

**DOCKET ITEM #2**  
**Special Use Permit #2011-0081**  
**200 Commerce Street – Gelato Shop/Restaurant**

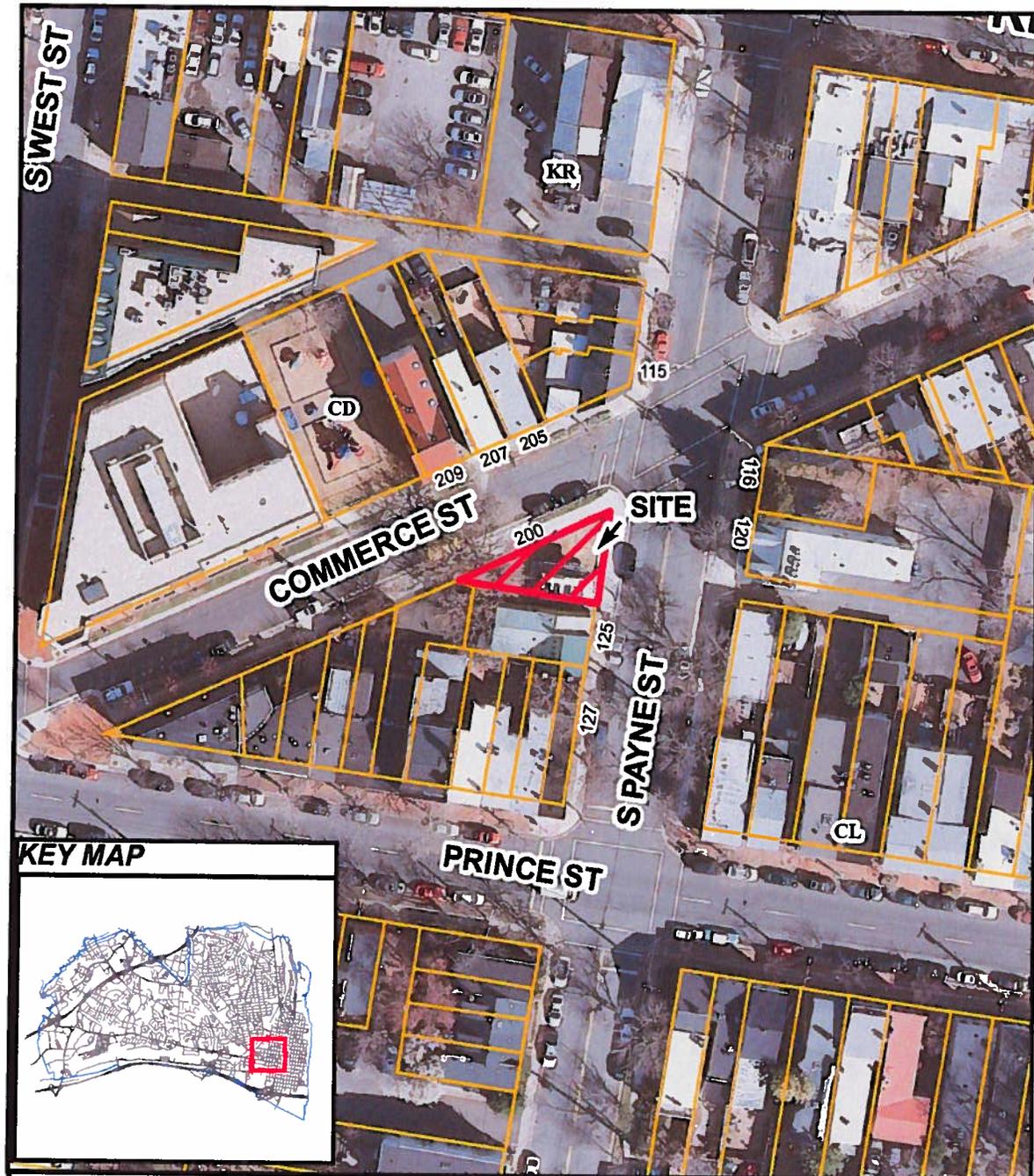
**CONSENT AGENDA ITEM**

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>	
Consideration of a request for amendments to an existing SUP to operate a gelato shop/restaurant.	<b>Planning Commission Hearing:</b>	February 7, 2012
	<b>City Council Hearing:</b>	February 25, 2012
<b>Address:</b> 200 Commerce Street	<b>Zone:</b>	CL/Commercial Low
<b>Applicant:</b> Boyd Walker	<b>Small Area Plan:</b>	Old Town

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

**Staff Reviewers:** Nathan Randall [nathan.randall@alexandriava.gov](mailto:nathan.randall@alexandriava.gov)



**SUP #2011-0081**

**02/07/12**



## I. DISCUSSION

The applicant, Boyd Walker, requests Special Use Permit amendments to increase seating and extend an expired Special Use Permit to operate a gelato shop/restaurant at 200 Commerce Street.

### SITE DESCRIPTION

The subject property is one triangular-shaped lot of record with approximately 72 feet of frontage on Commerce Street, 41 feet of frontage on South Payne Street and a total lot area of 1,377 square feet. The site is developed with a historic, one-story structure known as the Icehouse, which was constructed in 1931 and measures approximately 295 square feet in size.



The surrounding area features a mix of residential and commercial uses. A real estate office and a dry cleaning business are located to the north. A beauty salon and residential townhouses are located to the east. An apartment building is located immediately to the south. Residences, professional offices, and a private playground are located to the west/northwest.

### BACKGROUND

In November 2006, the structure's canopy and a framed enclosure on the loading dock were removed without having approval from the Old and Historic Alexandria Board of Architectural Review (BAR). The applicant obtained after-the-fact BAR approval in May 2007 for the demolition, an architecturally appropriate replacement canopy, and other renovations. This approval included a condition that the applicant should pay a substantial fine which was later reduced on appeal to City Council. The applicant has completed all work related to this case.

On June 12, 2010, City Council granted Special Use Permit #2010-0019 to the applicant for the operation of a gelato shop/restaurant. Due to internal management matters, the applicant was unable to open the gelato shop within 18 months. Prior to the expiration date of December 12, 2011, the applicant filed an application for an extension pursuant to Section 11-506(C)(1) of the Zoning Ordinance, which allows for applications for extensions.

### PROPOSAL

The applicant proposes to extend his prior SUP approval to operate a restaurant which will serve gelato and related confections, pastries that are baked off-site, and coffee and other non-alcoholic beverages. The only change to the restaurant operation from the original SUP approval is an increase of four seats, which brings the total number of seats at the site to 37. Further details on the restaurant as approved are as follows:

Hours: 10:00am – 11:00pm, seven days/week

Previously-Approved Seating: 8 indoor bench seats (approximate)  
25 outdoor seats  
**33 total seats**

Seating Now Requested: 7 indoor seats  
30 outdoor seats  
**37 total seats**

Entertainment: No live entertainment is proposed.

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

Alcohol: No alcohol service is proposed.

Customers: Maximum of 50 per hour

Noise: No extraordinary noise is expected.

Trash/Litter: Product containers, napkins and spoons are expected trash from the operation. Trash will be collected daily.

PARKING

The subject property is located within the Central Business District (CBD). According to Section 8-300 (B) of the Zoning Ordinance, restaurants located within the CBD are exempt from parking requirements. The applicant still proposes to construct one new parking space from the existing curb cut on Commerce Street.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CL/Commercial Low zone. Section 4-103(M) of the Zoning Ordinance allows a restaurant in the CL zone only with a Special Use Permit. The subject property is also located in the King Street Outdoor Dining zone.

The proposed use is consistent with the Old Town Small Area Plan chapter of the Master Plan which designates the property for commercial use.

## II. STAFF ANALYSIS

Staff supports the applicant's request to extend the expired Special Use Permit to allow the operation of the same restaurant use approved 20 months ago but with a small increase in the total number of seats. The facts of the case have not significantly changed in that time and staff's prior analysis of the use remains correct today. The proposal continues to be a good adaptive reuse of this small, historic building and one that will likely add to the historic character of Old Town.

Staff again finds that the restaurant is consistent with the Old Town Restaurant Policy. The potential impact on neighborhood parking, litter, late-night hours and alcohol use, and diversity of uses is low, particularly because of the standard conditions included in the approval. Concerns expressed in the prior SUP staff report largely related, both as a general matter and specific to the Old Town Restaurant Policy, to issues of live entertainment, delivery service, and a 12:00 midnight closing hour at the gelato shop. However, these features, which were not approved in the SUP, are not included in the current request. The applicant has dropped live entertainment and delivery service and accepts an 11:00pm closing hour.

All prior conditions of approval have been carried forward in the current recommendation, including condition language regarding the design of the outdoor dining area, which was discussed at length in the prior staff report. Staff has amended only Condition #3 to allow four additional seats at the restaurant consistent with the applicant's request.

Subject to the conditions contained in Section III of the staff report, staff recommends approval of the 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#2010-0019)
2. The hours of operation of the restaurant shall be limited to between 10:00am and 11:00pm, seven days/week. The outdoor dining area shall be cleared of all customers by 11:00pm and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2010-0019)
3. **CONDITION AMENDED BY STAFF:** The maximum number of indoor ~~seating seats~~ shall be ~~seven~~ consist of benches for approximately eight people as depicted on the applicant's floor plan dated April 30, 2010 to the satisfaction of the Director of Planning & Zoning. The final and the maximum number of outdoor seats shall be 30. ~~determined by the Director of Planning & Zoning upon review of the final outdoor dining plan as required in Condition #8 and in no case shall exceed 25.~~ (P&Z) (SUP#2010-0019)

4. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP#2010-0019)
5. No live entertainment shall be permitted either inside the restaurant or in the outdoor dining area. (P&Z) (T&ES) (SUP#2010-0019)
6. No delivery service shall be available from the restaurant. (P&Z) (SUP#2010-0019)
7. No alcohol service shall be permitted at the restaurant. (P&Z) (SUP#2010-0019)
8. The applicant shall submit a final outdoor seating plan for the review and approval of the Director of Planning & Zoning. The plan shall depict the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas, planters, wait stations, patio surface and other components to be located within the area, and such additional information as the Director may reasonably require. The design of outdoor dining components shall be consistent with the King Street Outdoor Dining guidelines, except that the applicant shall only install non-permanent planters along the perimeter of the outdoor dining area. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2010-0019)
9. Outdoor dining, including all its components such as planters, wait stations, and barriers, shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance. (P&Z) (SUP#2010-0019)
10. The applicant shall provide at least one garbage can inside the building and at least one garbage can outside the building for customer use. (P&Z) (SUP#2010-0019)
11. Meals ordered before the closing hour may be sold, but no new patrons may be admitted and all indoor patrons must leave by one hour after the closing hour. (P&Z) (SUP#2010-0019)
12. 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#2010-0019)
13. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2010-0019)
14. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2010-0019)
15. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP#2010-0019)

16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2010-0019)
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#2010-0019)
18. 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#2010-0019)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2010-0019)
20. 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) (SUP#2010-0019)
21. Applicant shall provide one on-site parking space with minimum dimensions of 8' x 16'. The space shall not encroach into the public right of way. (T&ES) (SUP#2010-0019)
22. All off street parking shall utilize Grasspave<sup>2</sup> or equivalent permeable driveway material. A metal strip shall be installed around the grass pave parking area with white markers (concrete or brick) set every 6-10 feet at the edge to delineate boundary of grass pave. (T&ES) (SUP#2010-0019)
23. Off street parking shall be reserved for employees during business hours. (T&ES) (SUP#2010-0019)
24. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security assessment for the business and robbery readiness training for all employees. (Police) (SUP#2010-0019)
25. The applicant shall provide a menu or list of foods and equipment to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2010-0019)
26. 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#2010-0019)

27. Tables and chairs used for outdoor dining shall be stacked and locked each night after the restaurant closes in such a manner as to preclude their after-hours use. (PC) (SUP#2010-0019)
28. The applicant may install an outside freezer unit within the future screened-in area next to the existing air conditioning unit, subject to all applicable codes and ordinances and BAR approval. (PC) (SUP#2010-0019)

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;  
Nathan Randall, Urban Planner.

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Staff Note: In accordance with section 11-506(C) of the Zoning Ordinance, operation shall be commenced 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 Based on the information provided, it appears that the work proposed onsite will require re-grading of the lot with a vertical change in grade of more than 12 inches. Per City Code Section 5-6-224 (d), this change will require, at a minimum, submission of a request to waive the requirements for a grading plan. If staff determines that a grading plan is required, it must be released prior to commencing any grading or site work. (T&ES)
- R-1 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2010-00019)
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2010-00019)
- R-3 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) (SUP2010-00019)
- R-4 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP2010-00019)
- R-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2010-00019)
- R-6 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) (SUP2010-00019)
- R-7 Applicant shall provide one on-site parking space with minimum dimensions of 8' x 16'. The space shall not encroach into the public right of way. (T&ES) (SUP2010-00019)
- R-8 All off street parking shall utilize Grasspave<sup>2</sup> or equivalent permeable driveway material. A metal strip shall be installed around the grass pave parking area with white markers (concrete or brick) set every 6-10 feet at the edge to delineate boundary of grass pave. (T&ES) (SUP2010-00019)

R-9 Off street parking shall be reserved for employees during business hours. (T&ES) (SUP2010-00019)

C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). (T&ES) (SUP2010-00019)

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 519-3486, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form.

C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP2010-00019)

C-3 An approved grading plan may be required at the time of building permit application per City Code Section 5-6-224 (d). Insufficient information has been provided to make that determination at this time. Questions regarding the processing of grading plans should be directed to the T&ES Site Plan Coordinator at (703) 746-4064. Memorandum to Industry No. 02-08 was issued on April 28, 2008 and can be viewed online via the following link. <http://alexandriava.gov/uploadedFiles/tes/info/gradingPlanRequirements.pdf>

#### Code Enforcement:

F-1 The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact Ken Granata, Acting Plan Review Supervisor at [ken.granata@alexandriava.gov](mailto:ken.granata@alexandriava.gov) or 703-746-4190. (Code).

F-2 The applicant is required to supply the Office of Code Administration additional documentation that supports the elimination of the requirement for an accessible ramp as stated in the narrative description of the SUP Permit Application.

C-1 The proposed use appears to be a change in use group classification; a new Certificate of Occupancy is required.

C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).

C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Six sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-4 The following code requirements apply where food preparation results in the development of grease laden vapors:
- (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
  - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders cannot discharge to the building drainage system through a grease interceptor.
- C-5 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.
- C- 6 The proposed space used for outdoor seating with tables must provide a minimum of 15 square feet per person.
- C- 7 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
  - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
  - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
  - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C- 8 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C- 9 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.
- C-10 Certification is required from the owners or owner's agent that the building has been inspected by a licensed asbestos inspector for the presence of asbestos.
- C-11 Canopies must comply with USBC for support and clearance from the sidewalk, and the applicable sections of USBC's Chapter 11. Structural designs of fabric covered canopies must comply with USBC. The horizontal portions of the framework must not be less than 8 feet nor more than 12 feet above the sidewalk and the clearance between the covering or valance and the sidewalk must not be less than 7 feet.

- C-12 Canopies must comply with the applicable sections of USBC: Chapter 16. Structural designs
- C-13 Awnings must comply with all applicable requirements of USBC. Retractable and fixed awnings must have a minimum 7 foot clearance from a sidewalk to the lowest part of the framework or any fixed portion of any retractable awning is required. Retractable awnings must be securely fastened to the building and can not extend closer than 24 inches in from the curb line.
- C-14 Fixed awnings must be designed and constructed to withstand wind or other lateral loads and live loads required by the USBC. Structural members must be protected to prevent deterioration.
- C-15 A seating/table layout (indoor and outdoor) complete with dimensions showing all aisle and passageway clearances will be required for review and approval prior to occupancy (USBC 1004.2).
- C-16 Electrical wiring methods and other electrical requirements must comply with NFPA 70, 2008.

Health:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 Permits must be obtained prior to operation.
- C-3 Six sets of plans of each facility must be submitted through the Permit Center and approved by this department prior to construction. Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$200.00 fee for review of plans for food facilities.
- C-4 Certified Food Managers must be on duty during all hours of operation.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

- F-1 No Comments Received

Police Department:

- F-1 No Comments Received



# APPLICATION

## SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** 2011-0081

**PROPERTY LOCATION:** 200 Commerce St

**TAX MAP REFERENCE:** 074 01-02-13 **ZONE:** CL

**APPLICANT:**  
Name: Boyd W. Walker

Address: 1307 King St. Alexandria VA 22314

**PROPOSED USE:** Gelato shop / 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.

Boyd Walker  
Print Name of Applicant or Agent

Boyd W. Walker 11-29-11  
Signature Date

1307 King St  
Mailing/Street Address

703-732-7269 703-549-0393  
Telephone # Fax #

Alexandria VA 22314  
City and State Zip Code

BoydWalker2012@gmail.com  
Email address

<b>ACTION-PLANNING COMMISSION:</b> _____	<b>DATE:</b> _____
<b>ACTION-CITY COUNCIL:</b> _____	<b>DATE:</b> _____

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 200 Commerce St, I hereby  
 (Property Address)

grant the applicant authorization to apply for the Ice Cream use as  
 (use)

described in this application.

Name: Mutual Ice Company /  
Boyd W. Walker

Phone: 703-732-7269

Please Print

Address: 1307 King St.

Email: boydwalker2012@gmail.com

Signature: Boyd W. Walker

Date: Nov 29, 2011

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

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**OWNERSHIP AND DISCLOSURE STATEMENT**

Use additional sheets if necessary

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

	Name	Address	Percent of Ownership
1.	Boyd Walker	1307 King St.	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 200 Commerce St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

	Name	Address	Percent of Ownership
1.	Boyd Walker	1307 King St.	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 require to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity below and "None" in the corresponding fields)**

	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.	Boyd Walker	none	Planning Commission +
2.			City Council
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.

11-29-11      Boyd W. Walker      Boyd W. Walker  
 Date                      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? *N/A*

REVISED

**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.)

Operate a Gelato shop in restored 1932 Icehouse. Year-round operation will also include coffee and baked goods. All products will be made on site. ~~The~~ If the gelato is made off site we can accommodate 12 seats inside as because the city is not requiring a handicap access ramp we can provide 30 seats outside with approval of furnishings by planning staff.

**USE CHARACTERISTICS**

REVISED

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).

50/hr. avg.

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

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

4 people

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

Day:

Sun - Sat

Hours:

10am to 11pm

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

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

No extraordinary noise

B. How will the noise be controlled?

Ice cream shop shall not cause extraordinary noise

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

No offensive odors  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

Take-out containers will be necessary  
but we will try to use reusable containers as much as possible

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

4 bags of trash per day  
\_\_\_\_\_  
\_\_\_\_\_

C. How often will trash be collected?

Daily  
\_\_\_\_\_  
\_\_\_\_\_

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

Trash receptacles on property  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes.

No.

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

\_\_\_\_\_  
\_\_\_\_\_

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

Yes.  No.

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

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

*Employees will receive safety training.*

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**ALCOHOL SALES**

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes  No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

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**PARKING AND ACCESS REQUIREMENTS**

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

- \_\_\_\_\_ Standard spaces
- \_\_\_\_\_ Compact spaces
- \_\_\_\_\_ Handicapped accessible spaces.
- 1   Other. *Loading space*

Planning and Zoning Staff Only

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

Does the application meet the requirement?  
 Yes  No

B. Where is required parking located? (check one)

- on-site
- off-site

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



**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?   1  

Planning and Zoning Staff Only

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

Does the application meet the requirement?  
 Yes  No

B. Where are off-street loading facilities located? N/A

C. During what hours of the day do you expect loading/unloading operations to occur?  
Before Restaurant opens, and afternoons

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
Daily Delivery

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?  
Access is adequate. Street improvements have been completed.

**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?

290 sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = \_\_\_\_\_ 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 # 2011-0081

REVISED



# 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: 127      Outdoors: 30      Total number proposed: ~~157~~ 37

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:  
gelato, coffee, baked goods

4. The restaurant will offer the following service (check items that apply):  
 table service       bar       carry-out       delivery No delivery

5. If delivery service is proposed, how many vehicles do you anticipate? 1  
Will delivery drivers use their own vehicles?       Yes       No  
Where will delivery vehicles be parked when not in use?  
Loading space

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
 Yes       No      No live entertainment  
If yes, please describe:  
unamplified music on weekends at few special events.

**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.

*N/A* **Alcohol Consumption and Late Night Hours.** Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:  
\_\_\_\_\_ Maximum number of patron dining seats  
+ \_\_\_\_\_ Maximum number of patron bar seats  
+ \_\_\_\_\_ Maximum number of standing patrons  
= \_\_\_\_\_ Maximum number of patrons
  
2. \_\_\_\_\_ 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



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## PLANNING & ZONING

SWP 2011-0081

**M/GI**  
 On the Avenue  
 Martin G. Lord, AIA  
 Architect  
 2006 Mt. Vernon Avenue  
 Alexandria, Virginia  
 P.O. Box 2778 (Mail)  
 703-435-2774

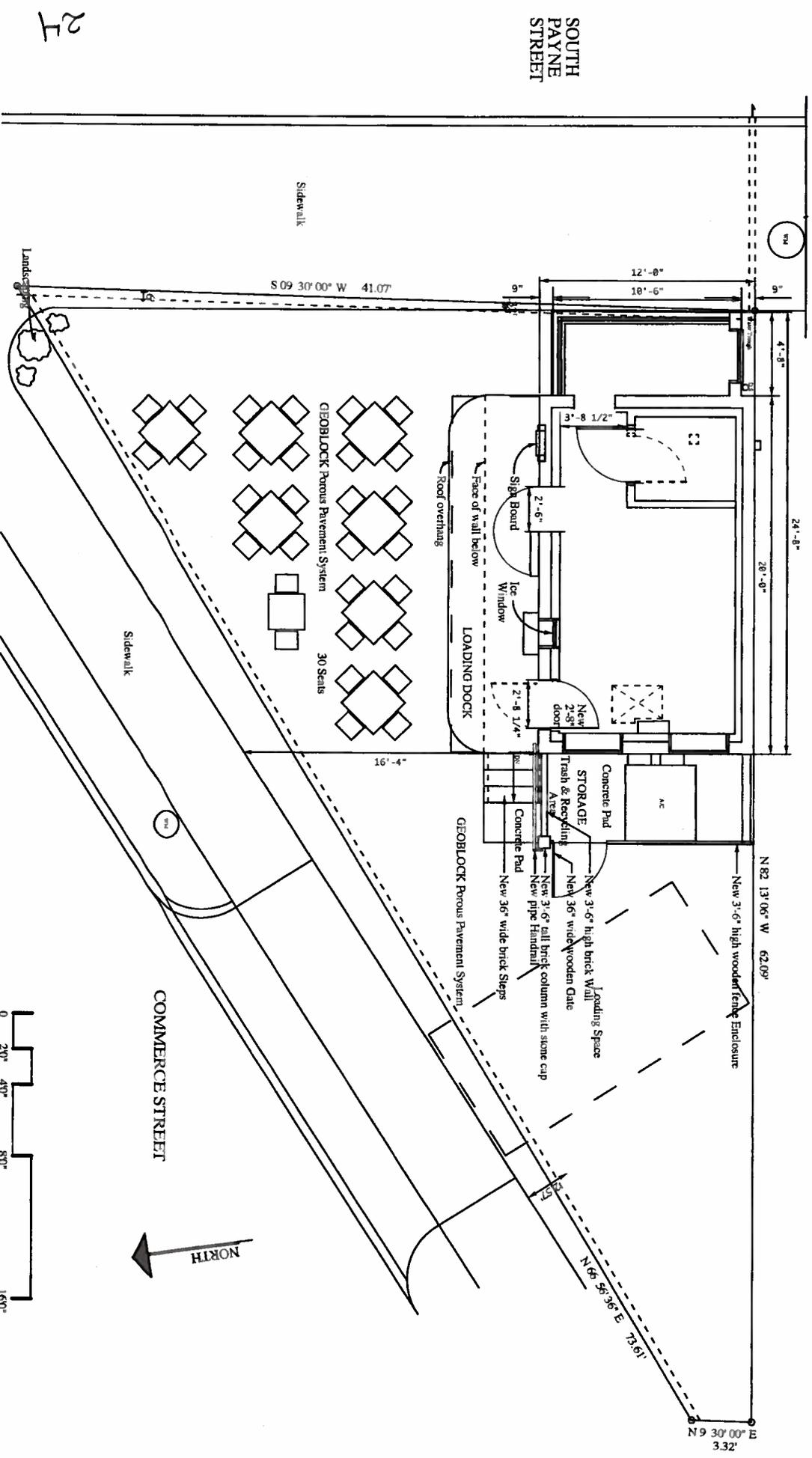
REMODELING  
**MUTUAL ICE COMPANY**  
 200 Commerce Street  
 Alexandria, Virginia 22304

**SITE PLAN FOR SUP**

**NOTICE**  
 This plan was prepared by the Architect in accordance with the Virginia State Board of Architecture and the Virginia State Board of Professional Engineers and Surveyors. The preparation of these drawings was supervised by the Architect, who is a duly licensed professional in the State of Virginia. The Architect is not responsible for the accuracy of the information provided on this plan, nor for the consequences of any action taken based on the information provided on this plan. The Client is the Architect's sole client.

DATE: 11/20/11  
 DRAWN BY: MGL  
 CHECKED BY: MGL  
 APPROVED BY: MGL

Scale: 1/4" = 1'-0"  
 Date: 20 November 2011  
 Drawing No: C-1



24

WM

24'-8"

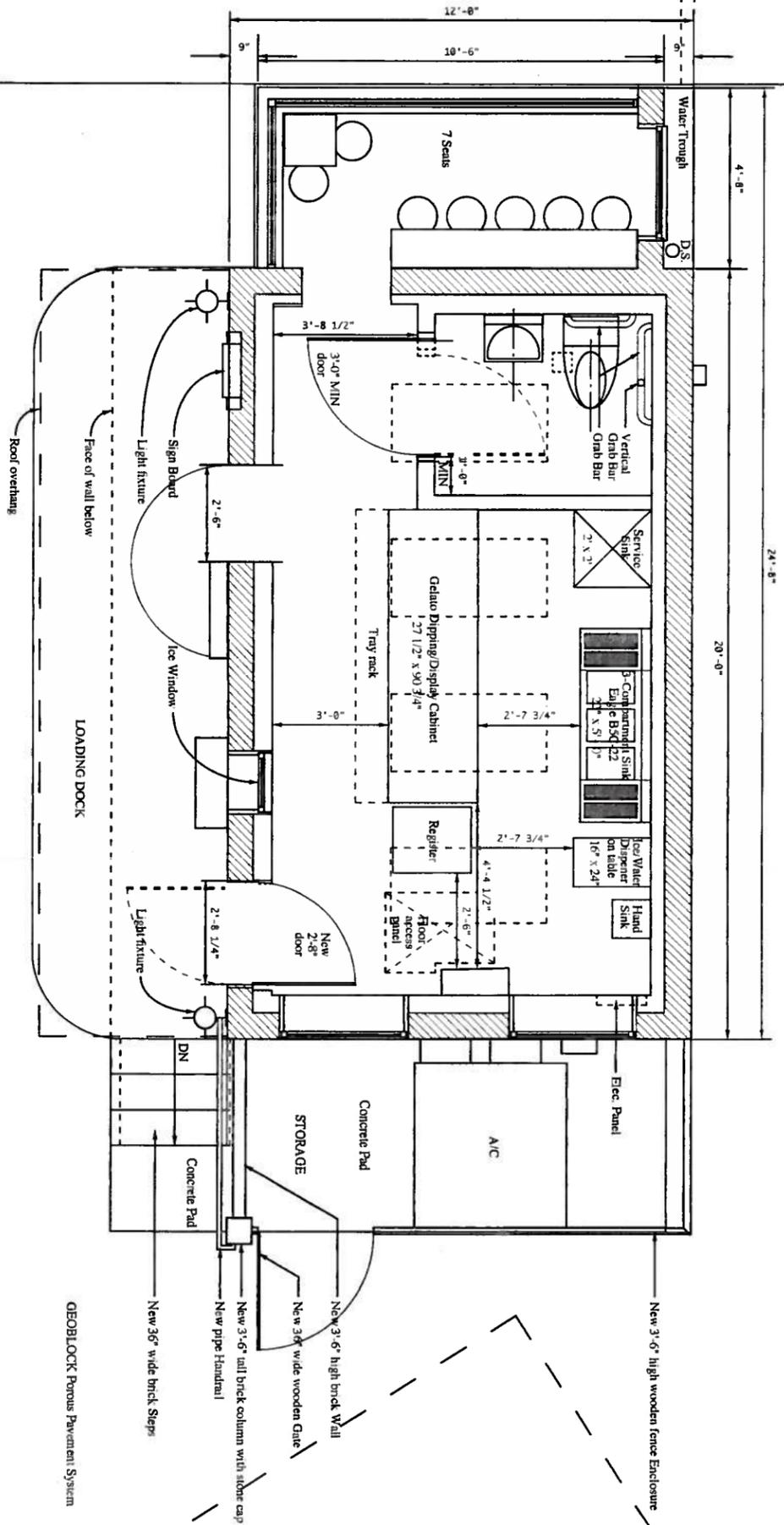
20'-0"

SUP2011-0081

on the Avenue'  
Marlin G. Lord, A.L.A.  
Architect

2006 Mt. Vernon Avenue  
Alexandria, Virginia  
22301  
P. O. Box 2778 (Mail)  
703-836-2724

REMODELING  
MUTUAL ICE COMPANY  
200 Commerce Street  
Alexandria, Virginia 22314

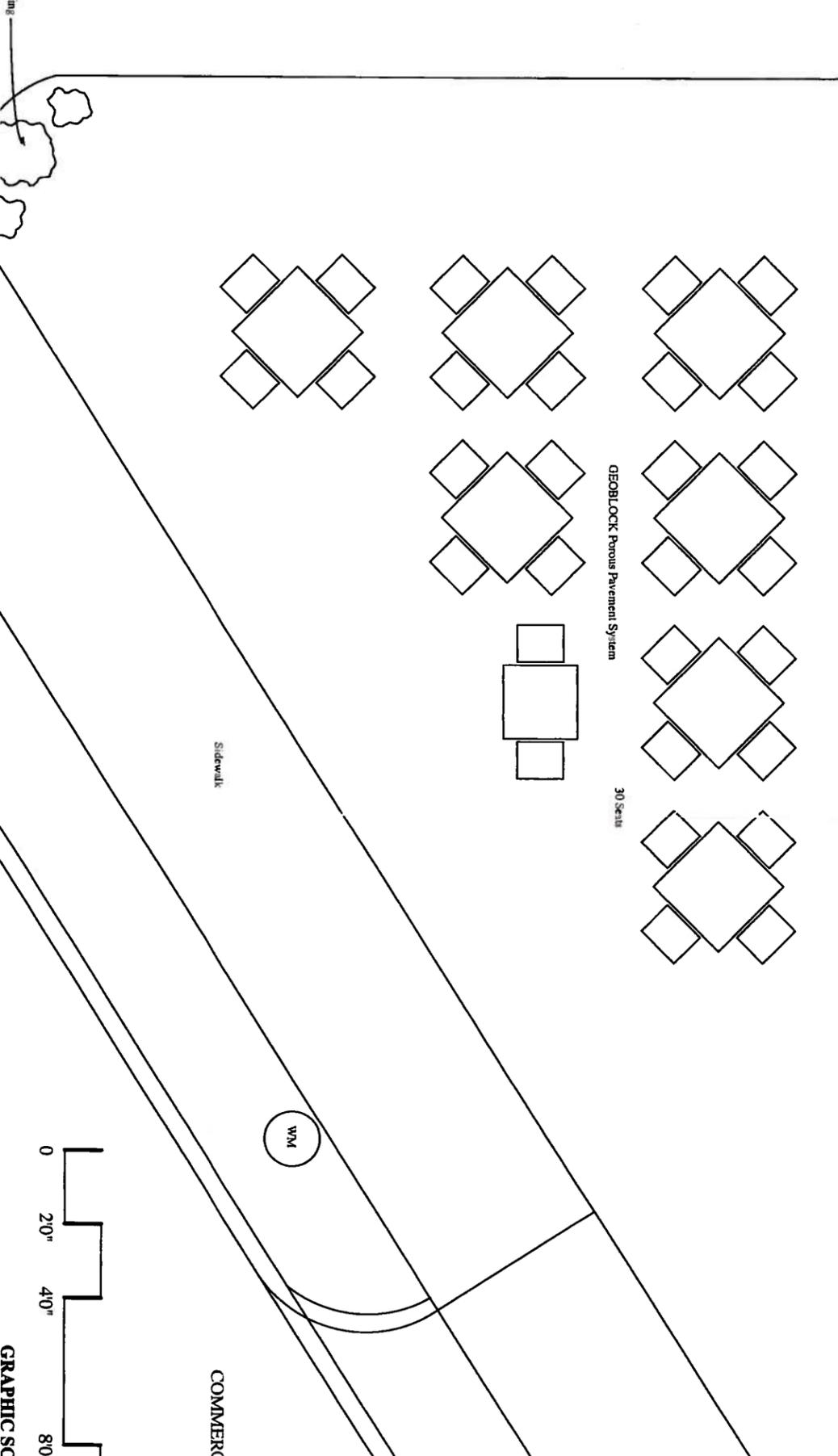


FLOOR PLAN

DISCLAIMER  
(This note applies to all drawings)  
Drawings are schematic and based on descriptions  
of work provided by the client. The client is  
responsible for providing all necessary information  
and data. The architect is not responsible for  
designing or constructing any structure or  
equipment. The architect is not responsible for  
designing or constructing any structure or  
equipment. The architect is not responsible for  
designing or constructing any structure or  
equipment. No claim for extra cost shall be  
brought against the Owner or the Architect due  
to the drawings.

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Drawn	Approved
KAB	MGL
Scale	Date
1/4" = 1'-0"	30 November 20
Sheet	11004



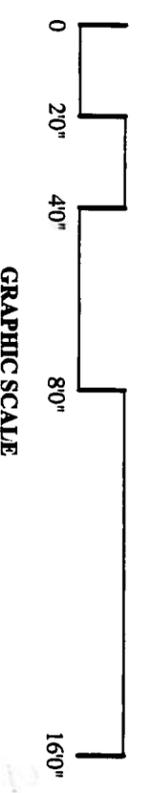
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PLANNING & ZONING

SOUTH  
PAYNE  
STREET

COMMERCE STREET

25

Landscaping



GRAPHIC SCALE

## Nathan Randall

---

**From:** Boyd Walker <boydwalker2012@gmail.com>  
**Sent:** Friday, January 13, 2012 11:26 AM  
**To:** Nathan Randall  
**Subject:** 200 Commerce

Nathan,

In regards to my SUP application, please return the closing hour to what was approved prior, 11 pm. and eliminate any live music, as we discussed on the telephone this morning. It is my understanding that without these two items the application will be identical to the prior application I submitted. Thank you so much.

Boyd Walker

## Nathan Randall

---

**From:** Boyd Walker <boydwalker@hotmail.com>  
**Sent:** Friday, January 20, 2012 2:59 PM  
**To:** Nathan Randall  
**Subject:** 200 Commerce

Nathan,

As we discussed yesterday we will not be using 200 Commerce to make deliveries. We will have one loading space to the right of the building for deliveries to the building.

Boyd  
Sent via BlackBerry from T-Mobile