (P&Z) (CC) (SUP#2016-0041)
11. The parking lot shall be maintained in good condition and parking spaces shall be clearly striped. (P&Z)

12. All existing parking space signs and sign poles in the applicant's parking lot shall be removed and shall be replaced with pavement markings identifying parking for current tenants only. All parking spaces available to restaurant patrons shall be clearly marked. (P&Z) (CC) (SUP#2016-0041)
13. All windows shall remain transparent. The placement or construction of items that block the visibility of the interior of the commercial space from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. (P&Z) (SUP#2016-0041)
14. The applicant shall remove debris and equipment from the parking area on the east side of the building. The parking lot shall not be used for storage. (P&Z) (SUP#2016-0041)
15. 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) (SUP#2016-0041)
16. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP#2016-0041)
17. 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) (SUP#2016-0041)
18. 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#2016-0041)
19. Condition deleted. (CC) (SUP#2016-0041)
20. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP#2016-0041)
21. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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) (SUP#2016-0041)

22. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. 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#2016-0041)
23. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP#2016-0041)
24. The applicant shall encourage its employees to use public transportation to travel to and from work. Within 60 days of SUP approval, the business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP#2016-0041)
25. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP#2016-0041)
26. The applicant shall inform customers of the location of its parking lot and prohibition on parking in spaces not labelled for restaurant parking through printed and electronic business promotional material, posting on the business website, and other similar methods. (P&Z) (CC) (SUP#2016-0041)
 - a. If determined necessary by the Directors of P&Z and T&ES and permitted by the other property owners, the applicant shall install traffic calming features in shared drive aisles used by restaurant patrons for parking lot safety, due to impacts from the use. (CC) (SUP#2016-0041)
27. 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#2016-0041)
28. Condition deleted (SUP#2018-0116)
29. **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#2018-0116)~~

30. The Director of Planning and Zoning may grant an additional parking reduction of 23 spaces for the purpose of a cooperative parking arrangement within Roundhouse Square. (CC) (SUP#2016-0041)
31. **CONDITION ADDED BY STAFF:** Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
32. **CONDITION ADDED BY STAFF:** No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
33. **CONDITION ADDED BY STAFF:** The applicant must apply for a minor site plan amendment and receive approval prior to demolition and building permit approval for the construction associated with the outdoor dining area. (P&Z)
34. **CONDITION ADDED BY STAFF:** Outdoor seating shall not include advertising signage, including on umbrellas. (P&Z)

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

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 A Minor Amendment to the Approved Site Plan (SIT78-05) shall be required prior to any land disturbance. If construction results in land disturbing activity in excess of 2500 square feet, the applicant is required to comply with the provisions of Article XIII of the City's Zoning Ordinance for stormwater quality control.

Conditions carried forward:

7. Live entertainment shall be prohibited. (CC) (SUP#2016-0041)
17. 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) (SUP#2016-0041)
18. 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#2016-0041)
20. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP#2016-0041)
21. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung 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) (SUP#2016-0041)

Recommendations:

- R-1 **CONDITION ADDED BY STAFF:** Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-2 **CONDITION ADDED BY STAFF:** No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)

Code Enforcement:

- C-1 The 207 seats proposed in the SUP exceeds the maximum load listed in the certificate of occupancy. A building permit will be required to address this issue. The building permit plan review will consist of an occupancy calculation and also a fixture calculation to

determine the amount of plumbing fixtures required to accommodate the additional load capacity.

Fire:

C-1 If approved, applicant shall apply for new fire prevention permit based on increase occupancy load that exceeds 150 total occupant and staff.

Health:

No comments received

Recreation, Parks & Cultural Activities:

No comments

Police Department:

No comments



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # _____

PROPERTY LOCATION: 1400 Duke Street

TAX MAP REFERENCE: 073.02-08-30 **ZONE:** OCM(50)

APPLICANT:

Name: J&S Restaurant, LLC

Address: 1400 Duke Street, Alexandria, VA 22314

PROPOSED USE: Restaurant

☒ **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.

David L. Chamowitz

Print Name of Applicant or Agent

118 N. Alfred Street

Mailing/Street Address

Alexandria, VA

City and State

22314

Zip Code



Signature

24 June 19

Date

703 548 0110

Telephone #

Fax #

dchamowitz@chamlaw.com

Email address

ACTION-PLANNING COMMISSION

DATE:

ACTION-CITY COUNCIL

DATE:

SUP # _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 1400 Duke Street, I hereby
(Property Address)
grant the applicant authorization to apply for the Restaurant use as
(use)
described in this application.

Name: J, S & Family, VI, LLC

Phone: 703 548 0110

Please Print

Address: 1400 Duke Street, Alexandria, VA 22314

Email: dchamowitz@chamlaw.com

Signature: J S Family VI LLC by Doel

Date: 24 June 19

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.

Jerry & Susan Pnevmatikatos - 1400 Duke Street, Alexandria, VA 22314 - 100%

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. Jerry + Susan Permarkers	1400 Duke St, ALEXA 22314	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 1400 Duke Street, Alexandria, VA 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. Jerry + Susan Permarkers	1400 Duke Street, Alex VA 22314	100%
2.		
3.	1400 Duke Street, Alexandria, VA 22314	

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

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

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Jerry + Susan Permarkers	None	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.

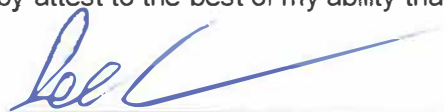
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

24 June 19

Date

David L. Chamowitz

Printed Name



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.)

This application proposes the expansion of the Executive Diner, an existing restaurant on Duke Street. The Executive Diner opened in March 2018 and has been very well-received by its customers and the community. In order to vary its customer experience, Executive Diner proposes to offer outside seating on an improved patio area along the front of its building on Duke Street. This area would contain a maximum of 58 additional seats, for a total restaurant seating capacity of 207 seats (141 indoor, 66 outdoor).

The parking requirement for Executive Diner is 7 spaces, and it is providing at least 19 on site.

Executive Diner does not at the present time have an ABC license for the sale of alcohol. Should it be granted a license by the Virginia ABC Authority, it may choose to sell alcohol pursuant to that license and Virginia law. When City Council granted the original SUP for Executive Diner in 2016, Staff emphasized that the provision of alcohol was outside the purview of the City of Alexandria.

With the exception of the additional seats, this Application proposes no changes to the operation of the business beyond what was approved by City Council in SUP 2018-0116.

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).

Most times less than the full capacity of the restaurant. Heaviest during mealtimes.

We would estimate a maximum of 60 for breakfast, 75 for lunch, and 120 for dinner. These are only estimates.

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

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

A maximum of 20 employees at any one time

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

Day:

Mon-Sun

Hours:

5:30am-12am

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

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

None.

B. How will the noise be controlled?

There are no specific noise control measures currently being taken. In the approximately fifteen months of operation, the Applicant is unaware of any issue regarding noise having arisen from the activities of the Executive Diner.

The proposed seats will be along Duke Street, a 5-lane arterial with near constant background traffic noise.

Nevertheless, the restaurant staff will be properly attentive to controlling noise outside the premises.

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

There are no specific odor control measures currently being taken.

And in the approximately fifteen months of operation, the Applicant is unaware of any issue regarding odor having arisen from the activities of the Executive Diner.

Nevertheless, the restaurant staff will be properly attentive to controlling odor outside the premises.

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)
Standard full-service restaurant trash and garbage. Mostly large plastic trash bags and broken-down cardboard boxes.
- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)
Unknown. We would guess 55 bags per week, but this is only a guess and is subject to change.
- C. How often will trash be collected?
As often as needed. We would guess three times/week, but that is an estimate and is subject to change.
- D. How will you prevent littering on the property, streets and nearby properties?
Employees will monitor the site and adjacent streets for litter related to 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:

- 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:

Standard commercial cleaning and degreasing solvents are used. The names change according to supplier and availability, and quantities vary by demand. They are disposed of by standard, safe, and acceptable methods, including recycling when available.

- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?
Management and staff police the restaurant and grounds for unsafe behavior during the hours the restaurant is open to the public, and will continue to do so.

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.

See description above. Restaurant does not currently sell alcohol but may if licensed to do so by the appropriate state agency in the future.

PARKING AND ACCESS REQUIREMENTS

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

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

Planning and Zoning Staff Only

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

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?

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

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

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

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

- A. How many loading spaces are available for the use? Many

Planning and Zoning Staff Only

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

Does the application meet the requirement? ☐ Yes ☐ No

- B. Where are off-street loading facilities located? The Applicant restaurant is located on a private lot, surrounded on two sides by private parking lots for the use of Applicant's customers.
In the approximately fifteen months of operation, the Applicant's suppliers have successfully used these private parking lots for delivery. The parking lots offer at-grade access to the restaurant interior, and are rarely, if ever, filled to capacity, especially not during the early-morning hours of most supplier deliveries.
- C. During what hours of the day do you expect loading/unloading operations to occur?
Varies by vendor/supplier. Mostly in the morning.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Likely daily.

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.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? _____ square feet.

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

6450 sq. ft. (existing) + 1055 (Patio) sq. ft. (addition if any) = 7505 sq. ft. (total)

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

☒ a stand alone building
☐ a house located in a residential zone
☐ a warehouse
☐ a shopping center. Please provide name of the center: _____
☐ an office building. Please provide name of the building: _____
☐ other. Please describe: _____

End of Application

SUP # _____

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: 141

Outdoors: 66

Total number proposed: 207

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:

A varied "American" menu, served breakfast/lunch/dinner.

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



table service

_____ bar



carry-out

_____ delivery

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

Will delivery drivers use their own vehicles?

_____ Yes

_____ No

Where will delivery vehicles be parked when not in use?

Applicant MAY choose to offer delivery through app-based third-party services in the future.

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



Yes

_____ No

If yes, please describe:

The Applicant may choose to install televisions in the future. No live entertainment will be offered.

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.

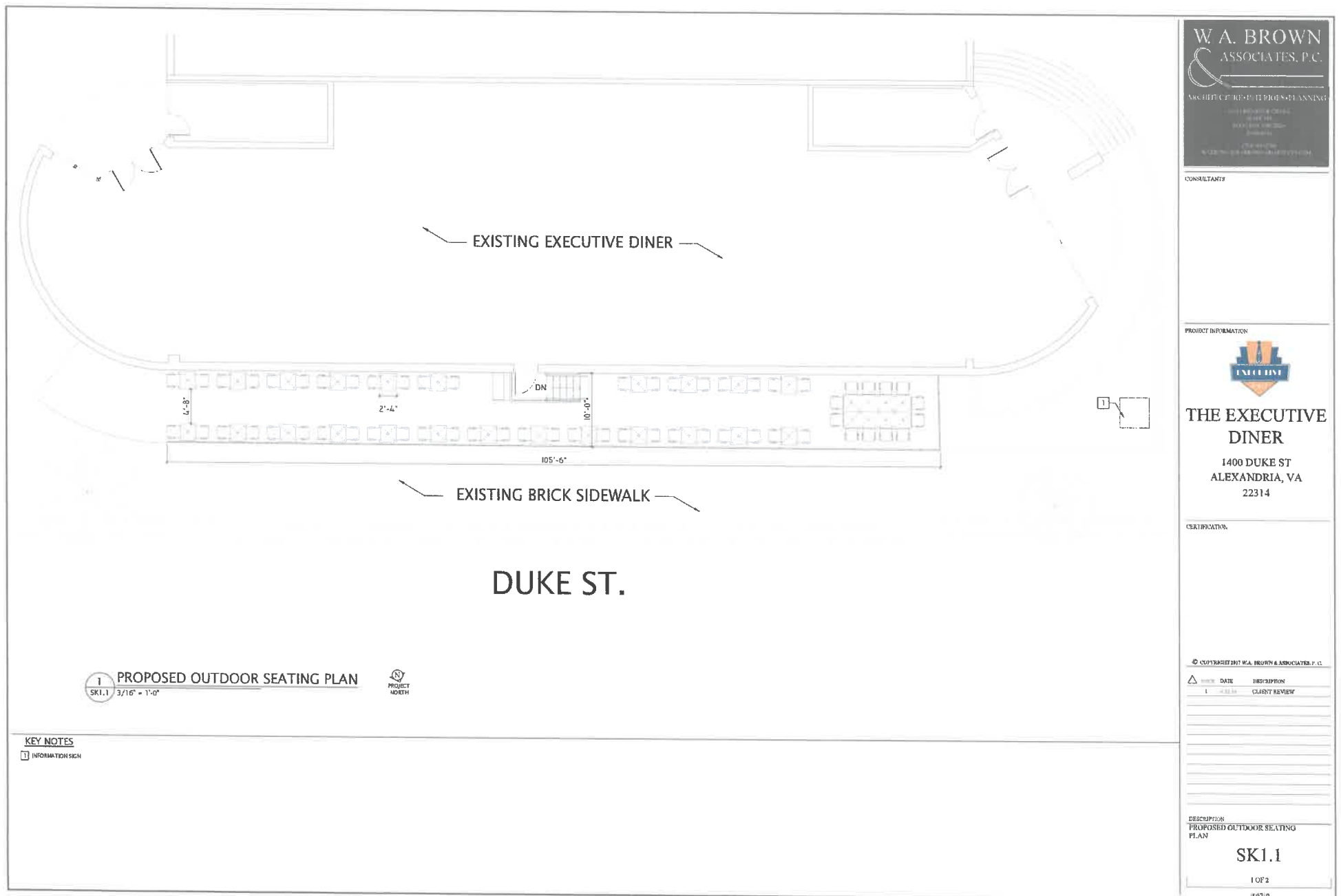
1. Maximum number of patrons shall be determined by adding the following:

207		Maximum number of patron dining seats	
+	0		Maximum number of patron bar seats
+	0		Maximum number of standing patrons
=	207		Maximum number of patrons

2. 20 Maximum number of employees by hour at any one time

3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
 - ☐ Closing by 8:00 PM
 - ☐ Closing after 8:00 PM but by 10:00 PM
 - ☐ Closing after 10:00 PM but by Midnight
 - ☒ Closing after Midnight

4. Alcohol Consumption (check one)
 - ☐ High ratio of alcohol to food
 - ☐ Balance between alcohol and food
 - ☒ Low ratio of alcohol to food





W. A. BROWN
ASSOCIATES, P.C.

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CONSULTANTS

PROJECT INFORMATION



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CERTIFICATIONS

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△	REVISION	DATE	DESCRIPTION
1		10/21/17	CLIENT REVIEW

DESCRIPTION
3D RENDERING

SK1.2

2 OF 2

10/27/17