

EXHIBIT NO. 1

3
9-15-01

Docket Item #4
DEVELOPMENT SPECIAL USE PERMIT #2001-0006
1225-1229 KING STREET OFFICE BUILDING

Planning Commission Meeting
September 4, 2001

ISSUE: Consideration of a request for a development special use permit extension of time for construction of a mixed use office and retail building.

APPLICANT: 1225 – 1229 King Street Associates
by Duncan W. Blair, attorney

LOCATION: 1225 – 1229 King Street

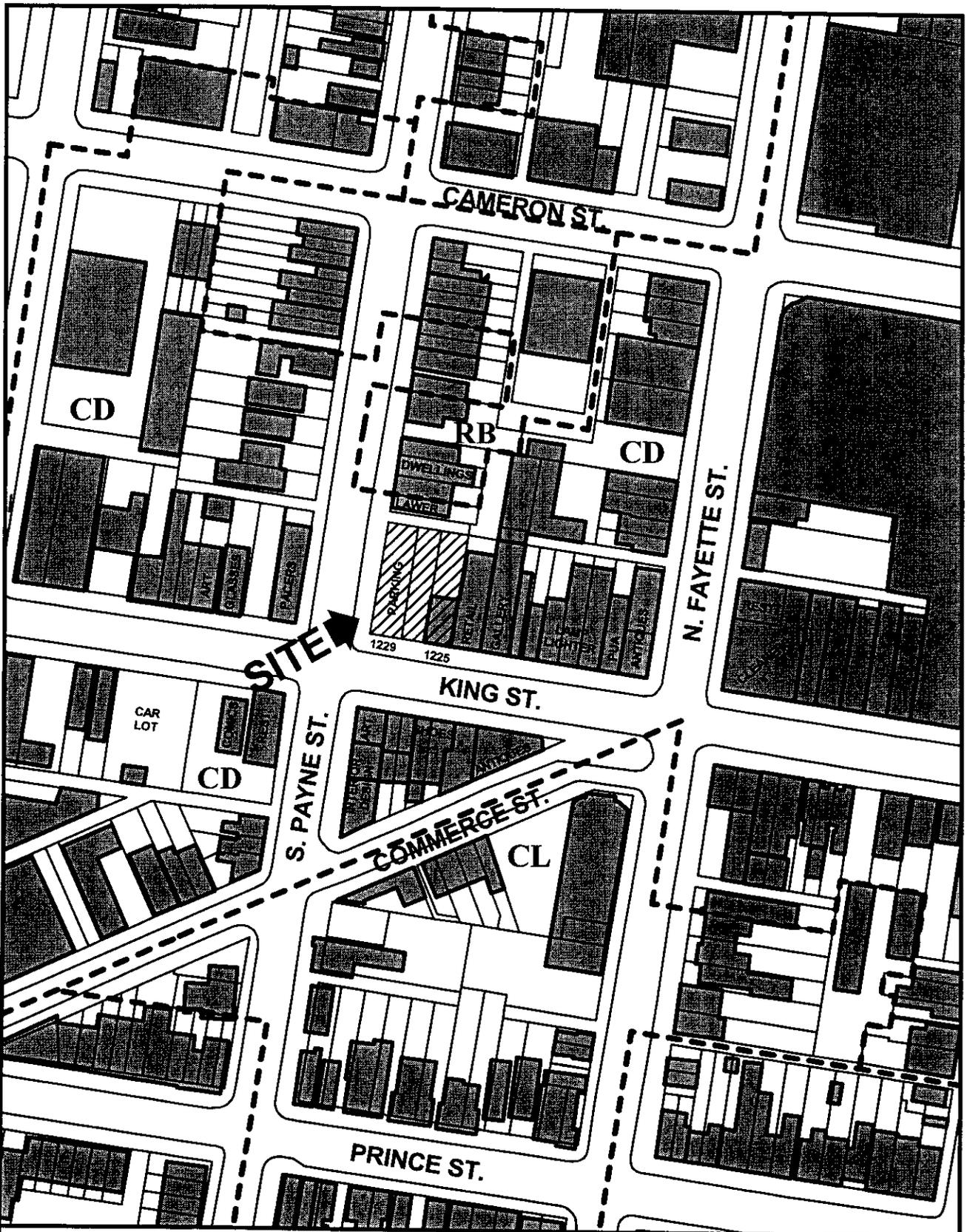
ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, SEPTEMBER 4, 2001: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request subject to compliance with all applicable codes, ordinances and staff recommendations, and with an amendment to reduce the extension to 18 months. The motion carried on a vote of 7 to 0.

Reason: The Commission agreed with the staff analysis but felt that the extension in time should not exceed the time typically given to a new approval, 18 months.

Speakers:

Duncan Blair, representing the applicant.



DSUP #2001-0006

09/04/01



STAFF RECOMMENDATION:

Staff recommends approval of an **18 month extension** subject to compliance with all applicable codes and ordinances and the following conditions:

1. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (SUP#99-0052) (P&Z)
2. Consolidate the three lots of record within the project site to a single lot. (SUP#99-0052)(P&Z)
3. Show all existing and proposed site lights, include the following information:
 - a. Indicate type of fixture, show mounting height and strength of fixture in lumens.
 - b. Provide manufacture's specifications for fixtures.
 - c. Provide lighting calculations to verify that lighting meets City standards.
 - d. Take necessary precautions to prevent excess spillover lighting to the adjacent properties. (SUP#99-0052) (T&ES)(P&Z)
4. The final location and screening of all above grade utility structures, such as transformers, switchboxes, cable and telephone pedestals shall be approved by the Director of Planning & Zoning prior to the installation of such structures. To the extent feasible, all such structures shall be located out of view of public streets. (SUP#99-0052) (P&Z)
5. Trash and recycling shall be stored within the building only, no dumpsters or trash containers are permitted outside. (SUP#99-0052) (P&Z)
6. Temporary structures for construction personnel, as well as sales/marketing signs, shall be permitted, and the period such temporary structures are to remain on site, as well as the size and site design for such structures, including signs, shall be subject to the approval of the Director of Planning and Zoning. (SUP#99-0052) (P&Z)
7. Provide a city standard driveway apron (CSES-1A) that incorporates handicapped ramp. The proposed design with separate standards is not acceptable.(SUP#99-0052) (T&ES)
8. The existing building to the east has roof drains spilling out unto the subject property. Provide a design to incorporate the adjacent property's downspouts into the new building roof drain system or an alternate proposal acceptable to director of T&ES. (SUP#99-0052) (T&ES)

9. Provide an appropriate Best Management Practices (BMP) concept on the final plan for the stormwater quality control in accordance with Section XIII of the zoning ordinance.(SUP#99-0052) (T&ES)
10. Provide a completed worksheet C on the stormwater quality calculations section of the plan. (SUP#99-0052) (T&ES)
11. Existing street trees that are to be saved shall be protected throughout the construction process. Damaged or destroyed trees will be replaced by the applicant with trees of comparable size, to the satisfaction of the City Arborist. (SUP#99-0052) (RPCA)
12. No less than 60 days prior to opening, the applicant shall meet with a representative of the Alexandria Office of Employment Training (OET) to describe what kinds of employees will be hired and to learn about the employment services offered by OET. Thereafter, the applicant shall give good faith consideration to applicants for employment who are referred by OET. (SUP#99-0052) (Human Services)
13. The applicant shall require that its building contractor, prior to commencing any construction, meet with a representative of the Office of Employment Training to describe what kinds of construction employees will be hired and to learn about employment services offered by OET. The applicant shall require its contractor to give good faith consideration to applicants for employment who are referred by OET. (SUP#99-0052) (Human Services)
14. The developer shall make cash contributions to the Housing Trust Fund in the amount of \$.50 per gross square foot of new building area, payable before receipt of the Certificates of Occupancy. (SUP#99-0052) (Housing)
15. A security survey is required for any construction trailers on site prior to the commencement of construction. (SUP#99-0052) (Police)
16. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and alarms for the proposed building prior to the commencement of construction. (SUP#99-0052) (Police)
17. The garage shall have controlled access. (SUP#99-0052) (Police)
18. Lighting within the garage is to be a minimum of 2.0 foot candles minimum maintained. (SUP#99-0052) (Police)
19. The walls and ceiling in the garage shall be painted white. (SUP#99-0052) (Police)

20. Call Alexandria Archaeology immediately (703-838-4399) if any buried structure remains (wall foundations, wells, privies, cisterns, etc.) Or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. This statement must appear in the General Notes section of the site plan so that on-site contractors are aware of the requirement. (SUP#99-0052) (Historic Alexandria)
21. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (SUP#99-0052) (P&Z)
22. The applicant shall submit final "as-built" plan for the development prior to applying for certificate of occupancy permit for the last dwelling unit. (SUP#99-0052) (P&Z)
23. The applicant shall consolidate the three lots within this development parcel into a single lot prior to the release of the final site plan. (SUP#99-0052) (P&Z)

Special use permits and modifications requested by the applicant and recommended by staff:

1. Special Use Permit for increased FAR from 1.5 to 2.5.
2. Modification for off-site crown coverage.
3. Modification for zone transition setback.
4. Waiver of vision clearance.

BACKGROUND:

The applicant, King Street Associates, is requesting a twenty-four (24) month extension of time in which to commence construction of a previously approved development special use permit with site plan for a three-story commercial building. The proposed project, including the existing building located at 1225 King Street, would have 17,400 net square feet of office and retail space. The proposed building would be a flat-roofed brick structure encompassing the existing building and covering the remaining portion of the property. Ground floor retail and parking for a minimum of 11 parking spaces will be provided in the new structure.

The special use permit and accompanying site plan, SUP#99-0052, was originally approved by Planning Commission on December 7, 1999 and City Council on December 18, 1999. The site plan approval expired on June 18, 2001. In the interim, the City has been working with the applicant to resolve outstanding issues with the building design.

The building design requires the review and approval by the Old and Historic Alexandria District Board of Architectural Review. The applicant received approval for the proposed building design on May 17, 2000. This approval was valid for one year. On July 18, 2001 the Board of Architectural Review reapproved the plans as submitted with a 5-0 vote.

To date, the applicant has been unable to secure a purchaser for the property. The applicant has therefor requested the extension in order to be able to additionally market the project and secure a purchaser for the property.

STAFF ANALYSIS:

Staff is recommending approval of the requested extension of the development special use permit with site plan including approval of the modifications and waivers to increase density, modify off-site crown coverage, modify zone transition setback, and waive vision clearance.

The proposed office building is similar in scale to other buildings in this area of King Street with provisions for desirable ground floor retail. Staff believes that the project is consistent with the goals of the City's master plan, which envisions a "...lively, mixed use of office, retail, residential and hotel development..." Further, the removal of the gravel surface parking area at this prominent corner site as well as the exposed concrete block wall of the building located at 1225 King Street will be an improvement to the neighborhood and the King Street streetscape.

The applicant is actively working with staff to obtain final site plan approval. Comments from the latest submission are currently being addressed by the applicant. A submittal incorporating recent staff comments is forthcoming.

Recommendation:

This is the first request for an extension of the development special use permit with site plan requested for SUP #99-0052. Staff believes commercial office and retail development is an appropriate use for this site and is consistent with the goals of the Master Plan. Staff recommends that a twenty-four month extension be granted to the applicant during which time final site plan approval can be obtained, marketing can be conducted to secure a purchaser, and the building can be constructed.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Kimberley Johnson, Chief, Development;
Helena Soprano, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 The subject plan is identical to the DSP #99-0052 approved by City Council on December 18, 1999.
- F-2 T & ES currently has underway a program for improvements to the intersection of King Street and Payne Street. This will include traffic signalization, pedestrian crossings, street signs, etc. Work is to begin May of this year.
- C-1 Bond for the public improvements must be posted prior to release of the site plan.
- C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 The sewer tap fee must be paid prior to release of the site plan.
- C-4 All drainage facilities must be designed to the satisfaction of T &ES.
- C-5 All utilities serving this site to be placed underground.
- C-6 Provide site lighting.
- C-7 Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Section XIII of the City's Zoning Ordinance for stormwater quality.
- C-8 Provide an erosion and sedimentation control plan consistent with construction activity.
- R-1 Prior to release of the final site plan, provide a Traffic Control Plan for construction, detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, storage and staging area.
- R-2 Show wash rack for temporary construction entrance and address siltration control and show a water source. Indicate utilization of stock piles for excavation and staging areas and provide applicable erosion and sediment control measures.
- R-3 Provide 15-inch RCP storm sewer in lieu f 12-inch outfall from stormceptor.

- R-4 Skewed alignment of stormceptor outfall through proposed building is not acceptable. Provide additional manhole between stormceptor outfall to allow a 90-degree pipe penetration through the proposed building.
- R-5 Verify proximity of building columns to stormceptor outfall to ensure constructibility.
- R-6 On sheet 7, add summary of maintenance requirements to the Stormwater Management Maintenance Note.
- R-7 Encase all storm sewer with less than two feet of cover. Indicate start, and end stationing for encasement on the storm sewer profile.
- R-8 Provide detail of city standard handicap parking sign on plan.
- R-9 On cover sheet, General Note #19 the term HEALTH DEPARTMENT should be changed to ALEXANDRIA NOISE CODE REQUIREMENTS, and expand the narration to include the following:

All construction activities must comply with the Alexandria Noise Control Code Title 11, Chapter 5, which permits construction activities to occur between the following hours:

Monday through Friday from 7 am to 6 pm, and Saturdays from 9 am to 6pm.

No construction activity permitted on Sundays.

Pile driving is further restricted to the following hours: Monday through Friday from 9 am to 6 pm and Saturdays from 10 pm to 4 pm.

Code Enforcement:

No comments were received from this department.

Health Department:

- C-1 An Alexandria Health Department permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 Permits must be obtained prior to operation.

- C-4 Four sets of plans are to be submitted to and approved by this department prior to construction of any facility regulated by the health department.
- C-5 Plans for food facilities must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-6 Pool plans must comply with Title 11, Chapter 11, Swimming Pools. Tourist establishment pools must have six(6) sets of plans submitted.
- C-7 Personal grooming facilities must comply with Title 11, Chapter 7, Personal Grooming Establishments.
- C-8 Tanning salons must meet State Code Title 59.1, Chapter 24.1, Tanning Facilities.
- C-9 Massage facility plans must comply with Title 11, Chapter 4.2, Massage Regulations. All massage therapists must possess a current massage certification, issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, Section 54.1-3029 and must possess an Alexandria Massage permit in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.
- C-10 Coin-operated dry cleaning facility plans must comply with Title 9, Chapter 4, Coin Operated Dry Cleaning Establishments.
- C-11 Coin-operated laundry plans must comply with Title 9, Chapter 5, Coin-Operated Laundries.

Police Department:

- F-1 Concur with numbers 15,16,17,18, and 19 listed on page 2 of the blueprints.

Historic Alexandria (Archaeology):

No comments were received from this department.

Parks & Recreation (Arborist):

No comments were received from this department.

Helena Soprano

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2001-0006

PROJECT NAME: **1229 KING STREET OFFICE BUILDING**

PROPERTY LOCATION: **1229 King Street, Alexandria, Virginia**

TAX MAP REFERENCE: **64.03 09 23-25**

ZONE: **CD/Commercial Downtown**

APPLICANT Name: **1225-1227-1229 King Street Associates, a Virginia general partnership**

Address: **120 South Fairfax Street, Alexandria, Virginia 22314**

PROPERTY OWNER Name: **1225-1227-1229 King Street Associates, c/o Murray Bonitt**

Address: **120 South Fairfax Street, Alexandria, Virginia 22314**

SUMMARY OF PROPOSAL: **Extension of the approval of Development Special Use Permit 99-0052 to construct mixed-use office and retail building for twenty-four (24) months.**

MODIFICATIONS REQUESTED: **Waiver of vision clearance setback requirement §7-801 of the Alexandria Zoning Ordinance, 1992, as amended ("Ordinance"); modification of the landscaping requirement of §11-416(B) of the Ordinance.**

SUP's REQUESTED: **Special Use Permit pursuant to §4-506(B)(2) of the Ordinance to increase permitted floor area ratio from a 1.5 FAR to a 2.5 FAR.**

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.

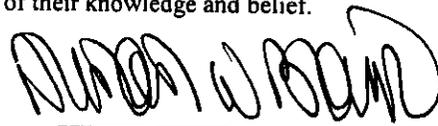
THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Land, Clark, Carroll, Mendelson & Blair, P.C.

Duncan W. Blair, Esquire

Print Name of Applicant or Agent



Signature

112 South Alfred Street, Suite 300

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

Email: dblair@landclark.com

Alexandria, Virginia 22314

City and State

Zip Code

March 27, 2001

Date

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

Application Received: _____

Received Plans for Completeness: _____

Fee Paid & Date: \$ _____

Received Plans for Preliminary: _____

Legal Advertisement: _____

Property Placard: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

1229 KING ST OFFICE

Development Special Use Permit with Site Plan (DSUP) # 2001-0006

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 the (check one) Owner Contract Purchaser
 Lessee or Other: _____

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.

1225-1227-1229 King Street Associates is a Virginia general partnership. The people owning an interest in excess of a ten (10%) partnership interest are: (i) Murray Bonitt, (ii) Max and Priscilla Noah and (iii) Mark R. Warner. The mailing address for the partnership and its partners is 120 South Fairfax Street, c/o Murray Bonitt, Alexandria, Virginia 22314.

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

2. 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)

1225-1227-1229 King Street Associates, a Virginia general partnership (the "Applicants") are requesting a twenty-four (24) month extension of the approval of Development Special Use Permit 99-0052 to construct a 26,294 gross square foot mixed use office and retail building on the northeast corner of King Street and North Payne Street (the "Property").

The Applicants have been aggressively marketing the building as a build-to-suit for sale commercial office and retail use since its approval in 1999. As of this date, the Applicants have not found a purchaser for the building and will not commence construction within the eighteen (18) month period of validity of DSUP 99-0052. The Applicants are requesting reapproval of DSUP 99-0052 for an additional twenty-four (24) months to give them additional time to market the Property and commence construction.

The Applicants are currently processing the final site plan for the approved project and intend to file for reapproval of the Certificate of Appropriateness for the building originally granted by the Old and Historic Board of Architectural Review on May 17, 2000.

Modification Waiver of §7-800 Vision Clearance Setback

The applicant is requesting reapproval of a modification/waiver of the strict application of §7-800 of the Ordinance to permit construction of the proposed office and retail mixed use building into the vision clearance setback area on the corner of King Street and North Payne Street. NOTE: A waiver of the vision clearance setback requirement will also be requested as part of the conceptual review of the project's architecture by the Old and Historic Alexandria District Board of Architectural Review, and a variance (BZA 5679) was granted in 1987 as part of the prior development approvals.

Modification of the Landscaping Requirements of §11-416(B)

The Applicants are requesting reapproval of a modification from the strict application of §410(cc) of the Ordinance pursuant to §416(B) of the Ordinance. The proposed mixed use office and retail building does not have onsite open areas for landscaping and the adjacent rights-of-way of North Payne Street and North Fairfax Street have established mature street trees. Based on the foregoing, it is impossible to comply with §410(cc) of the Ordinance.

Special Use Permits

The Applicants are requesting a Special Use Permit pursuant to §4-506(B)(1) of the Ordinance to allow for an increase in permitted floor area ratio from a 1.5 to a 2.5 floor area to permit construction of the office/retail mixed use building. The building has been designed to be consistent with the Old and Historic Alexandria District Design Guidelines and to maintain the existing scale and character of the streetscape of the 1200 block of King Street.

3. How many patrons, clients, pupils and other such users do you expect?
Specify time period (i.e., day, hour, or shift).

No change from SUP 99-0052.

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

No change from SUP 99-0052.

5. Describe the proposed hours and days of operation of the proposed use:

Day	Hours	Day	Hours
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No change from SUP 99-0052.

6. Describe any potential noise emanating from the proposed use:

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

No change from SUP 99-0052.

B. How will the noise from patrons be controlled?

No change from SUP 99-0052.

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

No change from SUP 99-0052.

Development Special Use Permit with Site Plan (DSUP) # 2001-0006

8. Provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

No change from SUP 99-0052.

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

No change from SUP 99-0052.

C. How often will trash be collected?

No change from SUP 99-0052.

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

No change from SUP 99-0052.

9. 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:

10. 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:

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

No change from SUP 99-0052.

ALCOHOL SALES

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

Yes. No.

15
8

Development Special Use Permit with Site Plan (DSUP) # 2001-0006

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

13. 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. The project is located in the Central Business Zone as such the project is exempt from the required parking provisions of the Ordinance.

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

11 Standard spaces

Compact spaces

Handicapped accessible spaces.

11 Other.

C. 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:

No change from SUP 99-0052.

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.

14. Provide information regarding loading and unloading facilities for the use:

Development Special Use Permit with Site Plan (DSUP) # 2004-0006

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? **No change from SUP 99-0052.**
- B. How many loading spaces are available for the use? **No change from SUP 99-0052.**
- C. Where are off-street loading facilities located? **No change from SUP 99-0052.**
- D. During what hours of the day do you expect loading/unloading operations to occur?
No change from SUP 99-0052.
- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
No change from SUP 99-0052.
15. 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 change from SUP 99-0052.

diana soprano

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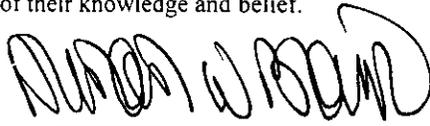
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Land, Clark, Carroll, Mendelson & Blair, P.C.

Duncan W. Blair, Esquire

Print Name of Applicant or Agent



Signature

112 South Alfred Street, Suite 300

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

Email: *dblair@landclark.com*

Alexandria, Virginia 22314

City and State

Zip Code

March 27, 2001

Date

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

Application Received: _____

Received Plans for Completeness: _____

Fee Paid & Date: \$ _____

Received Plans for Preliminary: _____

Legal Advertisement: _____

Property Placard: _____

ACTION - PLANNING COMMISSION: 9/4/01

RECOMMEND APPROVAL

7-0

ACTION - CITY COUNCIL: 9/15/01PH--CC approved the Planning Commission recommendation.
Zoning\1229kingExt-DSUP2.app