

DOCKET ITEM #10

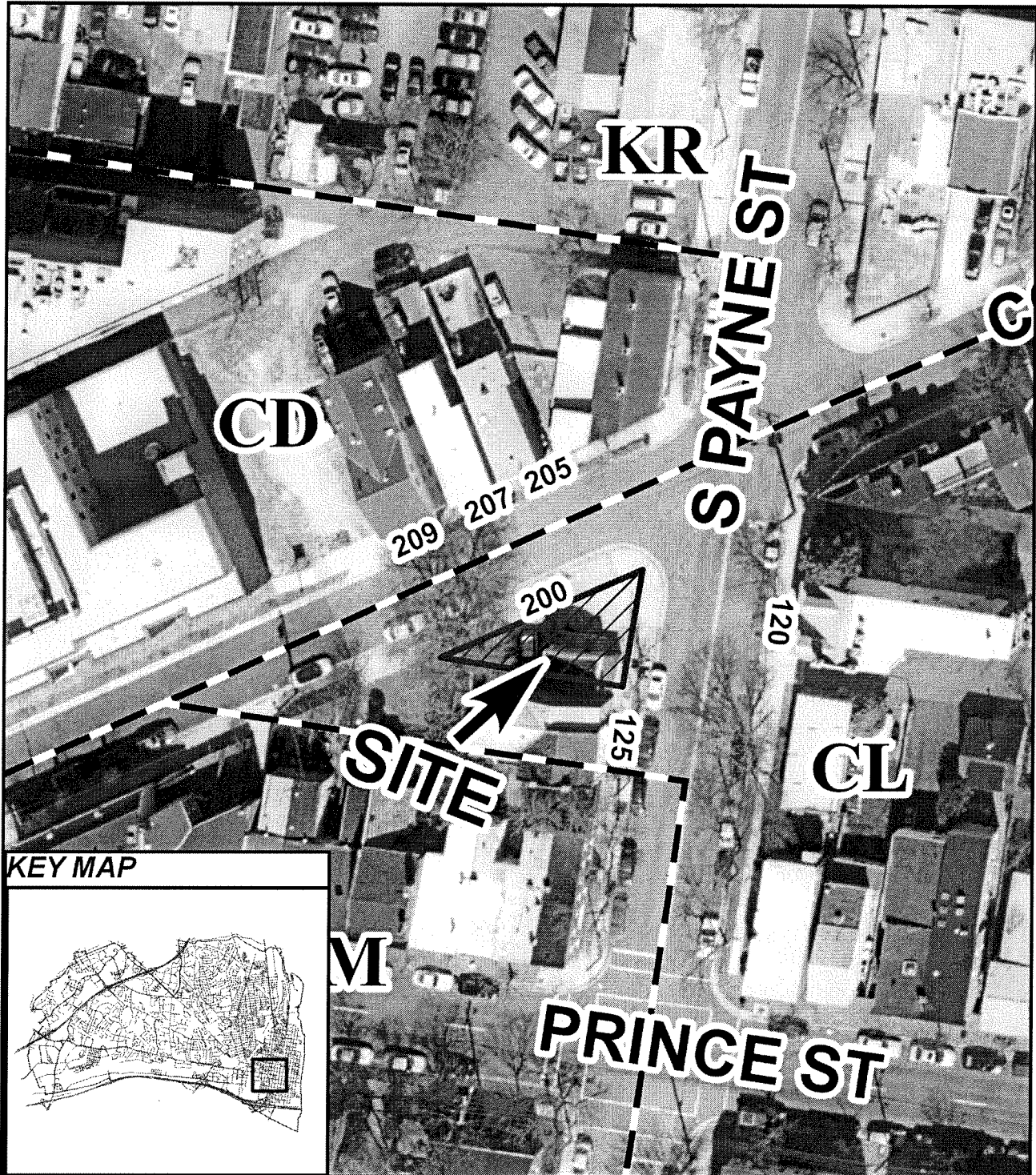
Special Use Permit #2010-0019

200 Commerce Street

Application	General Data	
Request: Consideration of a request to operate a restaurant.	Planning Commission Hearing:	June 1, 2010
	City Council Hearing:	June 12, 2010
Address: 200 Commerce Street	Zone:	CL/Commercial Low
Applicant: Boyd Walker	Small Area Plan:	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



SUP #2010-0019

06/01/10



I. DISCUSSION

REQUEST

The applicant, Boyd Walker, requests special use permit approval for the operation of a restaurant located 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 one-story historic structure known as the Icehouse, which was constructed in 1931 and measures approximately 295 square feet in size.



The surrounding area is occupied by 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). Over the next six months, staff worked with the applicant on the design of a replacement canopy and other architecturally-appropriate building elements. BAR#2006-0281 and BAR#2006-0282 were approved on May 2, 2007 for an after-the-fact demolition, new demolition for roof repairs and skylights, and for a replacement canopy and new alterations. Approval was granted with the condition that the building owner pay a significant fine, which was later reduced upon appeal to City Council. The applicant has since completed all replacement and alteration work related to this case. On July 30, 2008, the BAR approved BAR#2008-0023 for minor alterations including new steps, lights, and a screening wall. Although the applicant has not completed these improvements, staff notes that they were not required improvements but rather requests from the applicant.

Any business signage or other exterior alternations associated with the restaurant use will require BAR approval.

PROPOSAL

The applicant proposes to operate a gelato shop at this location with approximately eight bench seats inside and up to 25 outdoor seats. In addition to gelato the shop will serve coffee and pastries as accessory items. No pastries will be baked on site. The application also includes live entertainment. Further details on the proposal are as follows:

- Hours: 10:00am – 12:00 midnight, seven days/week
- Number of seats: 8 indoor bench seats (approximate)
25 outdoor seats
33 total seats
- Entertainment: Live music is proposed
- Delivery: One delivery vehicle
- Alcohol: No alcohol service
- 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 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 adaptive reuse of the historic Icehouse building for a gelato shop. Locating this use in this building has the potential to add to the unique character of Old Town and is one of the few feasible uses for the small space. Given the small building, tight site, and its proximity to residences, however, staff recommends limitations on the applicant's proposal to minimize the potential for impacts on nearby residential neighborhoods as required generally in the Old Town Restaurant Policy.

Old Town Restaurant Policy

The Old Town Restaurant Policy requires a finding that restaurants will not significantly impact nearby residential neighborhoods. More specifically it asks that that each restaurant be reviewed with regard to the following factors: the impact of the restaurant on parking in the adjacent neighborhood, late night hours, predominance of alcohol, litter, and a balance of uses.

A) Availability of Off-Street Parking

The proposed restaurant has some potential to create competition for parking spaces in the neighborhood, though staff expects the small-scale use to be chiefly pedestrian-oriented. The applicant is providing one new off-street parking space for employee use, which is the maximum amount of parking that can fit on the site. Staff believes this arrangement is reasonable for this use.

B) Late-Night Hours and Alcohol

The applicant does not propose any alcohol service at this location. With regard to hours, staff is concerned with the proposed 12:00 midnight closing hour. Although many restaurants in Old Town stay open until midnight or later, this site is different. First, most of the seats proposed for the gelato shop will be outdoors, which could create a greater likelihood of neighborhood impacts. Second, although the immediate area features a few businesses, none of them appear to be open late, and the area is primarily residential. Finally, apartments are located three to four feet immediately behind the rear wall of the building. Staff recommends a closing hour of 11:00pm daily in order to reduce the impact on nearby residences. This closing hour is also consistent with the King Street Outdoor Dining requirements.

The lack of alcohol and limited hours will help to make the proposal a neighborhood amenity. On the other hand, the applicant has included in his proposal a request to have live music and delivery service. Staff does not believe that either delivery service or live music is appropriate here and has included conditions prohibiting them. The rear wall of the building is only three or four feet from residential apartments to the south. With the building measuring only 295 square feet in size, musicians will likely perform outside on the patio, which has a high potential for creating noise impacts in the neighborhood. In fact, outdoor live entertainment is not allowed under the provisions of the King Street Outdoor Dining program and prohibited in Special Use Permits throughout the City.

C) Extent of Litter Impact

As a carry-out restaurant, a gelato or ice cream shop has an increased potential for litter impacts as customers drop napkins and food containers. Staff is including condition language requiring at least one garbage can inside the restaurant and one can located outside the restaurant adjacent to the outdoor seating area. Standard condition language requiring the applicant to pick up litter on and around the premises at least twice a day should sufficiently address the potential issue.

D) Balance of Uses

Since the proposed gelato shop is not replacing a recent commercial tenant, staff does not believe that the request will negatively impact the balance of uses in the area. On the contrary, with no restaurants in the immediate area, staff finds that the proposal will instead add to the diversity of the neighborhood.

Design of Outdoor Dining Area

Staff believes that the creation of an attractive outdoor dining space is an important element of this proposal and expects to work cooperatively with the applicant to devise a modest yet attractive plan. Although the site is located within the King Street Outdoor Dining zone, since the outdoor dining is proposed to be located on private property, some of the administrative requirements of that program are unnecessary in this case, including a requirement that the applicant apply for an annual permit. However, staff believes that the design guidelines of that program are appropriate for this location and has included them, with one slight change, as conditions in this Special Use Permit.

The condition language requires the applicant to obtain approval for a final outdoor dining plan to the satisfaction of the Director of Planning & Zoning. The King Street Outdoor Dining design guidelines will provide a framework for most outdoor dining features including furniture. However, the condition further restricts the type of barrier that may be used. Staff is requiring the use of nonpermanent planters along the perimeter of the outdoor dining area primarily to add landscaping and also to provide modest definition along the perimeter of the site. The use of low-scale planters and plants will keep the site open, preventing it and its unique, historic building from being hidden from the street.

Although it may be possible for the applicant to comfortably fit the requested 25 seats in the outdoor patio area, the final number depends in part on the applicant's final outdoor dining plan as described above. Staff has included condition language that stipulates that the final number of outdoor seats will be determined by the Director of Planning & Zoning upon review of the plan. In no case will the final number exceed 25 seats, however.

In conclusion, staff supports the gelato shop use in this location. Subject to the conditions contained in Section III of this report, it finds that the use is consistent with the Old Town Restaurant Policy and 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)
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)
3. Indoor seating shall 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 number of outdoor seats shall be 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)
4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. No live entertainment shall be permitted either inside the restaurant or in the outdoor dining area. (P&Z) (T&ES)
6. No delivery service shall be available from the restaurant. (P&Z)
7. No alcohol service shall be permitted at the restaurant. (P&Z)
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)
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)
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)
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)

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)
13. No food, beverages, or other material shall be stored outside. (P&Z)
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)
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)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
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)
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)
19. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
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)
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)
22. All off street parking shall utilize Grasspave² 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)
23. Off street parking shall be reserved for employees during business hours. (T&ES)

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)
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)
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)

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

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-4 The use of musicians outside the building is prohibited. (T&ES)
- R-5 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- 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)
- R-7 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)
- R-8 Applicant shall provide on on-site parking space with minimum dimensions of 8' x 16'. The space shall not encroach into the public right of way. (T&ES)
- R-9 All off street parking shall utilize Grasspave² or equivalent driveway material. A metal strip shall be installed around grass pave parking area with white markers (concrete or brick) set every 6-10 feet at the edge to delineate boundary of grass pave (see <http://www.invisiblestructures.com/GV2/GP2GV2Delineation.htm> for example). (T&ES)
- R-10 Off street parking shall be reserved for employees during business hours. (T&ES)
- 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)

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, 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)

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five 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 can not 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.

BAR:

F-1 200 Commerce Street is located in the Old and Historic Alexandria Historic District and is under the jurisdiction of the Old and Historic Alexandria Board of Architectural Review (BAR). The application is for a restaurant use at this location including approval of seasonal outdoor seating. To ensure compatibility with the surrounding neighborhood and the existing streetscape, the outdoor dining area and all its components shall comply with the King Street Outdoor Dining guidelines. While no exterior alterations to the building are discussed with this application, the applicant is reminded that any exterior changes to the buildings visible from a public-right-of-way, including but not limited to new signage, window replacements, roofing or siding materials replacement, fencing, exterior light fixtures, and any exterior demolition or encapsulation greater than 25 square feet requires approval by the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff should such issues develop.

Health Department:

C-1 An Alexandria Health Department Permit is required for all regulated facilities.

C-2 Permits must be obtained prior to operation.

C-3 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$ 200.00 fee for review of plans 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 and equipment to be handled at this facility to the Health Department prior to opening.

Parks and Recreation:

F-1 No Comment

Police Department:

R-1 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.

R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding robbery readiness training for all employees.

F-1 The applicant is not seeking an A.B.C. permit. The Police Department concurs.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0019

PROPERTY LOCATION: 200 Commerce St.

TAX MAP REFERENCE: 074.01-02-13 ZONE: ~~CL~~ CL

APPLICANT:

Name: Boyd W. Walker

Address: 1307 King St. Alexandria VA 22314

PROPOSED USE: Gelato

[] **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 W. Walker
Print Name of Applicant or Agent

Boyd W. Walker March 23, 2010
Signature Date

1307 King St.
Mailing/Street Address

703-732-7269 n/a
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

boydwalker@hotmail.com
Email address

ACTION-PLANNING COMMISSION:	DATE:
ACTION-CITY COUNCIL:	DATE:

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 200 Commerce St., I hereby
(Property Address)
 grant the applicant authorization to apply for the Gelato use as
(use)
 described in this application.

Name: Boyd W. Walker

Phone: 703-732-7269

Please Print
 Address: 1307 King St.

Email: boydwalker@hotmail.com

Signature: Boyd W. Walker

Date: 3/23/10

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.

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	1707 King St.	70%
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 (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 listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

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	the City Council ^{PO} none	n/a
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.

3 10/23/10
Date

Boyd W Walker
Printed Name

Boyd W Walker
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.)

Request to operate Gelato shop in restored 1932 Icehouse. Year-round operation will also sell coffee and baked goods. All products will be made off-site or provided by a supplier. This will primarily be a take out operation, but 8 seats inside will be provided. There will be up to 25 seats outside for the enjoyment of eating Gelato. This is an appropriate adaptive re-use of a building designed to sell ice.

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).

50 people per hour at peak times.

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

No more than 3 people per shift.

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

Day: ~~Mon~~ Sun-Sat.

Hours: 10 AM to 12 pm.

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

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

No extra-ordinary noise.

- B. How will the noise be controlled?

Staff will instruct patrons to be quiet if noise is undesirable.

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)

Trash will be product containers, napkins
spoons etc. necessary for Gelato.

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

Approx. 2 bags per day.

C. How often will trash be collected?

Daily

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

trash cans will be provided 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. [X] No.

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

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

Gelato is a relatively safe operation,
but employees will receive safety training

ALCOHOL SALES

13.

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

[] Yes [X] 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.

PARKING AND ACCESS REQUIREMENTS

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

- 2 Standard spaces
- Compact spaces
- Handicapped accessible spaces.
- Other.

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> 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
or in afternoons when business is slow.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
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 street improvements needed.
Street improvements were already 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?
280 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



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: 8 Outdoors: 25 Total number proposed: 33

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, baked goods

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? 1
 Will delivery drivers use their own vehicles? Yes No
 Where will delivery vehicles be parked when not in use?
 in front of building

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?
 Yes No
 If yes, please describe:
 Live music for festivals, weekends, evening.

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

MUTUAL ICE CO. RESTAURANT

200 Commerce St.
Alexandria, Virginia

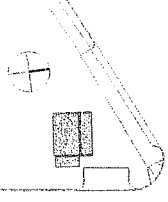
Client:

Boyd Walker,
Walker Real Estate

115 S Payne Street
Alexandria, VA
22314

Tel: 703 549 4696

Key Plan:



Professional Seal:

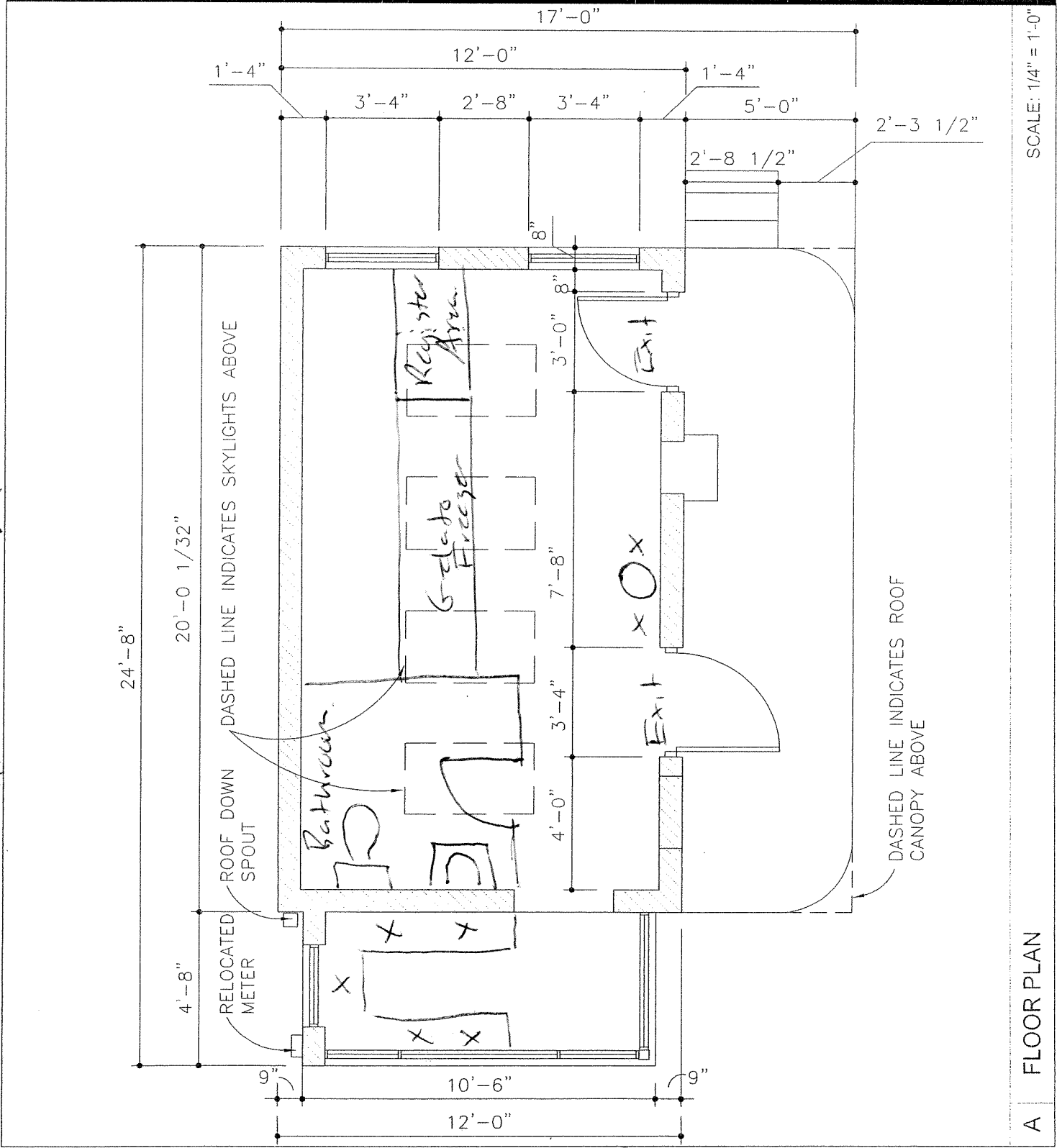
LAVIGNE ASSOCIATES ARCHITECTS
1371 King St. Suite 201, Alexandria, VA 22314
Tel: 703-549-3200
Fax: 703-745-5200
E-Mail: info@lavigne.com

Phase and Date

ALEXANDRIA
BAR PLAN
SUBMITTAL
14 March 2007

A103

Interior Floor Plan

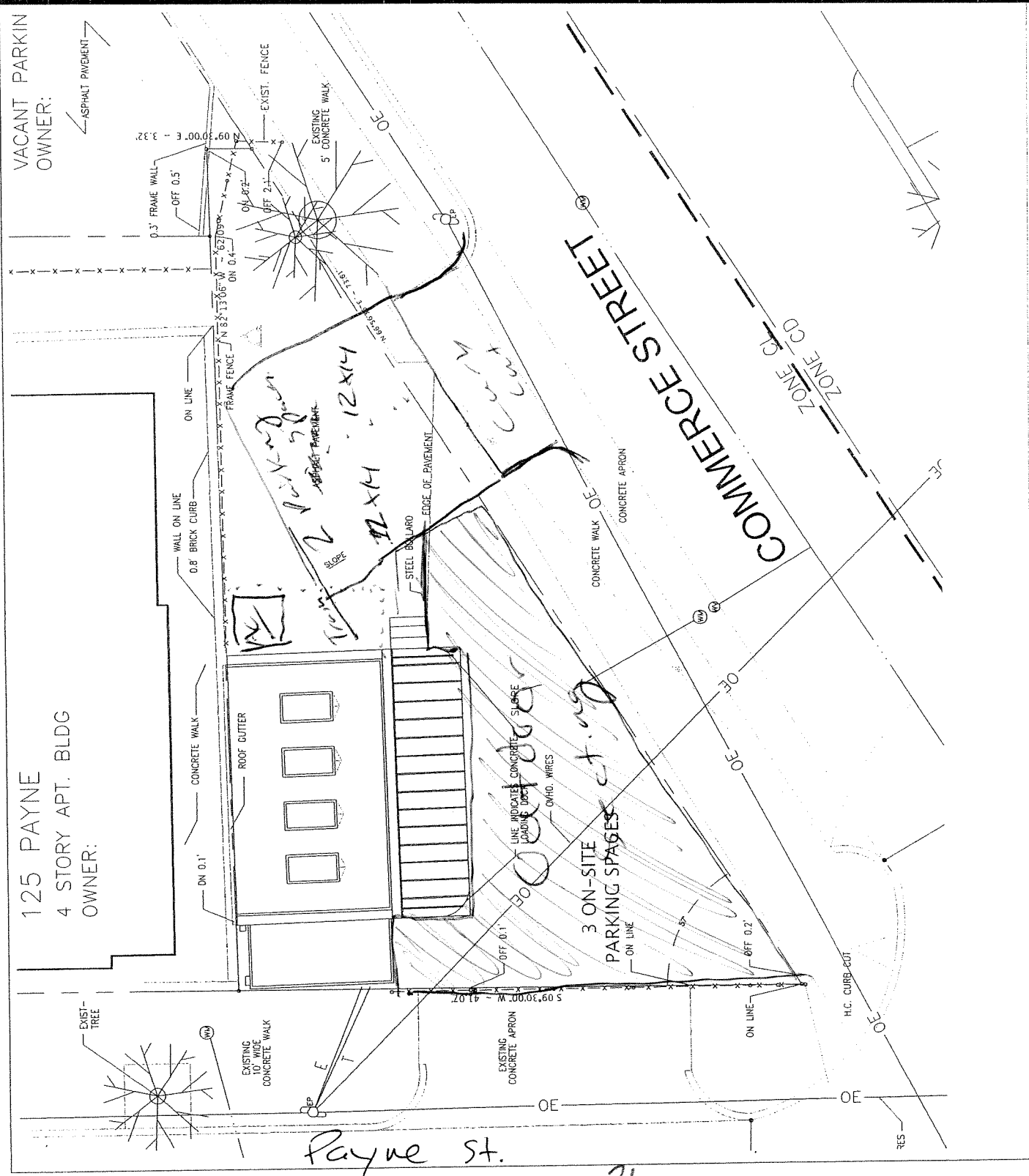


SCALE: 1/4" = 1'-0"

A FLOOR PLAN

SUP 2010-0019

Site Plan



MUTUAL ICE CO. RESTAURANT

200 Commerce St.
Alexandria, Virginia

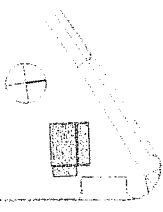
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22314

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Key Plan:



Professional Seal:

LAVIGNE ASSOCIATES ARCHITECTS
 1121 King St, Suite 201, Alexandria VA 22314
 Tel: 703-539-3205 Fax: 703-730-3209
 E-Mail: box@lavignearchitects.com

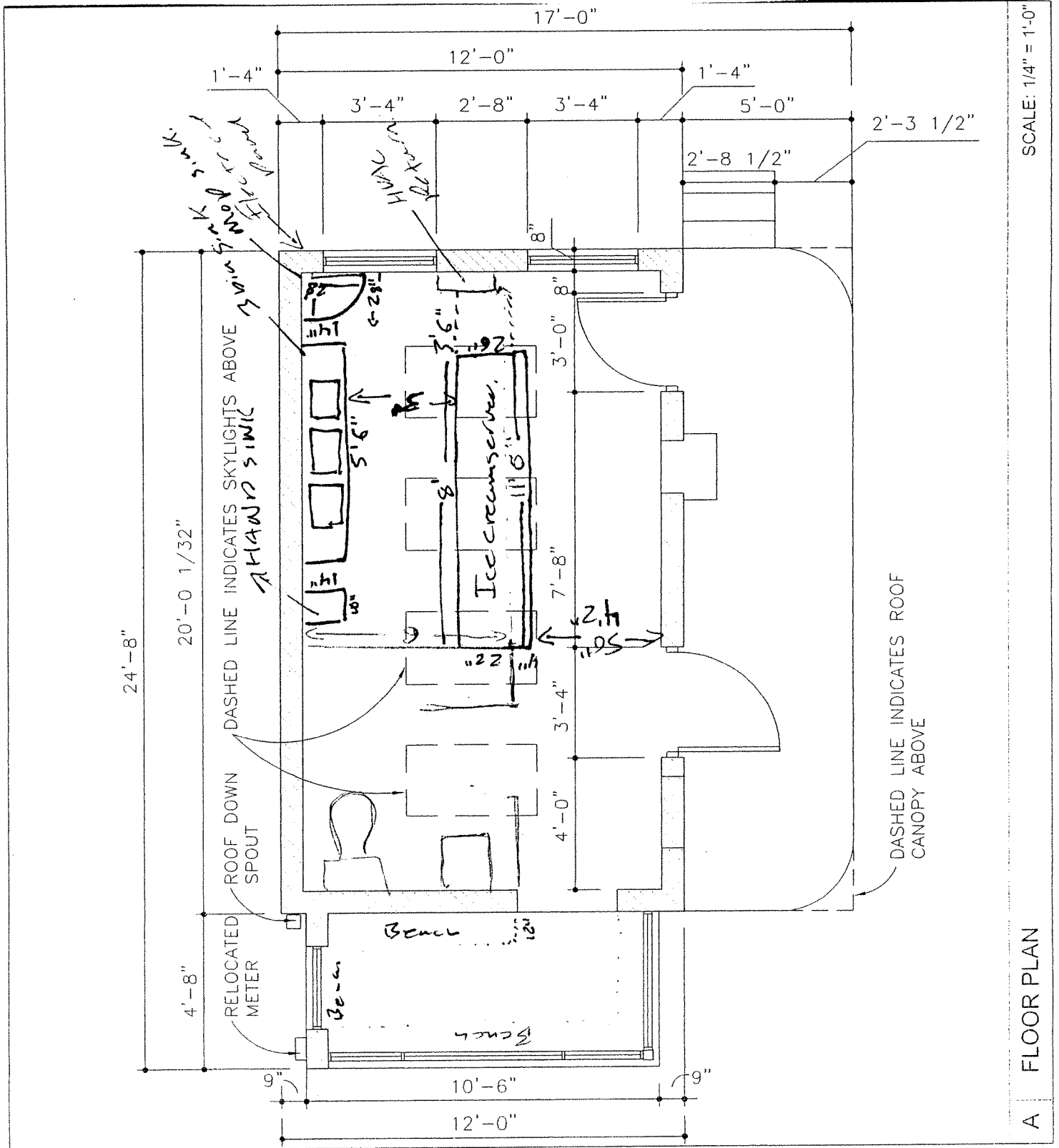
Phase and Date

ALEXANDRIA
 BAR PLAN
 SUBMITTAL
 14 March 2007

A101

SCALE: 1" = 10'-0"

A SITE PLAN



SCALE: 1/4" = 1'-0"

A FLOOR PLAN