

**BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA**

Application of Fort Lincoln Retail, L.L.C.
ANC 5C03

STATEMENT OF THE APPLICANT

This is the application of Fort Lincoln Retail, L.L.C. (“**Applicant**”) for special exception relief to allow a drive-through for a fast food establishment to be located in the retail complex at Fort Lincoln, a large mixed use community. The Property that is the subject of this application is located in the southern portion of the retail area along Market Street and just north of New York Avenue NE (Square 4327, Lot 1161)¹ (“**Property**”). The Property is located in the MU-5A Zone District.

I. NATURE OF RELIEF SOUGHT

The Applicant requests that the Board of Zoning Adjustment (the “**BZA**” or the “**Board**”) approve a special exception, pursuant to 11-U DCMR § 513.1(n), to allow a drive-through for a fast food establishment. Fast food establishments are permitted as a matter of right in the MU-5A zone pursuant to 11-U DCMR § 512.1(d)(2). The special exception is required only for the drive through component of the restaurant. Further, there is no required variance relief.

II. JURISDICTION OF THE BOARD

The Board has jurisdiction to grant the relief requested pursuant to 11-X DCMR § 901.1.

III. DESCRIPTION OF THE PROPERTY, BACKGROUND AND PROJECT DESCRIPTION

The Property is part of the large retail complex associated with Fort Lincoln which is known as the Shops at Dakota Crossing. Existing retail uses include several “big box” stores –

¹ The subject site consists of a 42,969 square foot portion of Lot 1161. Lot 1161 is in a portion of Record Lot 3.

Lowe's, Costco (and its gas station), PetSmart, Marshall's, Five Below and Dick's Sporting Goods, as well as several smaller retailers such as Starbucks, Vitamin Shoppe, Visionworks, and Panda Express. There is a planned total of approximately 440,000 square feet of retail space either constructed or in process, along with ample parking. The Property is part of the Fort Lincoln Urban Renewal Area ("Area") that was established in 1972 as a mixed-use development that includes substantial residential, commercial and retail components as well as a variety of significant park and civic uses. A variety of development projects in Fort Lincoln have been reviewed extensively by the National Capital Planning Commission ("NCPC") including a detailed study of the retail component. Further, Fort Lincoln was the subject of an exhaustive Environmental Impact Statement ("EIS"). The design of the retail buildings reflects input from NCPC and the parking associated with the retail uses includes low impact design measures and landscaping that has environmental benefits.

Fort Lincoln New Town Corporation ("FLNTC") has the exclusive right to develop the Area. FLNTC entered into a joint venture with CSG Urban Partners and Trammell Crow Company to develop the shopping center portion of the Area. Retail, including restaurants, is an extremely important part of the plan for the Fort Lincoln Area. The retail uses that have opened thus far have been wildly successful and are supported by the established residential community at Fort Lincoln as well as the surrounding communities along the South Dakota Avenue and New York Avenue corridors.

As part of the continued build-out of the retail portion of the Area, the Applicant has entered into a lease with Chick-fil-A to construct a restaurant at the Property. Specifically the new restaurant will contain approximately 4,992 gross square feet of area, including approximately 110 indoor seats, approximately 26 outdoor seats, and an automobile drive-

through. The configuration of the Property will allow for an automobile drive-through containing ample queuing, ordering, service, and maneuvering space around the restaurant. All of the required elements of drive-throughs, as set forth in 11-C DCMR § 716 have been satisfied by the proposed configuration. In particular, two ordering queues, two order servicing queues, and a long queue at the side of the restaurant are provided to allow for the potential to accommodate high demand volume. The result is that this Property affords a great degree of traffic and operational control that is ideal for a drive-through operation. In addition, the Property contains ample parking and separate driving aisles to service such parking spaces which will allow for dine-in traffic to remain apart from the drive-through traffic, and thereby improve site operations.

IV. THIS APPLICATION SATISFIES THE REQUIREMENTS FOR SPECIAL EXCEPTION RELIEF FOR A DRIVE-THROUGH IN THE MU-5A ZONE DISTRICT

The standard for special exception relief under 11-X DCMR § 901.2 is that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps, and that relief can be granted without adversely affecting neighboring properties. The regulations do not contain more specific standards for a drive-throughs so only the general standard pertains to the instant application.

As noted, restaurants have, for many years, been an important part of the retail plan for Fort Lincoln and fast food establishments are permitted as a matter of right under the Property's MU-5A zoning. The only reason that special exception approval is required is because the proposed Chick-fil-A includes a drive-through. Here, the proposed Chick-fil-A will allow for a continued build out of the amenity base offered by the retail complex.

A. The Drive-Through Use is in Harmony With the General Purpose and Intent of the Zoning Regulations and Map

While drive-throughs in some locations may impede traffic flow or cause other adverse impacts to neighboring property, a drive-through is entirely appropriate for this large retail complex. As described above, all of the queuing associated with the restaurant will be located on site and will comply fully with the requirements for drive-through queuing lanes set forth in 11-C DCMR § 716. The ordering and pick-up lines will wrap three sides of the building and will be run in a highly efficient manner. Chick-fil-A has devoted tremendous time and effort to maximizing the efficiency of its drive-through operations and is one of the best, if not the best, operator in the fast food industry. In addition to the significant length of the queuing space on the Property, the drive-through will feature two lanes for vehicles placing orders and two lanes for vehicles being serviced with their orders.

The drive-through pick-up window will be located in a masonry building that will be modest in scale – it will contain one story and approximately 4,992 gross square feet. The façade of the building includes attractive large windows along its Market Street NE frontage. As mentioned above, there will be an outdoor seating area that will accommodate approximately 26 patrons and the interior of the store will provide seating for approximately 110 patrons. The building will be located southeast of Lowe’s and immediately north of heavily-traveled New York Avenue.

As mentioned above, the parking and access to such spaces for the sit-down customer base of the restaurant is separated from the drive through queuing lanes to allow for significant reductions to vehicular conflicts. The configuration of the site allows for significant “breathing room” for the operations of this best-in-class operator.

When the Zoning Regulations governing fast food establishments and drive-throughs were changed in 1985 (Zoning Commission Order No. 440), the Zoning Commission acknowledged that drive-throughs have the potential to cause adverse impacts due to queuing-related back-ups onto public streets and alleys. The location of the Property and the ample room for on-site queuing eliminates any such potential for this drive-through.

Given the excellent vehicular access to the Property, the ample room for circulation and queuing, and a location that is far removed to any residential property, there will be no adverse impacts associated with the drive-through. In addition, the restaurant will be open only six days weekly from 6am to 11pm. Unlike the other establishments in the complex, it will be closed on Sundays, further limiting its impact.

B. The Drive-Through Will not Tend to Affect Adversely the use of Neighboring Property in Accordance With the Zoning Regulations and Zoning Map.

As previously stated, the Property is located just north of New York Avenue, and is far-removed from any residential property. The Chick-fil-A will be a desirable and convenient new restaurant option for residents of Fort Lincoln and the community at large. The restaurant will be well buffered from any neighbors and has ample space surrounding the improvement to ensure that operations may occur efficiently on-site. Further, the site of the restaurant will be in the middle of the large retail complex and surrounded by a network of wide roads, such as South Dakota Avenue and New York Avenue, NE.

Accordingly, the proposed use is entirely compatible with the zone plan and the general area and will cause no adverse impacts.

V. COMMUNITY OUTREACH

The Applicant has worked with ANC 5C03 and other local community groups throughout the development of Fort Lincoln. In regards to the proposed drive-through, the Applicant has

reached out to the affected ANC and community groups about this application. There has been strong support for the proposal to date. The Applicant will continue to work with the surrounding community and ANC regarding this particular application, as well.

VI. CONCLUSION

Since the proposed drive-through satisfies the special exception criteria, the Applicant is entitled to the relief. As such, the Applicant respectfully requests that the Board grant it the requested special exception relief.

Respectfully submitted,
GOULSTON & STORRS, PC



Allison C. Prince