

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2022-00016
Approved by Planning and Zoning: May 27, 2022
Permission is hereby granted to: Koko Dakota LLC
to use the premises located at: 2310 Mount Vernon Avenue
for the following purpose: see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

May 27, 2022

Karl Moritz (by T. LaColla)

Date

Karl Moritz, Director
Department of Planning and Zoning

DATE: May 27, 2022

TO: Tony LaColla, Division Chief, Land Use Services
Department of Planning and Zoning

FROM: Patrick Silva, Urban Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2022-00016
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Koko Dakota LLC
Location: 2310 Mount Vernon Avenue
Zone: CL & R-2-5 / Commercial low and Single- and two- family

Request

Special Use Permit #2022-00016 is a request to change ownership of an existing restaurant from Elizabeth J. Davis to Koko Dakota, LLC. The applicant will continue to operate the business as Dairy Godmother and will continue to specialize in ice cream products. The hours of operation for the restaurant will be 8 a.m. – 10 p.m., daily. The applicant proposes to maintain the existing restaurant floor plan of approximately 1,400 square feet with 27 indoor seats. There is no outdoor dining, live entertainment, alcohol sales or applicant-operated delivery services proposed.

Background

The restaurant was first approved by City Council in September 2000 through the approval of Special Use Permit #2000-00099, which granted approval to operate a restaurant use with 27 indoor seats and a parking reduction of six spaces. In January 2016, staff administratively approved Special Use Permit #2016-00095 for a minor amendment of the Special Use Permit to alter their hours of operation from 10 a.m. -10 p.m., daily, to 8 a.m. to 10 p.m., daily. Since the business has begun operating, staff has not received any complaints regarding the restaurant.

Parking

Pursuant to Section 8-200 (A)(17)(b)(i) of the Zoning Ordinance, a restaurant use located outside of the City's Enhanced Transit Area is required to provide a minimum of 1.0 spaces per 1,000 square feet of gross floor area. The proposed restaurant contains 1,400 square feet of floor area; thus, the applicant would be required to provide a minimum of two parking spaces for the proposed use. However, pursuant to Section 8-100(A)(9) of the Zoning Ordinance, nonresidential uses that have a parking requirement of two spaces or less are exempt from providing the spaces, meaning no parking is required to be provided for this use and the use no longer is subject to the parking reduction for six spaces approved in Special Use Permit #2000-00099.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens Association was sent an e-mail with information

about the current application. Staff received no comments in regard to the application.

Staff Action

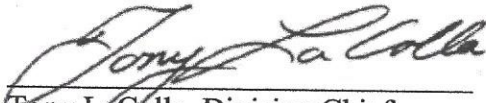
Staff does not object to the change of ownership request as the subject restaurant has operated successfully at this location for many years with no negative impacts on the surrounding neighborhood.

Conditions have been carried forward and have been updated to reflect new standard conditions for restaurant uses in the City. This includes amendments to Conditions #2, #4, #5, #7, #8, #12, #15, #17, #26, #27, and #28. This also includes new Conditions #29 and #30 which address applicant-operated delivery services and exterior power washing respectively.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: May 27, 2022
Action: Approved



Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2022-00016

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

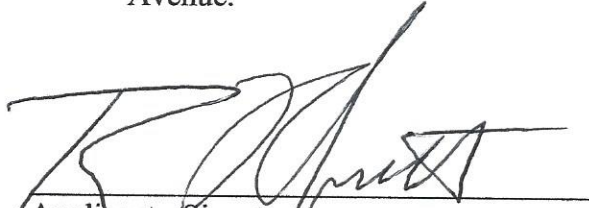
1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2000-00099)
2. **CONDITION AMENDED BY STAFF:** ~~The maximum number of indoor Seatings at the restaurant shall comply with be provided for no more than 27 patrons inside the shop state building code.~~ (P&Z) (SUP #2000-00099)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2000-00099)
4. **CONDITION AMENDED BY STAFF:** ~~No Indoor limited, live entertainment shall be provided at the restaurant may be offered and must comply with the City's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.~~ (P&Z) (SUP #2000-00099)
5. **CONDITION AMENDED BY STAFF:** ~~The hours of operation of the restaurant shall be limited to between 6 a.m. and 11 p.m., Sunday through Thursday, and from 6 a.m. to midnight, Friday and Saturdays. Meals ordered before the closing hour may be served, but no new patrons may be admitted and a~~ All ~~patrons must leave the premises by one hour after the closing hour.~~ (P&Z) (SUP2016-00095)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-00099)
7. **CONDITION AMENDED BY STAFF:** ~~No On and off premises alcoholic sales are permitted in compliance with Virginia ABC requirements. beverages shall be sold.~~ (P&Z) (SUP #2000-00099)
8. **CONDITION AMENDED BY STAFF:** ~~No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions.~~ (P&Z) (SUP #2000-00099)
9. Condition deleted by staff.
10. Condition deleted by staff.
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2000-00099)

12. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-00099)
13. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP2016-00095)
14. Condition deleted by staff.
15. **CONDITION AMENDED BY STAFF:** The applicant shall control cooking odors, and smoke, and any other air pollution from the property operations at the site and to prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
16. **CONDITION SATISFIED BY APPLICANT AND DELETED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to opening the business. (Police) (SUP #2000-00099)
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP2016-00095)
18. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES) (SUP2016-00095)
19. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES) (SUP2016-00095)
20. The applicant shall encourage patrons to park off-street through the provision of information about nearby City lots and garages on advertising and on the restaurant's website. (T&ES) (SUP2016-00095)

21. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP2016-00095)
22. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP2016-00095)
23. The applicant shall require its employees who drive to work to use off-street parking. (T&ES) (SUP2016-00095)
24. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP2016-00095)
25. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP2016-00095)
26. **CONDITION AMENDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum) when not receiving used oil. ~~The drum~~ it shall be placed on secondary containment, and it shall be kept ~~situated~~ under cover to prevent rainwater from falling on it. (T&ES) (SUP2016-00095)
27. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP2016-00095)
28. **CONDITION AMENDED BY STAFF:** All windows shall remain transparent. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP2016-00095)
29. **CONDITION ADDED BY STAFF:** Delivery vehicles operated and managed by the applicant are permitted. Delivery vehicles must be parked off-street when not in use. (P&Z)
30. **CONDITION ADDED BY STAFF:** Exterior power washing of the building shall not be completed using any kind of detergents. (P&Z)

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2022-00016. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 2310 Mount Vernon Avenue.


Applicant - Signature

5/29/22
Date

RUSSELL GRAVATT
Applicant - Printed

5/29/22
Date