

EXHIBIT NO. 1

6
1-25-03

Docket Item # 5
SPECIAL USE PERMIT #2002-0109

Planning Commission Meeting
January 7, 2003

ISSUE: Consideration of a request for a special use permit to operate a catering business and small carry-out restaurant.

APPLICANT: Air Culinair, Inc.
by Erika L. Byrd, attorney

LOCATION: 4370 King Street

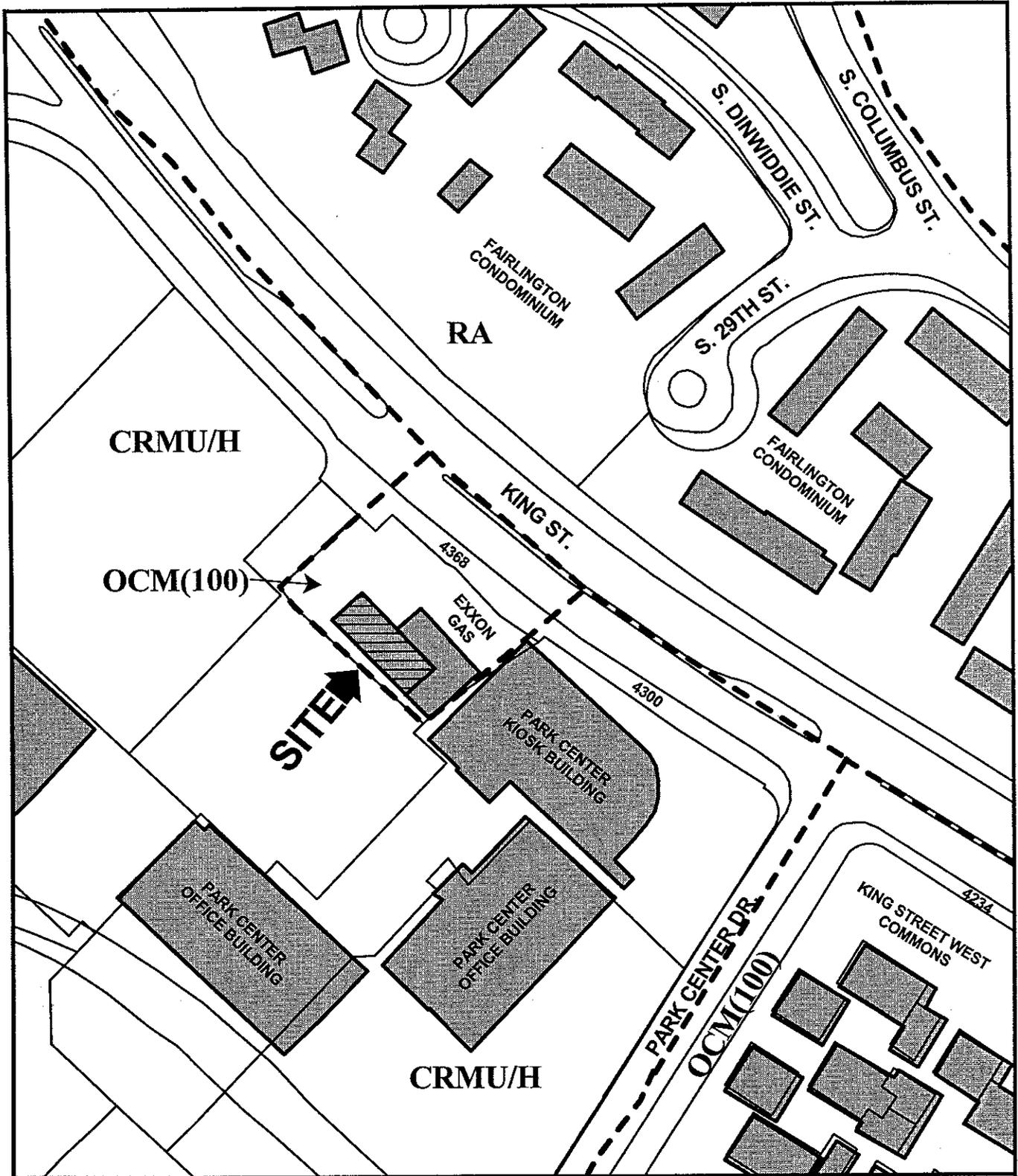
ZONE: OCM/100

PLANNING COMMISSION ACTION, JANUARY 7, 2003: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #11. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Erika Byrd, applicant's attorney, spoke in support of the application, and agreed with all of the conditions in the staff report except condition #11, but agreed to the revised condition #11 as presented to the Commission in a memo from staff.



SUP #2002-0109

01/07/03



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)
2. No outside dining facilities shall be located on the premises. (P&Z)
3. No live entertainment shall be provided at the restaurant. (P&Z)
4. The hours of operation of the carry-out restaurant shall be limited to 5:00 A.M. to 9:00 p.m. daily. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the carry-out restaurant. (P&Z)
6. Alcohol service shall not be permitted. Off-premise alcohol is permitted in connection with the catering portion of the business only. (P&Z)
7. No food, beverages, or other material shall be stored outside. (P&Z)
8. Trash and garbage shall be stored 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)
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)
10. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

11. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall maintain 14 on-site parking spaces. Seven spaces shall be specifically designated for the applicant's business. To the extent that the remaining seven spaces are not occupied by the applicant's employees, customers and/or delivery vehicles, customers of Exxon, or a successor service station, may be permitted to utilize those spaces. Employee vehicles from Exxon, or any successor service station, shall not be permitted to be parked in the remaining seven spaces. (PC) (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
13. 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)
14. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. 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)
16. 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, (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)

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.

DISCUSSION:

1. The applicant, Air Culinair, Inc., requests special use permit approval for the operation of a catering business and carry-out operation located at 4370 King Street.
2. The subject property is one lot of record with 205.24 feet of frontage along King Street, a depth of 125 feet, and an area of 22,573 square feet. The property is located on the south side of King Street and is developed with an Exxon gasoline and service station and an attached two-story commercial building that is currently vacant. The proposed business will occupy the first floor of the vacant building, which consists of 2,562 square feet. The land uses in the area are mixed and include office, commercial and residential. The Fairlington residential development is across King Street to the north. Otherwise, office buildings surround the property.
3. On September 16, 1995, City Council granted Special Use Permit #95-0113 for the operation of a carry-out and delivery restaurant known as "Steak Around." The space has been vacant for almost two years since Steak Around ceased operation. Prior to Steak Around, Cavalier Auto Supply occupied the space.
4. This application is a request to operate a catering company that limits its services to the airline industry providing food and beverage items for consumption on small airplanes and private jets at area airports, such as the two Washington, D.C. airports and the Richmond airport. The operation will also provide a small carry-out service on the premises offering breakfast and deli sandwiches and immediately consumable snacks and beverages to retail patrons. There will be no seating offered for customers. The business will also have an ancillary office function on the premises receiving orders and conducting administrative work.
5. The applicant indicates that 99% of the business at this location will be the catering function. Air Culinaire will deliver prepared food items to local airport destinations using mini vans. Food preparation and deliveries to and from the site will occur seven days a week primarily between the hours of 5:00 a.m. and 9:00 p.m., but on an infrequent basis may occur outside of these hours to respond to customers' early flight schedules. There will generally be no more than six catering deliveries from the site each day, typically clustered around the hours of 11:00 a.m. and 2:00 p.m. The ancillary office function will operate during daytime and nighttime hours as needed.

6. The hours of the carry-out restaurant will be seven days a week between 5:00 a.m. and 9:00 p.m. The carry-out restaurant is proposed to occupy only a small portion of the total space (see attached interior layout plan). Based on a similar operation the applicant has at another location outside of the City, it anticipates up to 15 patrons a day. The applicant anticipates the patrons for the carry-out operation to be primarily office personnel during lunch hours. The carry-out will offer breakfast items such as omelets, pancakes, and breakfast sandwiches, and hot and cold sandwiches for lunch and dinner (see attached sample menu).
7. There will be a total of 15 employees at the facility, with typically between eight and ten present at any one time typically during the morning and early afternoon hours.
8. There is no specific off-street parking requirement for catering operations. Staff considers the use to be similar to a personal service use which requires a minimum of one parking space for each 400 square feet of floor area. Applying this requirement to the proposed use, the applicant is required to provide seven spaces. The site has 14 on-site spaces and meets the parking requirement. Both employees and carry-out customers will utilize the on-site parking spaces. The five delivery minivans are anticipated to be on the road most of the day and would generally utilize the on-site parking spaces outside of the operating hours of the carry-out. Even when the five vans are parked on-site, there will be sufficient parking spaces remaining to meet the zoning requirement. Loading and unloading will occur from behind the building.
9. On December 2, 2002, staff attended a meeting held by the applicant with Fairlington residents from Stonegate Mews Home Owners Association, Fairlington Citizens Association, Fairlington Villages, and Fairlington Villages Condominium Association, to inform them about the application and answer any questions. Almost all of the residents who were present supported the application. The only issues that were discussed included noise, and the potential for the carry out business to be overly successful creating additional traffic and congestion in the area.
10. The applicant would like to apply for an off-premise ABC license for catering purposes only. Alcohol will not be served from the carry-out restaurant.
11. Trash will be picked up from the existing enclosed dumpster, also utilized by the Exxon Station.
12. Barber's Exxon was administratively approved in September of 2002 for a change of ownership (SUP #2002-0085). A service station has occupied the property for more than 50 years.

13. Zoning: The subject property is located in the OCM-100/Office commercial medium zone. Section 4-1003 of the zoning ordinance allows a catering business and carry-out restaurant in the OCM-100 zone only with a special use permit.
14. Master Plan: The proposed use is consistent with the Alexandria West chapter of the Master Plan which designates the property for uses consistent with OCM-100.

STAFF ANALYSIS:

Staff does not object to the proposed catering and carry-out business located at 4370 King Street. Staff was initially concerned that the proposed use would conflict with the existing gas and service station or create traffic congestion. However, the applicant is proposing typically only six deliveries each day and utilizing minivans instead of large trucks, which would not add a significant amount of congestion to the area. Additionally, the minivans will spend much of their time on the road going to locations outside out of the City and, therefore, will not compete for parking with customers of the carry-out business. Further, the site has been vacant for almost two years and staff is satisfied to see that a business, a portion of which will serve area residents and workers, is occupying the space. Finally, the carry-out portion of the operation, as described, is small and not anticipated to generate a significant amount of traffic.

Although staff finds that the site can accommodate the operation as described in this report, staff is concerned about any future growth of the business and the potential negative impacts, such as traffic congestion, on the adjoining gas and service station and to the area in general. Because of this concern, staff recommends a one year review condition to ensure that the operation continues to function as described in this report. Staff has also included all of the standard restaurant conditions.

With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 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.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- 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.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

Code Enforcement:

- F-1 The proposed location is currently vacant.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Any proposed future alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. 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 Fire Prevention Permit will be required should provisions for dine-in services be requested. Currently, no dine-in provisions are stated in this SUP.
- C-5 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-6 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.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans are to 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 \$135.00 fee for review of plans for food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 This facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking prohibitions.

- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Of" is approved we recommend the following conditions:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

LP

AMENDMENT TO
APPLICATION for/SPECIAL USE PERMIT # 2002-0109
95-0113

[must use black ink or type]

PROPERTY LOCATION: 4370 King Street

TAX MAP REFERENCE: 12.00-01-19 ZONE: OCM-100
Office Commercial Medium

APPLICANT Name: Air Culinair, Inc.

Address: 805 S. 20th Arlington, VA 22202

PROPERTY OWNER Name: King Enterprises of Virginia, Inc. dba Arber's Auto Service

Address: 6075 Brook Avenue, Falls Church

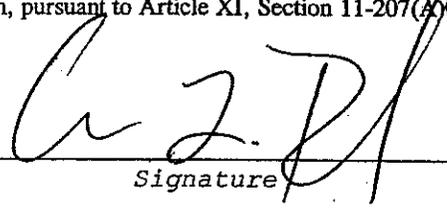
PROPOSED USE: Catering, carry-out and deli

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.

Erika L. Byrd
Print Name of Applicant or Agent


Signature

1750 Tysons Boulevard, Suite 1800
Mailing/Street Address

(703) 712-5480 (703) 712-5288
Telephone # Fax #

McLean, Virginia 22102
City and State Zip Code

10/25/02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ 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.

Guy C. Smith

551 Coleroft Court, Alexandria, VA 22314

LJ Investment LLC

5138 Leesburg Pike, 2nd Floor, Alexandria, VA 22302

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. 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.

Attached

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).

The use is primarily (99%) catering which is all prepared food taken off-site.

Applicant expects (current experience) a very small number of carry-out (10 - 15 patrons per day) primarily during the lunch hour.

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

Total employees approximately 15 - maximum at any one time typically 8-10.

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

Day:	Hours:
<u>7 days a week</u>	<u>5:00 a.m. - 9:00 p.m.</u>
_____	_____
_____	_____
_____	_____
_____	_____

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

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

No change in noise levels from the previous restaurant use.

B. How will the noise from patrons be controlled?

Because so few patrons will be on-site, no significant noise will be generated.

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

Only odors would be from an existing vent from the existing restaurant kitchen.

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?

Cardboard boxes, cans, and other trash/garbage typically associated with a restaurant use.

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

The amount of trash/garbage will be less than typically associated with a restaurant use because all food is consumed off-site.

C. How often will trash be collected?

Every weekday

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

The applicant will comply with the existing SUP condition #9 which addresses this issue.

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?

N/A

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.

The applicant currently has an ABC license and intends to file an application
for this site for OFF-SITE, CATERING purposes only.

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?

14 spaces

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

14 Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? 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? 1

B. How many loading spaces are available for the use? 1

C. Where are off-street loading facilities located? See attached plat

D. During what hours of the day do you expect loading/unloading operations to occur?
7:00 a.m. - 9:00 p.m.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Approximately 6 per day

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?
Street access is adequate

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? N/A square feet.

18. What will the total area occupied by the proposed use be?
2562 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2562 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: Space is located in the same structure as Exxon gas/service station.

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: _____ At a bar: _____ Total number proposed: 0

2. Will the restaurant offer any of the following?

X alcoholic beverages * _____ beer and wine (on-premises)
_____ beer and wine (off-premises) * off-site catering only

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

deli sandwiches and immediately snacks and beverages (on-site) - various
catering products provided (off-site)

4. The restaurant will offer the following service (check items that apply):

_____ table service _____ bar X carry-out _____ X delivery (of catering food)

5. If delivery service is proposed, how many vehicles do you anticipate? 5 delivery mini-vans

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

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? ___ Yes. X 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
 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. * See existing SUP condition #9.

Alcohol Consumption and Late Night Hours

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

	<u>0</u>	Maximum number of patron dining seats
	<u>0</u>	Maximum number of patron bar seats
+	<u>5</u>	Maximum number of standing patrons
<hr/>		
	<u>5</u>	Maximum number of patrons

2. 8-10 Maximum number of employees by hour at any one time

3. Hours of operation:
(check one)

- Closes by 8:00 P.M.
 X 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 for on-site

- High ratio of alcohol to food
 Balance between alcohol and food
 Low ratio of alcohol to food

SUP 2002-0109

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Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
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McGUIREWOODS

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November 22, 2002

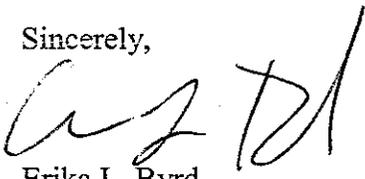
Ms. Valerie Peterson
City of Alexandria Office of Planning & Zoning
301 King Street
Room 2100
Alexandria, VA 22313

Re: Supplemental Information for Special Use Permit #95-0113

Dear Valerie:

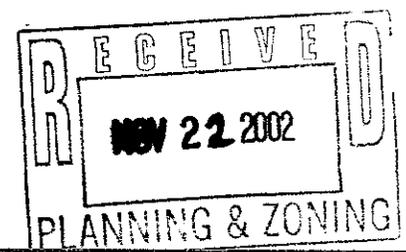
Pursuant to our discussion, please allow this letter to serve as supplemental information and justification for the proposed amendment to the above-referenced special use permit submitted by Air Culinaire Inc., as applicant. The total number of catering deliveries is approximately six per day and those deliveries are typically clustered around the middle of the day between the hours of 11:00 a.m. and 2:00 p.m. As we stated in our earlier submission, the hours of operations for the catering business will be limited to between 5:00 a.m. and 9:00 p.m. The catering portion of the business will include food preparation and deliveries. The applicant would, however, like to continue its office operations which would be limited to two to three employees inside the building doing various office activities, bookkeeping, scheduling, etc. 24 hours a day.

Thank you for your time and effort in processing this application.

Sincerely,

Erika L. Byrd

ELB/ll
cc: Guy Smith

\\REA\136670.1



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1750 Tysons Boulevard
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Phone: 703.712.5000
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ebyrd@mcguirewoods.com
Direct Fax: 703.712.5288

SUP 2002-0109

October 24, 2002

BY HAND

Ms. Eileen Fogarty
Director, Department of Planning & Zoning
City of Alexandria
City Hall, Room 2100
301 King Street
Alexandria, Virginia 22314

**Re: Justification for SUP Amendment and Change of Ownership
For Existing SUP #95-0113
Applicant: Air Culinair, Inc. - 4370 King Street, Alexandria**

Dear Ms. Fogarty:

This SUP amendment request is being filed concurrently with a SUP change in ownership application. The existing SUP was obtained by Steak Around, a different entity, and a restaurant/food delivery operation. The SUP amendment is being sought to add catering as a use, as well as to amend certain existing SUP conditions. Air Culinaire, Inc. (the "Applicant") will be the tenant to occupy the space and is a catering company that provides food and beverage items to the business aviation industry for consumption on small airplanes and private jets. Air Culinaire delivers foods that are served on disposable trays, drops off these food items at local airport destinations, and returns. The operation will also provide a small carry-out service offering deli sandwiches and immediately consumable snacks and beverages. We anticipate the patrons for the carry-out operation to be primarily office personnel during lunch hours. However, the large majority of Air Culinaire's sales are generated by the prepared catered orders delivered to local airports.

The number of employees will vary according to the volume of business; however, we anticipate a maximum of 8-10 employees at one time, all primarily working during the morning and early afternoon hours.

In many ways, this use will be less use intensive, especially from a transportation aspect, than the previous user. While Air Culinaire will make food deliveries, they are for large single orders as opposed to multiple, small, and individual delivery orders. The new use has no seating and a limited capacity for walk-in customers and does not anticipate significant demand for the carryout service, thereby reducing parking demand. The proposal includes 18 parking spaces

with a requirement of only 14. The Applicant anticipates all employee and customer parking to be accommodated on-site. In addition, many of Air Culinaire's employees carpool to work. Any small amount of noise generated by the catering use will be insignificant compared to the noise generated from the adjacent automobile service/repair facility.

In addition, the Applicant is proposing to expand the hours of operation; however, because the vast majority of activity is internal food preparation work, little activity will be visible from the exterior of the building.

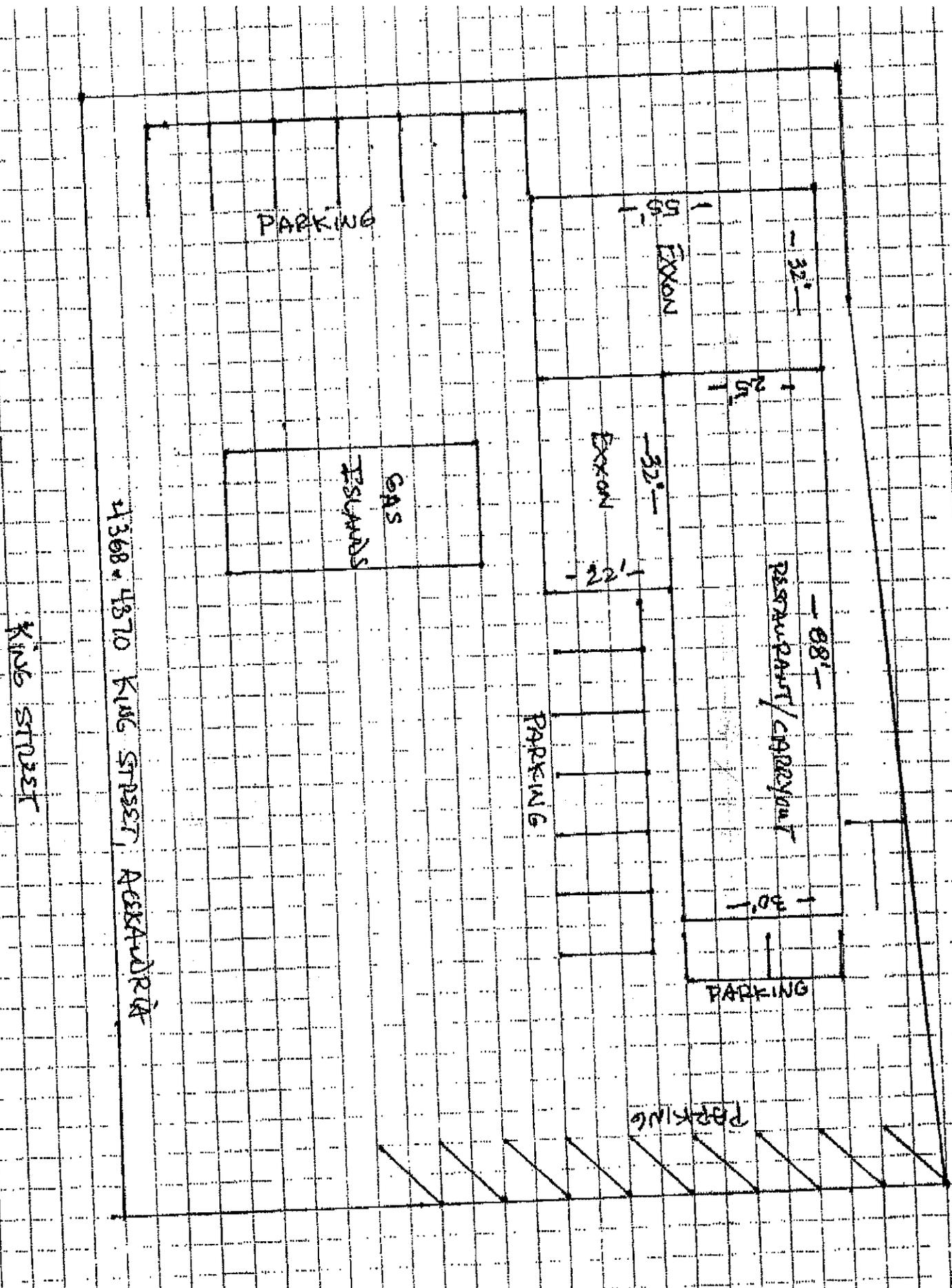
For the foregoing reasons, I respectfully request that Staff review this application favorably.

Sincerely,


Erika L. Byrd

ELB/III
Enclosures

\\REA\133327.1



SUP 2002-0109



September 12, 2001

To: Our Valued Customers & Vendors

From: Guy C. Smith, President
Air Culinaire, Inc. *GCS*

Re: Tragedy in America

As an aviation caterer, the events that took place on September 11th have obviously had a great impact on our operation. However, I am taking this opportunity to inform you of the incredible effort and commitment that the Air Culinaire team performed during this horrible and tragic day.

Air Culinaire is located 2 miles from the Pentagon. Soon after we felt the ground shake and saw the intense black smoke, I visited the local Fire Department 4 blocks down the road. After speaking with the Captain on duty, it was obvious that there was a great need for food and beverages for the enormous number of Fire Fighters and Police Officers at the Pentagon.

The Air Culinaire team immediately took action! All staff members assisted in loading 175 cases of Evian water into 2 of our delivery vans. Our vans were given police escorts to the grounds of the Pentagon and we handed out cold water to the Fire Fighters and Police Officers.

Our "Chef Brigade" began preparing food and we delivered over 3,000 meals to a central staging area supporting this incredible cause. I am truly proud of the amazing teamwork and thoughtfulness of the staff at Air Culinaire. Considering we were located in a "War Zone", we all focused on helping our country through this crisis. I am so, so proud!

805 South 20th Street
Arlington, Virginia 22202
1-888-686-2040
Tel: 703•920•2040
FAX: 703•521•1446
www.airculinaire.com

Serving the Nation's Capital and Surrounding Areas:

IAD MTN DCA BWI AAFB CHO GAI JYO HEF RIC

PROFESSIONAL PILOT



Regal Aviation opens Phase I of new FBO at DAL (Love, Dallas TX). Phase I consists of a 28,000 sq ft expansion of the current charter ops building, complete with passenger lobby, office space, maintenance hangar and private ramp area. The new facility, called the Customer Care Center, is scheduled for completion in early 2002. The finished product will be 80,000 sq ft of buildings with an executive departure lounge, offices, pax lounge, flightcrew facilities and hangar storage, as well as 150,000 sq ft of ramp space. A unique feature of the Customer Care Center will be the complimentary services offered to customers regardless of fuel purchase, including lav service, air conditioning cart and vacuum. No parking or ramp fees will be charged to customers using the Customer Care Center, and Regal has purchased its own limousine to transport crews to and from hotels.



Photo by Jack Sykes

Oct 6 marked the official reopening of IAD (Dulles, Washington DC) after the no-fly zones surrounding DCA (National, Washington DC) were reduced from 25 to 18 miles. The once overwhelmed ramp at Signature DCA is now empty and visitors to the area are having to make alternate arrangements. Overflow traffic is now looking to IAD as a gateway to Washington and has caused Piedmont Hawthorne's business to go up by 100% on some of its busiest days. Aircraft movements over 100 per day have become commonplace during the week at IAD. When asked how it is accommodating the sudden high volume, VP Business Development David Brinson said, "We are working very closely with the airport authority to provide additional parking for aircraft. The customers have been great and realize that we are under the gun."

Metro and Swissport team up for UK bizav. A cooperation agreement was signed on Aug 23 between Metro Business Aviation and Swissport Executive to provide services for business aircraft at LHR (Heathrow, London, England). The new enterprise is called Metro-Swissport Executive Aviation and will offer complete services to corporate aircraft —up to and including Boeing 747s. In an effort to encourage expansion and growth Metro Business Aviation has also appointed Steve Dennis, former

CEO of Aviation Resource Group Intl (ARGI), as chairman. Dennis will continue to serve as nonexecutive chairman of ARGI but has relocated from Denver to Metro's headquarters in London.

Air BP adds AVCard to electronic point-of-sale (POS) machines. In the past, many FBOs that accepted AVCard were required to process transactions manually. Now cards can be swiped on Air BP POS systems for faster execution of purchases. Merchants will also benefit

from reduced administration costs and more timely payment. All of Air BP's 600-plus locations will implement the change—immediately throughout the US and eventually in Canada.

Avfuel and Shell form international alliance. Effective Nov 1, cardholders of either Shell Aviation Carnet or Avfuel cards can use them at any Avfuel or Shell location in the US, Caribbean, Europe and Asia. Fueling customers will now have more than 1400 locations worldwide to choose from. The agreement will allow flight departments to have a more efficient invoicing and payment system for both cards.

Caterers to the rescue

Air Culinaire's operation "Chef Brigade" assists in Pentagon efforts. Just after the terrorist attacks on Sep 11, the staff of Arlington VA-based Air Culinaire loaded up its 2 delivery vans with 175 cases of water, and chefs went to work preparing over 3000 meals for rescue workers. The caterer was given police escorts to the Pentagon, where staff served food and water to rescue workers in a central staging area on the grounds. Air Culinaire's headquarters are located 2 miles from the site.

Rudy's Inflight recruited by PANYNJ for WTC rescue efforts. TEB (Teterboro NJ)-based Rudy's Inflight Catering mobilized its operation to set up at the emergency comm center in Jersey City NJ to provide food and water for rescuers at Ground Zero. Originally commissioned by the Port Authority of New York & New Jersey (PANYNJ) on Sep 12 to supply rescue workers with 200 breakfasts, lunches and dinners, Rudy's became overwhelmed with over 1000 meals 4 times per day by Sep 16. The operation's FDA-approved status put it at the top of a list of approved catering vendors for the Port Authority.

GUY SMITH

From: "Martineau, Damian"
To: <chefguy@prodigy.net>
Sent: Tuesday, October 16, 2001 3:51 PM
Subject: CIA Recognition
Chef Guy,

As a newly elected member of the corporation (MOC), for the Culinary Institute of America, I wanted to send you a quick note to say thanks for your efforts in response to the recent Pentagon tragedy. It is graduates such as yourself that make us all proud to belong to the CIA family. I assure you many of us were visibly moved by your generosity, compassion and spontaneous actions to provide comfort and support for those affected in this time of great need. Your letter was read in it's entirety during our October Alumni committee meeting and was mentioned again at our annual meeting of the board, held October 13th, 2001 at the Hyde Park campus. Furthermore, an abbreviated portion of your letter was published in La Papillote, the student newspaper of the CIA, published September 28, 2001. I am sending you a copy for your files.

As you may be aware, of the 15 graduates working in the World Trade Center buildings, the CIA lost 3 graduates on September 11th and two scholarships were recently named in their memory.

In closing, let me express once again that your actions have made the students, graduates, faculty and members of the board very proud. Keep up the great work.

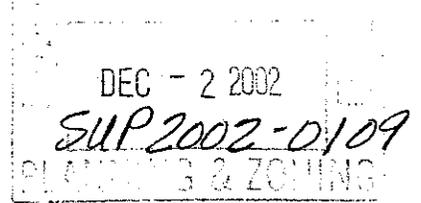
Damian Martineau, C.E.C., A.A.C.

10/17/2001

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Erika L. Byrd
Direct: 703.712.5480

McGUIREWOODS



ebyrd@mcguirewoods.com
Direct Fax: 703.712.5288

November 25, 2002

Valerie Peterson
Department of Planning and Zoning
301 King Street, City Hall, Room 2100
Alexandria, Virginia 22314

Re: Air Culinaire

Dear Valerie:

As promised, enclosed please find the layout for Air Culinaire on King Street which I previously faxed to you. Please call if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Erika L. Byrd".

Erika L. Byrd

ELB/ep
Enclosure

SUP 2002-0109

P. 2

7035211446

NOV 24 02 12:47P AIR CULINAIRE

A - MDP SINK
B - 3 Comp. SINK
W/DISH MACHINE

C - HAND SINK

D - POT RACK

E - VEG SINK

F - 2 DOOR REFR. UNIT

G - MEAT SLICER

H - FRYER

I - ROTISSERIE OVEN

J - EXISTING VENT

K - TABLE W/ STEAMER
UNIT

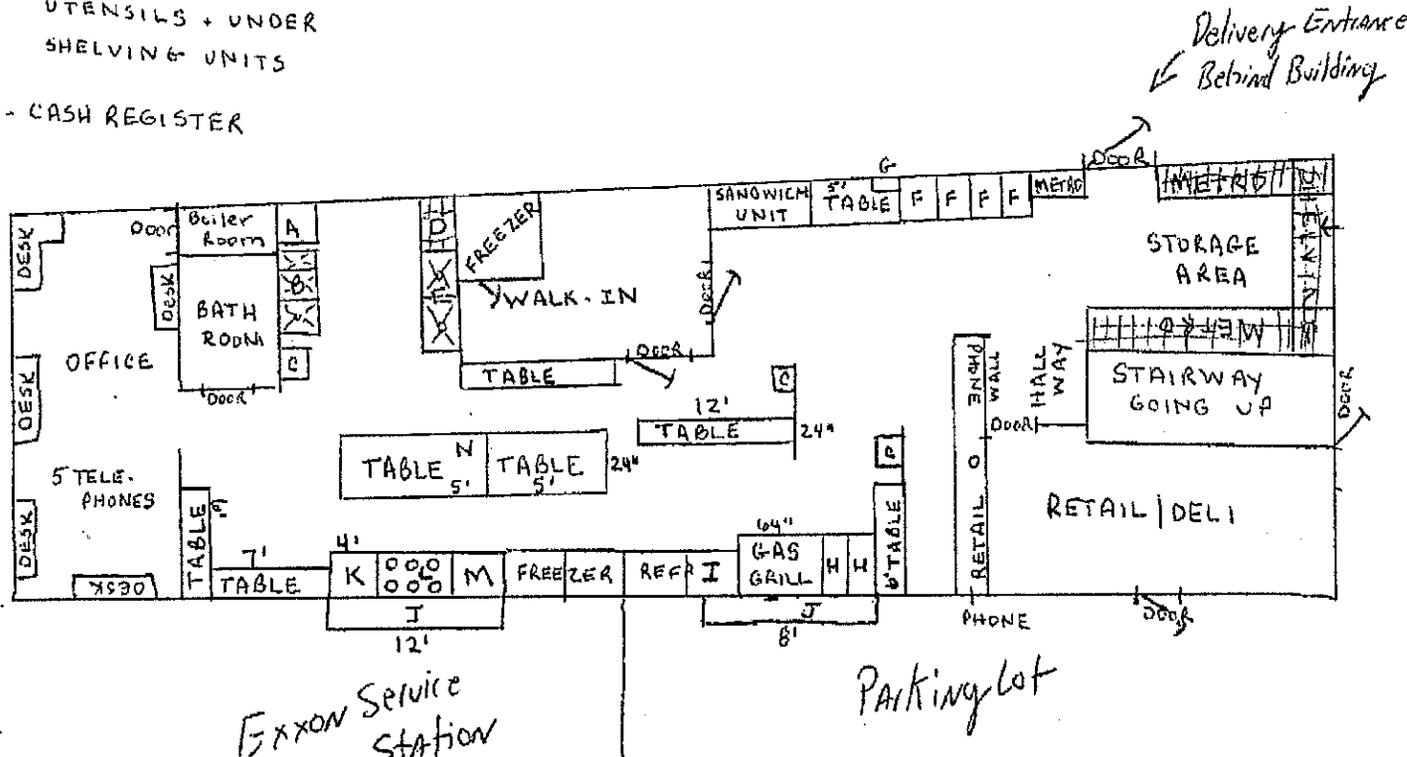
L - STOVE W/ SALAMANDER

M - 2 CONVECTION OVEN

N - 34" WIDE TABLE W/
OVEN RACK FOR
UTENSILS + UNDER
SHELVING UNITS

O - CASH REGISTER

AIR CULINAIRE
4370 KING STREET



041 242-0101

On the Run Gourmet Meals

All Entrées are Made to Order and are Accompanied
by a Gourmet Sauce Created by Our Chef Brigade.

	Per Entrée	With 2 Sides
Atlantic Salmon Filet	\$10.75	\$13.75
Sako Tuna Steak	\$11.25	\$14.75
Portabello New York Strip	\$12.95	\$15.95
Filet Mignon Tenderloin	\$11.95	\$15.25
Canjun Grilled Chicken Breast	\$8.25	\$11.25
Dijon Grilled Chicken Breast	\$8.25	\$11.25
Teriyaki Shrimp Skewers	\$12.25	\$15.75
Maryland Crab Cakes	\$12.95	\$15.95

On the Run Sides

Starches	\$2.95
Twice Baked Potatoes, Garlic Mashed Potatoes, Rice Pilaf, Pasta with Marinara, and Wild Mushroom Risotto	
Vegetables	\$2.95
Balsamic Grilled Asparagus, Grilled Vegetables, Steamed Vegetable Medley, and Chef's Seasonal Choice	

On the Run Salads

	Small	Large
Garden Salad	\$2.95	\$4.50
Chef's Salad	\$3.95	\$5.25
Caesar Salad	\$3.95	\$4.95
Chicken Caesar Salad	\$3.95	\$5.75
Greek Salad	\$3.95	\$5.25
Greek Salad w/Grilled Shrimp	\$5.25	\$6.95



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Arkansas
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Virginia
703-920-2040

1-888-686-2040

www.AirCulinaire.com

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"Celebrating Food in Flight"

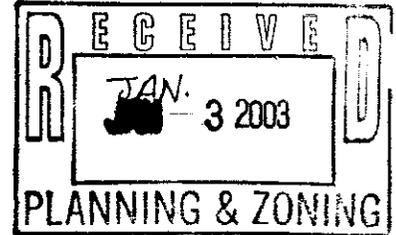
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214-956-1200

8001 Lemmon Avenue • Dallas, TX 75209



Concerned Fairlington Residents
PO Box 6914
Shirlington Station
Arlington VA 22206-0914
<http://hometown.aol.com/cdfairres>

January 2, 2003

Alexandria Planning Commission
City Hall
Alexandria, VA 22314

RE: Air Cullinaire Special Use Permit for 4370 King Street

Concerned Fairlington Residents (CFR) is a group concerned about quality of life issues that affect Fairlington, Arlington, and Alexandria.

Based on community meetings with the applicant, who seeks a use permit for a catering and take-out food establishment at 4370 King Street, CFR urges the Planning Commission to DEFER the applicant's request to a later Planning Commission meeting. The applicant has provided no meaningful data about the traffic and noise that would be generated by the establishment.

CFR notes that the applicant's take-out operation would provide "upscale" take-out food and would compete with "fast food" restaurants in the area. We believe that the applicant has significantly underestimated the demand for items on the take-out menu.

CFR is also concerned that the Planning Commission's use permit and site plan reviews fail to gauge the impact of a number of small, high-traffic projects added to the King Street corridor over a number of years. CFR members want traffic mitigation along King Street, not the imposition of more traffic on existing sites.

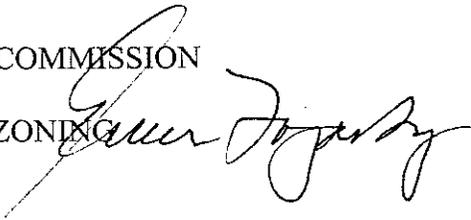
Sincerely,

A handwritten signature in cursive script that reads "Beth Davis".

Beth Davis
Vice President

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 7, 2003
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: EILEEN FOGARTY, DIRECTOR, PLANNING AND ZONING 
SUBJECT: SUP#2002-0109
4370 KING STREET
APPLICANT, AIR CULINAIR, INC.

The staff report in this case assumed 14 parking spaces were available exclusively to the applicant because the application materials and conversations indicated that number (see page 17 of the report materials). After the staff report was published, the applicant advised staff that the property manager requested that seven of the 14 on-site spaces be shared, as available, with customers of the Exxon Station to ease overall management of the property. The applicant has therefore requested that condition #11 of the staff report be amended to allow for a shared parking arrangement for seven of the spaces. The condition is proposed to be amended to the following:

“The applicant shall maintain 14 on-site parking spaces. Seven spaces shall be specifically designated for the applicant’s business. To the extent that the remaining seven spaces are not occupied by the applicant’s employees, customers and/or delivery vehicles, customers of Exxon, or a successor service station, may be permitted to utilize those spaces. Employee vehicles from Exxon, or any successor service station, shall not be permitted to be parked in the remaining seven spaces.”

Staff is concerned that a shared parking arrangement may cause congestion at the site, as the two uses may compete for parking spaces. Staff is also concerned that the arrangement could result in an overflow of parking onto adjacent streets and neighborhoods. Parking demands for the catering business, as described in the staff report, include up to six delivery minivans, a maximum of eight to ten employees present at any one time, and about 15 patrons a day at the small carryout. Staff found that the proposed 14 spaces were needed to serve these demands, even though the zoning only requires seven spaces for a catering business.

On the other hand, the applicant has described its parking demands as occurring at different hours, which may leave spaces unutilized. As stated in the report, the minivans would utilize the parking spaces outside of their normal delivery hours between 5:00 a.m. and 9:00 p.m.; the eight to ten employees would be present during the early morning and early afternoon hours when the minivans are making deliveries; and the carryout would operate between 5:00 a.m. and 9:00 p.m. when the minivans are making deliveries. Additionally, the applicant informed staff that the loading area behind the building can provide space for up to four of the delivery minivans, leaving more of the fourteen spaces unutilized.

The revised language of condition #11 would still require that 14 spaces be available on the site. In response to staff's concerns on the shared parking arrangement, the applicant has agreed to specifically designate seven spaces for Air Culinair, which complies with the zoning requirement. In addition, the applicant agreed to include in the condition that employees of Exxon shall not be allowed to park in the spaces, which would leave the spaces available for customers.

Most significantly, the applicant has agreed that if parking becomes a problem at the site, it will pursue off-site parking arrangements. With this understanding, staff is willing to recommend approval of the case, with the new condition language, and will monitor the site after the business opens to assess the parking needs. Condition #16 of the staff report requires a one year review condition, at which time the parking arrangement can be assessed and additional conditions, including a requirement that additional parking be obtained, may be imposed.

Therefore, staff is willing to include condition #11 as amended by the applicant.

January 7, 2003

Mr. Eric Wagner, Chairman and
Members of the Alexandria Planning Commission

I am in favor of the Air Culinaire application for an SUP at 4370 King Street, subject to the conditions identified in the staff report accompanying the application.

I live in the Alexandria section of Fairlington Villages, directly across from the proposed location of the business. I am also on the Board of Directors for the condominium, although I am not representing the Board here.

The applicant, and its agent McGuire Woods, has been quite proactive and responsive in alerting our community to this application. They hosted a meeting for all concerned parties on December 2, 2002, identifying key elements of the operation and answering any and all questions. I presented this information to both our condo Board and the Fairlington Citizens Association. Virtually no opposition was made, with most people comparing this operation favorably to the previous operation (SteakAround).

Neither the condo nor civic association boards took any formal action on the proposal.

Two lingering questions regarding signage and trash removal have been answered satisfactorily by staff, specifically Valerie Peterson. Other conditions developed by staff regarding alcohol in support of catering only, limited offerings to walk-in customers, parking and trash seem wholly in line with the business' focus, catering to small aircraft.

I feel this application should be recommended to City Council for approval.

Thomas E. Burke
2909 S. Dinwiddie St.
Arlington, VA 22206
703-379-8279

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

EXHIBIT NO. 2

6
1-25-03

McGUIREWOODS

Erika L. Byrd
Direct: 703.712.5480

ebyrd@mcguirewoods.com
Direct Fax: 703.712.5288

January 13, 2003

VIA CERTIFIED MAIL

Beth Davis
President
Concerned Fairlington Residents
P.O. Box 6914
Shirlington Station
Arlington, Virginia 22206-0914

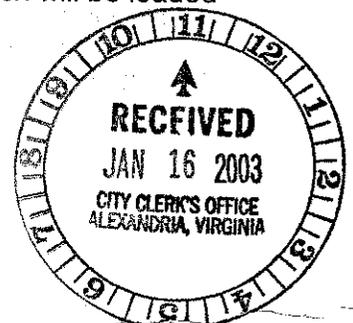
Re: Air Culinaire Special Use Permit for 4370 King Street (the "Application")

Dear Ms. Davis:

I am in receipt of the letter from you to the Alexandria Planning Commission requesting deferral of the Application. The applicant has provided information about traffic and noise generated by the operation of the catering business. Please see the attached statement of justification which describes the catering use, including the less intense traffic impact that will result from its limited delivery schedule. In addition, the applicant has agreed to a special use permit condition which provides for a shared parking arrangement with the Exxon service station which reads as follows:

"The applicant shall maintain 14 on-site parking spaces. Seven spaces shall be specifically designated for the applicant's business. To the extent that the remaining seven spaces are not occupied by the applicant's employees, customers and/or delivery vehicles, customers of Exxon, or a successor service station, may be permitted to utilize those spaces. Employee vehicles from Exxon, or any successor service station, shall not be permitted to be parked in the remaining seven spaces."

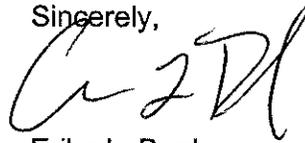
The Applicant has also affirmed, in accordance with Alexandria Code Standards, that it will not have any trash pickup service after 11:00 p.m. or before 7:00 a.m. (6:00 a.m. from May 1 to September 30). All other aspects of the catering operation would be virtually self-contained, but for the loading of the 5-6 food deliveries occurring each day, which will be loaded at the rear entrance to the building.



January 13, 2003
Page 2

I hope this information addresses your concerns. If you have any further questions, please call me at 703-712-5480.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erika L. Byrd', written in a cursive style.

Erika L. Byrd

ELB/ep
Enclosure

cc: Kerry J. Donley, Mayor of the City of Alexandria
Eric Wagner, Chairman Alexandria Planning Commission
Barbara Ross, Deputy director of Planning and Zoning
Valerie Peterson, Department of Planning and Zoning
Guy Smith, Air Culinaire

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

SUP 2002-0109

Erika L. Byrd
Direct: 703.712.5480

McGUIREWOODS

ebyrd@mcguirewoods.com
Direct Fax: 703.712.5288

October 24, 2002

BY HAND

Ms. Eileen Fogarty
Director, Department of Planning & Zoning
City of Alexandria
City Hall, Room 2100
301 King Street
Alexandria, Virginia 22314

**Re: Justification for SUP Amendment and Change of Ownership
For Existing SUP #95-0113
Applicant: Air Culinaire, Inc. - 4370 King Street, Alexandria**

Dear Ms. Fogarty:

This SUP amendment request is being filed concurrently with a SUP change in ownership application. The existing SUP was obtained by Steak Around, a different entity, and a restaurant/food delivery operation. The SUP amendment is being sought to add catering as a use, as well as to amend certain existing SUP conditions. Air Culinaire, Inc. (the "Applicant") will be the tenant to occupy the space and is a catering company that provides food and beverage items to the business aviation industry for consumption on small airplanes and private jets. Air Culinaire delivers foods that are served on disposable trays, drops off these food items at local airport destinations, and returns. The operation will also provide a small carry-out service offering deli sandwiches and immediately consumable snacks and beverages. We anticipate the patrons for the carry-out operation to be primarily office personnel during lunch hours. However, the large majority of Air Culinaire's sales are generated by the prepared catered orders delivered to local airports.

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In many ways, this use will be less use intensive, especially from a transportation aspect, than the previous user. While Air Culinaire will make food deliveries, they are for large single orders as opposed to multiple, small, and individual delivery orders. The new use has no seating and a limited capacity for walk-in customers and does not anticipate significant demand for the carryout service, thereby reducing parking demand. The proposal includes 18 parking spaces

October 24, 2002

Page 2

SUP 2002-0109

with a requirement of only 14. The Applicant anticipates all employee and customer parking to be accommodated on-site. In addition, many of Air Culinaire's employees carpool to work. Any small amount of noise generated by the catering use will be insignificant compared to the noise generated from the adjacent automobile service/repair facility.

In addition, the Applicant is proposing to expand the hours of operation; however, because the vast majority of activity is internal food preparation work, little activity will be visible from the exterior of the building.

For the foregoing reasons, I respectfully request that Staff review this application favorably.

Sincerely,

/s.d.
Erika L. Byrd

ELB/III
Enclosures

WREA\133327.1

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com
Erika L. Byrd
Direct: 703.712.5480

Sent to CC

F: 6 1125/03

ebyrd@mcguirewoods.com
Direct Fax: 703.712.5288

McGUIREWOODS

January 30, 2003

Kerry J. Donley
Mayor
Suite 2300, City Hall
301 King Street
Alexandria, VA 22314

Re: Approval of Air Culinaire SUP#2002-0109

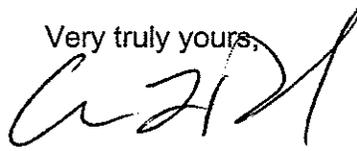
Dear Mayor Donley:

On behalf of Air Culinaire, I want to thank you for your support for approval of the Air Culinaire special use permit. The project has many positive attributes, and I am grateful that these were recognized by the City Council.

The Alexandria City Staff, especially Valerie Peterson, were extraordinarily helpful and professional throughout the review process, and deserve to be commended. Valerie was a pleasure to work with, prompt and responsive, all the while best representing the City's interests on the application. With Valerie's assistance, we were able to work through and address all concerns raised by Staff and the community. She is clearly an asset to your Department of Planning and Zoning.

Thank you again for your support.

Very truly yours,



Erika L. Byrd

ELB/ep

cc: Phil Sunderland, City Manager
Eileen Fogarty, Director, Department of Planning and Zoning
Barbara Ross, Department of Planning and Zoning
Guy Smith, Air Culinaire



AMENDMENT TO
APPLICATION for SPECIAL USE PERMIT # 2002-0109

[must use black ink or type]

PROPERTY LOCATION: 4370 King Street

TAX MAP REFERENCE: 12.00-01-19 ZONE: OCM-100
Office Comerical Medium

APPLICANT Name: Air Culinair, Inc.

Address: 805 S. 20th Arlington, VA 22202

PROPERTY OWNER Name: King Enterprises of Virginia, Inc. dba Arber's Auto Service

Address: 6075 Brook Avenue, Falls Church

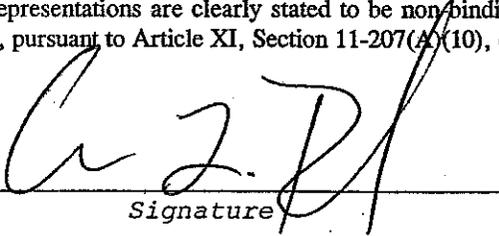
PROPOSED USE: Catering, carry-out and deli

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.

Erika L. Byrd
Print Name of Applicant or Agent


Signature

1750 Tysons Boulevard, Suite 1800
Mailing/Street Address

(703) 712-5480 (703) 712-5288
Telephone # Fax #

McLean, Virginia 22102
City and State Zip Code

10/25/02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 01/07/03 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 01/25/03PH--CC approved the Planning Commission recommendation.