

EXHIBIT NO. 1

3
3-17-01

Docket Item # 3-A
SPECIAL USE PERMIT #2000-0146

Planning Commission Meeting
March 6, 2001

ISSUE: Consideration of a request for a special use permit to change the ownership and to expand a restaurant.

APPLICANT: Ms. Perky, LLC, trading as Perk's Coffee Shop
by Philip D. McCombie

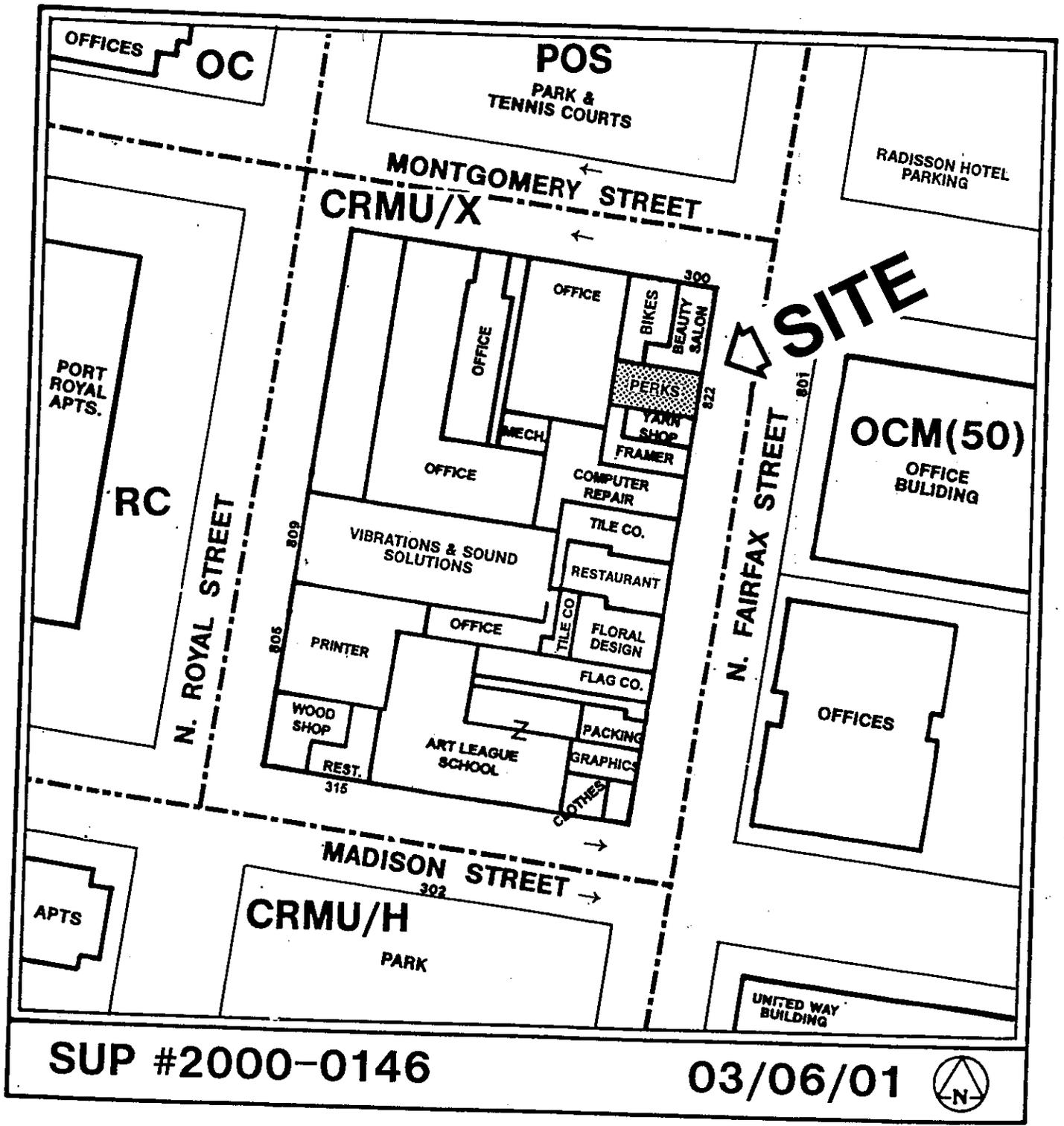
LOCATION: 822 North Fairfax Street
The Montgomery Center
Perks Coffee Shop

ZONE: CRMU-X/Commercial Residential Mixed Use

PLANNING COMMISSION ACTION, MARCH 6, 2001 : By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

The subject property and surrounding land uses are shown on the sketch below



SUP #2000-0146

03/06/01



SUMMARY

This is a request for a small, outdoor restaurant seating area in Old Town North, an amenity that staff supports.

STAFF RECOMMENDATION:

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 business or entity in which the applicant has a controlling interest. (P&Z) (SUP #97-0151)
2. **CONDITION AMENDED BY STAFF:** Seating shall be provided for no more than 23 patrons. Outdoor seating may be provided for no more than a total of five patrons as depicted on the applicant's plan. (P&Z) (SUP #99-0056) (P&Z)
3. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #97-0151)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to 7:00 A.M. to 7:00 P.M., daily. The outdoor dining area shall be cleared of all diners by 6:00 P.M. and shall be cleaned and washed by 7:00 P.M. (P&Z)(SUP #97-0151) (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)(SUP #97-0151)
6. Alcoholic beverages are not permitted. (P&Z) (SUP #97-0151)
7. No food, beverages, or other material shall be stored outside. (P&Z)(SUP #97-0151)
8. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z)(SUP #97-0151)
9. 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 #97-0151)

10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)(SUP #97-0151)
11. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (Health) (SUP #97-0151)
12. No amplified sound shall be audible at the property line. (P&Z)(SUP #97-0151)
13. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police)(SUP #97-0151)
14. Condition deleted. (SUP #99-0056)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~six months~~ one year from this approval 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, (b) the director has received a request from any person to docket the permit for review, 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 #99-0056)~~ (P&Z)
16. **CONDITION ADDED BY STAFF:** The applicant shall obtain, at its expense, one city trash container model SD-42 Bethesda Ironsides, for installation on the adjacent city right-of-way and shall contact T&ES Solid Waste Division (703-751-5130) for information. (T&ES)

Staff Note: Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.

DISCUSSION:

1. The applicant, Ms. Perky, LLC, trading as Perk's Coffee Shop, by Philip D. McCombie, requests special use permit approval to expand and change the ownership of the existing restaurant located within the Montgomery Center at 822 North Fairfax Street.
2. The subject property is one lot of record which encompasses most of an entire city block with approximately 250 feet of frontage on Madison and Montgomery Streets, and 362 feet of frontage along North Fairfax and North Royal Streets. The Montgomery Center is a mixed use development of 92,395 square feet.
3. On December 13, 1997, City Council granted Special Use Permit #97-0151 to Perks for the operation of a restaurant (coffee shop). At the same meeting, City Council also granted Special Use Permit #97-0153 amending the umbrella permit governing the Montgomery Center and increasing the amount of space in the center for restaurant uses to a maximum of 5,000 square feet. On June 12, 1999, City Council granted Special Use Permit #99-0056 allowing an increase in seating inside the restaurant to 23. No other changes to the operation of the restaurant were requested.
4. A new operator, Ms. Perky, L.L.C., trading as Perk's Coffee Shop, has filed a special use permit request to change the ownership of the restaurant and expand it to include additional food items and outdoor seating. As the seating is proposed to be located on the City right-of-way, an encroachment approval is also required. The applicant has filed that request which is being processed concurrently with this case (see Enc #2001-001).
5. The restaurant occupies approximately 1,500 square within a unit located at the Montgomery Center on North Fairfax Street. As originally approved by Council, the coffee shop serves coffee, tea, espresso, cappuccino, and limited pastries and cookies. No alcohol is served. The applicant seeks permission to sell additional food items that are prepared elsewhere including bagels, muffins, soup, sandwiches, and ice cream. According to the applicant, none of these food items will be prepared on-site.
6. In addition to the additional food items, the applicant requests permission to provide two tables with two chairs each and one bench outside the restaurant (see attached plans). The City recently removed the concrete sidewalk and some plantings along the North Fairfax Street frontage on the Montgomery Center and installed brick pavers. The seating will be located adjacent to the building on the bricked area.
7. No other changes are proposed to the operation of the restaurant.
8. The restaurant will continue to be operated by two employees.

9. The approved hours of operation for the restaurant are from 7:00 a.m. to 7:00 p.m. daily.
10. Section 8-200(A)(8) of the zoning ordinance requires a restaurant with five additional seats would ordinarily be required to provide two off-street parking spaces. However, in this case, the parking for the entire center has been reduced, provided the uses fall within the categories and the space limitations permitted in the Center's SUP.
11. On November 1, 2000, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit at that time. However, on January 17, 2001, as part of its routine sign enforcement program, staff observed several illegal signs advertising the restaurant, including portable signs and banners, and issued a citation for the violation (see attached). A recent reinspection of the property reveals that the signs have been removed.
12. Zoning: The subject property is located in the CRMU-X/Commercial Residential Mixed Use zone (Old Town North). Section 5-403(V) of the zoning ordinance allows a restaurant in the CRMU-X zone only with a special use permit.
13. Master Plan: The Old Town North Small Area Plan chapter of the Master Plan anticipates redevelopment of the site and designates the property for Commercial residential mixed use.

STAFF ANALYSIS:

Staff has no objection to the applicant's request to change the ownership, to add outdoor seating and additional food items for the existing restaurant located at 822 North Fairfax Street. Staff notes that the width of the sidewalk in this area is sufficiently wide to accommodate both the number of seats proposed and pedestrian access past the seating. Staff believes that the limited seating will provide an amenity and enliven the area. In addition, staff believes that no additional demand for off-street parking will be generated by the seating or additional food items, and that the majority of the applicant's customers will continue to be persons who work or reside in the area.

T&ES staff recommend that the applicant be required to provide for the installation of a City trash container on the adjacent public right-of-way. Staff has included a new condition to this effect and has amended Condition #15 to require a review of the restaurant one year after Council approval so that, if there are problems with its operation, including the outdoor seating, additional conditions may be imposed. With this condition, staff recommends approval of the special use permit.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Kathleen Beeton, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Applicant shall obtain, at their expense, one city trash container model SD-42 Bethesda Ironsides, for installation on the adjacent city right-of-way. Contact T&ES Solid Waste Division (703-751-5130) for information.
- F-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residues be washed into the streets, alleys or storm sewers.

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 new fire prevention code permit is required for the proposed operation due to the change in occupancy. 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. Four 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 A rodent control plan shall be submitted to this office for review and approval. This plan shall include the following components:
 - (a) Trash storage, control and removal measures.
 - (b) Food stuff storage.
 - (c) Rodent baiting
- C-5 A review fire prevention code permits is required to the increase in occupant load and egress plan, showing all fixtures, seating, and aisles shall be submitted with the permit applications.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non transferable.
- C-3 This facility must current Alexandria City Code requirements for food establishments. A change of Ownership Inspection” has been completed by Environmental Health.
- C-4 If changes to the facility are to be done, five sets of plans must be submitted to 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 \$135.00 fee for plans review of food facility.
- C-5 Permit must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified food managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 This facility is currently operating as Perk’s Coffee Shoppe under permit #01-0003, issued to Perk’s, Inc.
- C-10 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- F-1 The security survey and robbery awareness programs were completed on November 28, 2000.
- F-2 The applicant is not seeking an ABC permit.

APPLICATION for SPECIAL USE PERMIT # 2000-0146

[must use black ink or type]

PROPERTY LOCATION: 822 N. FAIRFAX ST. ALEX. VA 22314

TAX MAP REFERENCE: 55.03-01-05 ZONE: CRM U-X

APPLICANT Name: MS. PERKY, LLC, T/A PERK'S COFFEE SHOP

Address: 2181 JAMIESON AVE #908 ALEX. VA 22314

PROPERTY OWNER Name: MONTGOMERY REAL ESTATE

Address: 300 MONTGOMERY ST. ALEXANDRIA VA 22314

PROPOSED USE: COFFEE SHOP

expansion & change ownership

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

PHILIP D. MCCOMBIE
Print Name of Applicant or Agent


Signature

2181 JAMIESON AVE #908
Mailing/Street Address

703 566 0834 703 683 4143
Telephone # Fax #

ALEXANDRIA VA 22314
City and State Zip Code

1/10/01
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: 1-10-01 Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the 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, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. ²⁸ ~~Twenty-four~~ copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

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, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The coffee shop will be operated in the same manner as determined by Special Use Permit #99-0056 approved by City Council in June of 1999.

The requested change is to add outdoor seating; specifically 2 small tables, 4 chairs and 1 small bench abutting the property front. Hence the requested increase in seating provision from 23 to 28. Inside seating is not affected. An additional trash can will be provided outside.

The outside seating will not encroach further than an extended line parallel to the shop front and level with the edge of the existing steps up to the store.

USE CHARACTERISTICS

4. The proposed special use permit request is for: (check one)

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- 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).

80/DAY spread over 10 hours of operation
from 7am to 5pm

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

2/DAY

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

Day:

Hours:

MON → FRI
SAT
SUN

7AM → 5PM
8AM → 4PM
CLOSED

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

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

NONE

B. How will the noise from patrons be controlled?

N/A

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

NONE

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?

PAPER PLATES, CUPS & NAPKINS, USED GROUND COFFEE,
SODA CANS, PLASTIC SILVERWARE, PLASTIC BOTTLES,

B. How much trash and garbage will be generated by the use?

30 GALLON TRASH BAG

C. How often will trash be collected?

DAILY

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

SEVERAL TRASH CANS IN SHOP

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:

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

Walkways and passage ways both inside and outside
are kept free and clear of encumbrances. Shop layout
conforms to City and Federal safety guidelines.

ALCOHOL SALES

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

NONE

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

0 Standard spaces

0 Compact spaces

0 Handicapped accessible spaces.

0 Other.

C. Where is required parking located? ^{N/A} on-site off-site (check one)

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

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.

D. 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.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? none

B. How many loading spaces are available for the use? none

C. Where are off-street loading facilities located? none

D. During what hours of the day do you expect loading/unloading operations to occur?

N/A

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

N/A

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?

YES

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?

1,500 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: MONTGOMERY CENTER

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 28 At a bar: 0 Total number proposed: 28

2. Will the restaurant offer any of the following?

NO X alcoholic beverages NO X beer and wine (on-premises)

NO X beer and wine (off-premises)

3. Please describe the type of food that will be served:

TEA, COFFEE, SODA, PASTRIES, BAGELS, MUFFINS, SOUP,
SANDWICHES, ICE CREAM

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? NONE

Will delivery drivers use their own vehicles? Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. No.

If yes, please describe: _____

SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN

**CRITERIA TO BE USED TO EVALUATE NEW OR EXPANDED RESTAURANTS
ADOPTED BY CITY COUNCIL BY RESOLUTION, NOVEMBER 13, 1993**

Parking

1. The applicant must submit a parking management plan (PMP), which specifically addresses the following issues:
 - A. The parking demand generated by the proposed restaurant.
 - B.. The availability of off-street parking for patrons. For the purpose of this policy, availability shall be measured in terms of the number of vacant off-street parking spaces within 500 feet from the entrance to the restaurant.
 - C. How employees who drive will be accommodated off the street at least in the evenings and on weekends.
 - D. The predicted impact of the restaurant on the parking supply at the evening peak, weekend peak, and daytime peak.
 - E. A proposal to reduce the impact of parking created by the restaurant on nearby areas. Acceptable alternatives for reducing parking impacts include, but are not limited to, the following: validated parking or valet parking for patrons, and off-street parking or transit subsidies for employees.

2. Additionally, please answer the following:

- A. 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

- B. 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

- C. What is the estimated peak evening impact upon neighborhoods?
(check one)

No parking impact predicted (*No dinner served*)
 Less than 20 additional cars in neighborhood
 20-40 additional cars
 More than 40 additional cars

Litter

The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

Alcohol Consumption and Late Night Hours

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

N/A _____ Maximum number of patron dining seats
+ _____ Maximum number of patron bar seats
+ _____ Maximum number of standing patrons

_____ Maximum number of patrons

2. *N/A* _____ Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

N/A _____ Closes by 8:00 P.M.
_____ Closes after 8:00 P.M. but by 10:00 P.M.
_____ Closes after 10:00 P.M. but by Midnight
_____ Closes after Midnight

[Closing time means when the restaurant is empty of patrons.]

4. Alcohol Consumption:

(Check one)

N/A _____ High ratio of alcohol to food
_____ Balance between alcohol and food
_____ Low ratio of alcohol to food



ALEXANDRIA DEPARTMENT OF
PLANNING AND ZONING
301 King Street, Room 2100
Alexandria, Virginia 22314

TICKET NO. 2075

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

1/27/01 Wednesday 2:06
Date ticket served Day of Week Time AM/PM
Location of Violation: 822 N. Fairfax St

Ord. Section: 9-104 (H)
Description of Violation: Portable Sign
ON FRONT of
LOCATION. (1) AT HOME (2)
HANGING FROM AWNING, (3)
HANGING ON BUILDING
WARNING ISSUED 1/12/01

Penalty \$: 50.00
 1st 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
1/27/01 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

[Signature] 103
Inspector's Signature ID Number

I personally observed or investigated the commission of the
violation noted above and/or violation was based upon signed
affidavit.

VIOLATORS COPY - WHITE
CITY ATTORNEY COPY - YELLOW
FINANCE COPY - PINK
PLANNING AND ZONING COPY - ORANGE

NOTICE SERVED ON:
McCormick, KEM
NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY PARKS
NAME
Employee
POSITION

OTHER
822 N. FAIRFAX ST
ADDRESS
ALEXANDRIA
CITY/TOWN STATE ZIP

[Signature]
SIGNATURE DATE

I hereby acknowledge receipt of this Notice of
Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE _____

CERTIFICATE OF SERVICE

Mailed/posted a true copy of this notice to the last
known home or business address of the respondent
or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the
infraction

The undersigned states that he/she is an employee
of the City of Alexandria Department of Planning
and Zoning and knows this Certificate of Service to
be true to the best of his/her knowledge.

Signature _____
Print Name _____
Date Phone # _____

WARNING
YOU ARE REQUIRED TO RESPOND TO THIS NOTICE
OF VIOLATION WITHIN 15 DAYS OF THE DATE OF
SERVICE IN ONE OF THE FOLLOWING WAYS

**1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A
HEARING:**

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and;
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

**3. TO CONTEST THE INTERPRETATION OF THE
ORDINANCE:**

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL
PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT
IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT
AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE
WAS ISSUED

**YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:**

ADMIT VIOLATION NO CONTEST CONTEST IN COURT
Name (print) _____
Street Address _____
City _____ State _____ Zip _____

I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

Signature _____ Date _____

DUP 2000-0140

APPLICATION for SPECIAL USE PERMIT # 2000-0146

3

[must use black ink or type]

PROPERTY LOCATION: 822 N. FAIRFAX ST. ALEX. VA 22314

TAX MAP REFERENCE: 55.03-01-05 ZONE: CRM U-X

APPLICANT Name: MS. PERKY, LLC, T/A PERK'S COFFEE SHC.

Address: 2181 JAMIESON AVE #908 ALEX. VA 22314

PROPERTY OWNER Name: MONTGOMERY REAL ESTATE

Address: 300 MONTGOMERY ST. ALEXANDRIA VA 22314

PROPOSED USE: COFFEE SHOP

expansion & change ownership

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 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 to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) 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 Planning Commission or City Council in the course of public hearings 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.

PHILIP D. MCOMBIE
Print Name of Applicant or Agent

[Signature]
Signature

2181 JAMIESON AVE #908
Mailing/Street Address

703 566 0834 Telephone # 703 683 4143 Fax #

ALEXANDRIA VA 22314
City and State zip Code

1/10/01
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: 1-10-01 Date & Fee Paid: 1-17-01 \$ 100.-

ACTION - PLANNING COMMISSION: 3-6-01 RECOMMEND APPROVAL uc

ACTION - CITY COUNCIL: 3/17/01PH -- See attached. (Separate Motion)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

ACTION CONSENT CALENDAR (continued)

Planning Commission (continued)

5. SPECIAL USE PERMIT #2001-0003
1767 KING ST
SEAGAR'S RESTAURANT
KING STREET METROPLACE HILTON HOTEL
Public Hearing and Consideration of a review of a special use permit for a restaurant; zoned OCH/Office Commercial High. Applicant: LNR Alexandria Limited Partnership, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend approval 7-0

6. SPECIAL USE PERMIT #2000-0154
340 HOOFF'S RUN DR
VIRGINIA CONCRETE CO
Public Hearing and Consideration of a review of a special use permit for a concrete plant; zoned OCM-100/Office Commercial Medium. Applicant: Virginia Concrete Company, by Sarah Hall, attorney.

COMMISSION ACTION: Recommend approval 7-0

7. SPECIAL USE PERMIT #2000-0161
111-119 E REED AV
Public Hearing and Consideration of a request for a special use permit amendment for an extension of validity of the existing special use permit; zoned CSL/Commercial Service Low. Applicant: Alexandria One Associates, LP, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend approval 7-0

END OF ACTION CONSENT CALENDAR

City Council approved the Consent Calendar as presented, with the exception of docket item nos. 3, 4 and 6 which were considered under separate motions. The Planning Commission's recommendations are as follows:

3. & 4. Councilwoman Eberwein noted, with respect to the outside seating, that there is room for another table and perhaps another bench. She commented that as cities try to encourage outdoor eating to enliven the space that we should not be too restrictive. Ms. Eberwein has spoken to staff and offered an amendment to condition #2 of docket item no. 3 as follows: "that additional seating could be provided as long as it meets the approval of the Planning staff and does not obstruct the sidewalk."

City Attorney Pessoa requested that the motion include a conforming amendment to condition #3 of docket item no. 4 which is limited to four seats and two tables and one bench; which request was acceptable to the maker and seconder of the motion.

Note: Docket item nos. 3 and 4 were considered under one motion.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

ACTION CONSENT CALENDAR (continued)

Planning Commission (continued)

3. City Council approved the Planning Commission recommendation, with the following amendment to condition #2 as follows: "that additional seating could be provided as long as it meets the approval of the Planning staff and does not obstruct the sidewalk." (Separate motion)

4. City Council approved the Planning Commission recommendation, with the following amendment to condition #3 as follows: "that additional seating could be provided as long as it meets the approval of the Planning staff and does not obstruct the sidewalk." (Separate motion)

5. City Council approved the Planning Commission recommendation.

6. Councilwoman Pepper commented about the concern that people have had that this may not be an appropriate use in the near future, and we need to be thinking about how we might want to handle that. In addition, she spoke to the potholes on this site, as well as the concern raised in condition #2 regarding dust control.

City Council approved the Planning Commission recommendation. (Separate motion)

7. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing on and Consideration of the Proposed Scope of Work for the Planned Study of Possible Locations for a New Visitors Center. (#16 2/28/01)

There was considerable discussion by the Members of City Council with respect to this item.

(A copy of a draft verbatim transcript of Council's discussion on this item is on file in the office of the City Clerk.)

Without objection, City Council closed the public hearing and will consider this item at its legislative meeting on Tuesday, March 27, 2001.

Council Action: _____