

Docket Item #5
SPECIAL USE PERMIT #2004-0029

Planning Commission Meeting
June 1, 2004

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: Meal Deal, Inc.
by Ozkan Erenoglu

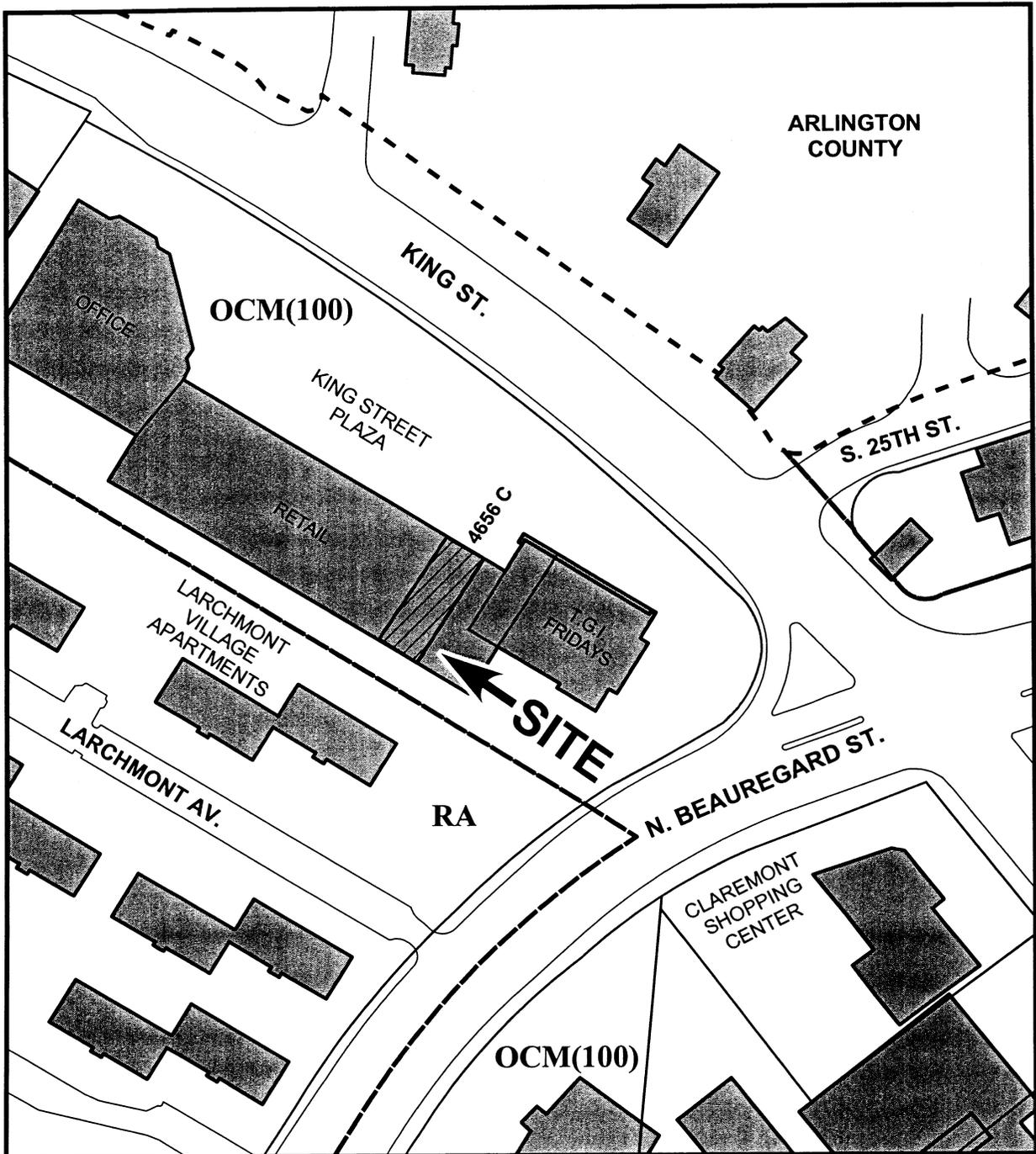
LOCATION: 4656 C King Street

ZONE: OCM(100)/Office Commercial Medium

PLANNING COMMISSION ACTION, JUNE 1, 2004: 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.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the permit conditions found in Section III of this report.



SUP #2004-0029

06/01/04



I. DISCUSSION

REQUEST

The applicant, Meal Deal Inc., by Ozkan Erenoglu, President, requests special use permit approval for the operation of a restaurant with carryout and delivery service located at 4656 C King Street.

SITE DESCRIPTION

The subject property is part of a parcel containing three lots of record located at the northwest corner of North Beauregard Street and King Street which contains approximately 3.7 acres. The property is developed by Summit Centre which is an office, retail, personal service and restaurant complex and includes TGI Fridays restaurant, Domino's Pizza, and the US Army Corp of Engineers offices. The subject tenant space will occupy 1,176 square feet and is located at the south end of the center, between a hair salon and clothing store.

SURROUNDING USES

To the south across Beauregard Street is the Jefferson Hospital Building. Across King Street is a 7-Eleven store and Popeye's Chicken. There are also high- and mid-rise office and commercial buildings, as well as residential developments in the near vicinity.

PROJECT DESCRIPTION

This application is a request to operate a restaurant with carryout and delivery service with no seating. The restaurant will serve Middle-Eastern style food including kabob platters, sandwiches, salads, breads, and rice. The applicant expects 10-15 carryout customers for lunch and dinner hours. The applicant is not proposing to serve alcoholic beverages, and does not propose live entertainment.

Hours of Operation: The hours open to the public will be between 11:00 a.m. and 11:00 p.m. daily.

Employees: Up to three employees will be on the premises and two delivery drivers will be working at any one time.

Trash: The applicant expects 20 gallons of trash each day. An enclosed dumpster for the retail businesses is located at the back of the complex.

Loading/Unloading: Loading for the retail tenants at the center occurs at the front of each business. The applicant anticipates that loading will occur three times a week at either 10:30 a.m. or 6:30 p.m.

Delivery: The applicant proposes to have two delivery vehicles. The vehicles will load from the front of the building. The vehicles will be the driver's personal vehicles and will not be stored on site outside of working hours.

PARKING

According to Section 8-200(A)(16) of the Zoning Ordinance, a 1,176 square foot carryout restaurant with no seats (retail use) requires seven spaces. Required parking for the proposed carryout/delivery restaurant has been provided as part of site plan #82-051. There are 351 parking spaces existing on the site, and the required parking spaces for the proposed restaurant have been provided as part of the retail development. The Summit Centre property management has also secured additional parking at the Jefferson Hospital building for retail tenant employees. The 48 parking spaces at the front of the retail uses are reserved for customer use only, some of which are designated to specific tenants.

ZONING

The subject property is located in the OCM-100/Office Commercial Medium zone. Section 4-1003 of the Zoning Ordinance allows restaurants in the OCM-100 zone only with a special use permit.

MASTER PLAN

The proposed use is consistent with the Alexandria West Small Area Plan chapter of the Master Plan which designates the property for uses consistent with OCM-100.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant with carryout and delivery services located at 4656C King Street. The restaurant will provide a service to area workers, and is not in the immediate vicinity of residential uses reducing the potential for negative impacts. Staff is not aware of any complaints regarding the Domino's Pizza delivery and carryout business located at the same complex.

Although staff was concerned about delivery vehicles competing for customer spaces, the property manager stated that they have not experienced customer parking conflicts with the Domino's delivery vehicles because the delivery drivers are usually away from the site. Staff recommends a one year review condition to ensure that parking problems do not arise from the delivery vehicles, and that the operation continues to function as described in this report. Staff has also included all of the standard restaurant conditions. Staff recommended later operating hours than requested by the applicant to be consistent with those hours already approved at Domino's Pizza.

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

III. RECOMMENDED PERMIT CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any 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 closing hour shall be no later than 1:00 a.m. daily. (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
6. Sale of alcoholic beverages shall be prohibited. (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. The applicant shall install one trash container both inside the restaurant for patron's use (the trash can on the outside may include the can already installed and maintained by the property management). (P&Z)
11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

12. The applicant shall control 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 and Environmental Services. (T&ES)
13. All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line. (T&ES)
14. 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. (P&Z)
15. 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 and a robbery awareness program for all employees. (Police)
16. 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)
17. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
18. The Director of Planning and Zoning shall review the special use permit one year after 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 which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, 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: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- R-2 The applicant shall control 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 and Environmental Services.
- R-3 All loudspeakers shall be prohibited from the exterior of the building and no amplified noise shall be audible at the property line.
- 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.

Code Enforcement:

- F-1 This application is for carry out food service only with no tables and chairs. The following comments pertain to this type of use only. Any request for seating or dine in services will require a change of use in accordance with the USBC and a new Certificate of Occupancy.
- F-2 The proposed use is consistent with the current use classification of the space.
- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.

- C-3 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC.
- C-4 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-5 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
 - (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.

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.
- R-1 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 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.
- F-1 The applicant is not requesting an ABC permit. The Alexandria Police concur with this.
- R-3 Recommend "ABC On" license only. If "ABC Off" 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.

APPLICATION for SPECIAL USE PERMIT # 2004-0029

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PROPERTY LOCATION: SUMMIT CENTRE
4656 ~~B~~^C KING STREET, ALEXANDRIA, VA 22302

✓ TAX MAP REFERENCE: 3.00 BLOCK 1, LOT 6.01 ZONE: C-2

APPLICANT Name: OZKAN ERENOGLU, President of MEALDEAL, INC.

Address: ~~4224 RUST ROAD, FAIRFAX VA 22030~~ ^{13604 Bayberry Ln #402} Centreville, VA 20121

PROPERTY OWNER Name: CUBOURG POINT DEVELOPMENT, LLC
BY LAHAR COMPANIES

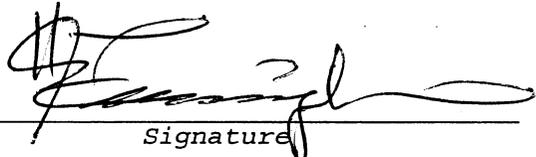
Address: 4656A KING STREET, ALEXANDRIA VA 22302

PROPOSED USE: A FAST-FOOD STORE WITH NO SEATS BUT
SERVICE TO CARRY-OUT & DELIVERY.

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.

Ozkan Erenoglu, Meal Deal Inc. 
Print Name of Applicant or Agent Signature

4224 Rust Road 13604 Bayberry Ln 703-6231929 -
Mailing/Street Address Telephone # Fax #
Fairfax VA 22030 20121 03/10/2004
City and State Zip Code 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.

Meal Deal, Inc. President, Owner (100%): Ozkan Erenoglu
4224 Rust Road, Fairfax VA 22030

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.

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)

Dear Sirs/Madam,

We would like to open a 1,176 sq. ft space of Middle-Eastern style fast-food (kabob) place to the 4700 block of King St. in Summit Shopping Centre. This place is going to serve to carry-out customers and deliver food. It is going to include no seats & tables for customers. I, Ozkan Erenoglu, owner of the business have studied in NOVA College, Hospitality Management program for this purpose. Our business is not going to be generating any noise. We expect about 10-15 carry-out customers for lunch and dinner. There will be 3 employees for each working shift. Parking spaces are available at ① in front of the shopping center, ② closed parking lots under shopping center, ③ parking spaces, rent by shopping center management across the street through King St. & Beauford St. Our store hours will be 11:00 am - 11:00 pm seven days a week. We will do our best to match the beauty of City of Alexandria and to participate in the good neighborhood relations. Thank you.

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).

Store hours: 11:00 am - 5:00 pm 1st shift, 5:00 pm - 11:00 pm 2nd shift.
15 walk-in customer expected per shift.

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

3 in store employees is expected per shift. 2 delivery personnel is going to be delivering per shift.

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

Day:

Monday - Sunday

Hours:

11:00 am - 11:00 pm

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

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

There will be no noise generated in the store.
(Dough mixer, hood exhaust fan produce noise as much as we have a noise level at home)

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:

No odors will be generated except cooking meal.
(There will be exhaust fans for that)

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?

The containers of food supplied to the store will
be trash basically.

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

Cardboards will be recycled.
We expect 20 gallons of trash produced per day maximum.

C. How often will trash be collected?

6 DAYS A WEEK - MONDAY THROUGH SATURDAY

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

We have trash containers in the shopping center
taking care by shopping center management.

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:

Dishwashing detergent → 1/2 gallon/month

Floor cleaning detergent → 1/2 gallon/month

Hand soap → 3 soap bars/month

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

All construction to the store will be under control
and regulations of the Fire Department of City
of Alexandria.

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?

7 (seven)

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

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

Parking included in Summit Shopping Center Parking Lots.

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:

Shopping Center Management has been renting parking lots across the street for shopping center tenants & customers.

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? N/A

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

C. Where are off-street loading facilities located? _____

Loading for existing 12 shopping center tenants occur at the front of shopping center in the parking lot.

D. During what hours of the day do you expect loading/unloading operations to occur?
10:30 am during the day or 6:30 pm afternoon.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
We expect 3 deliveries per week.

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?
Through shopping center parking lot to street, traffic is already adequately organized.

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?
1176 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1176 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: SUMMIT CENTRE
 an office building. Please provide name of the building: _____
 other, please describe: _____

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? N/A
At tables: _____ At a bar: _____ Total number proposed: _____

2. Will the restaurant offer any of the following?
N/A alcoholic beverages N/A beer and wine (on-premises)
N/A beer and wine (off-premises)

3. Please describe the type of food that will be served:
Kabob platters or sandwiches served with bread or rice, and salad.

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? 2
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: _____

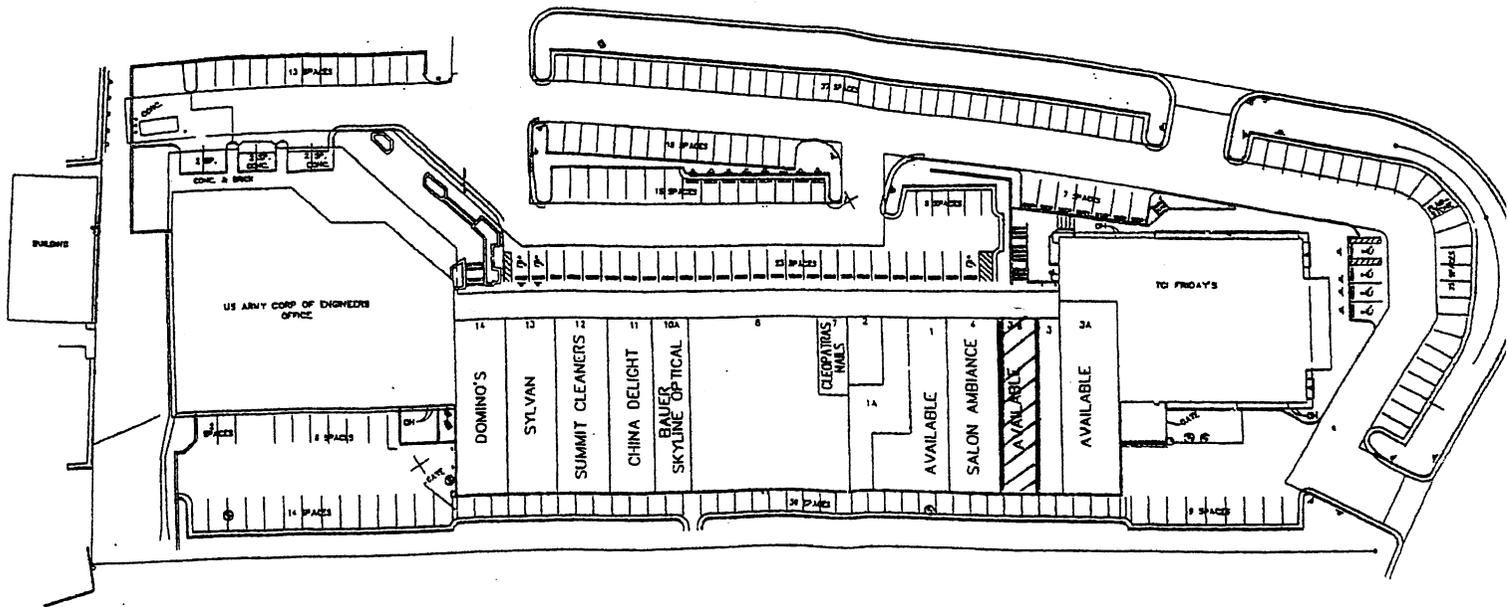
EXHIBIT C

DESCRIPTION OF LEASED PREMISES

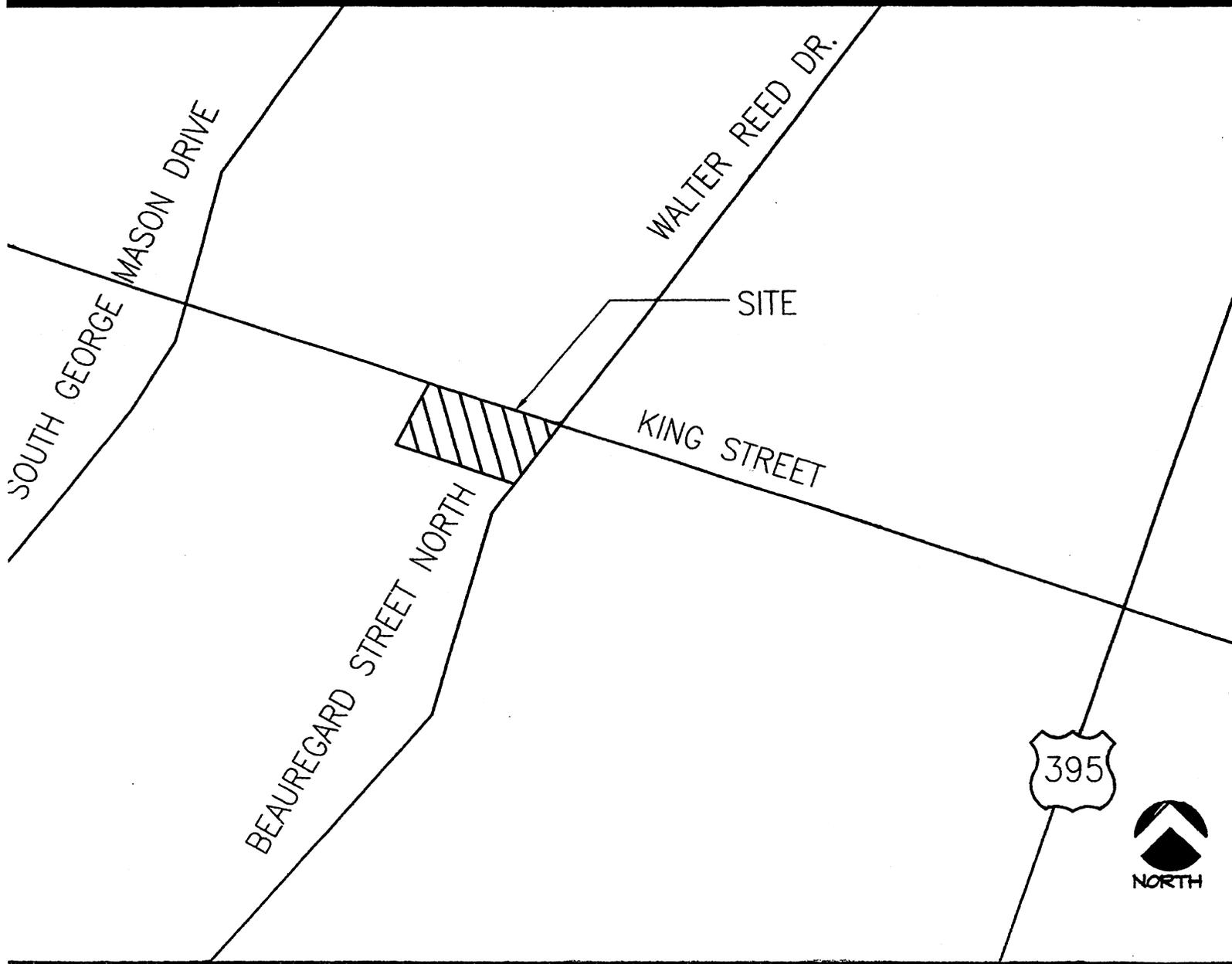
Those Leased Premises in the City of Alexandria, Commonwealth of Virginia, defined as Summit Centre, Unit #3-B deemed to be 1,176 gross leasable square feet of Floor Area. The approximate location of the Leased Premises is cross hatched below.

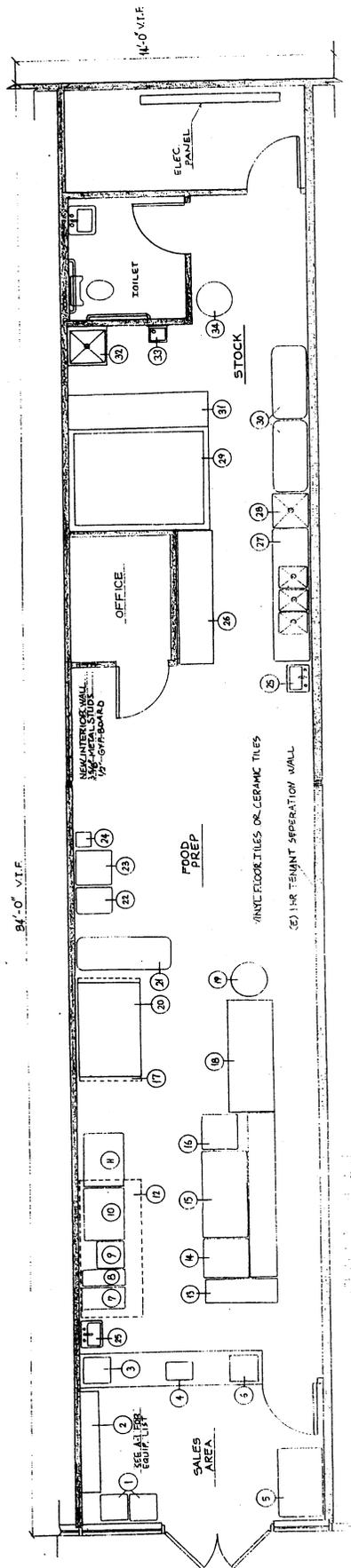
Plan of Leased Premises

(Not to Scale)



VICINITY MAP





#6

APPLICATION for SPECIAL USE PERMIT #2004-0029

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PROPERTY LOCATION: SUMMIT CENTRE
4156 ~~B~~^C KING STREET, ALEXANDRIA, VA 22302

TAX MAP REFERENCE: 3.00 BLOCK 1, LOT 6.01 ZONE: C-2

APPLICANT Name: OZKAN ERENOGLU, President of MEALDEAL, INC.
Address: ~~4224 RUST ROAD FAIRFAX VA 22030~~ ^{13664 Bayberry Ln #46} Centreville, VA 20121

PROPERTY OWNER Name: CUBOURG POINT DEVELOPMENT, LLC
CHAHAR COMPANIES
Address: 4650A KING STREET, ALEXANDRIA VA 22302

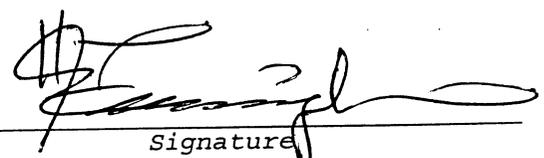
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Ozkan Erenoglu, Meal Deal Inc.
Print Name of Applicant or Agent


Signature

4224 Rust Road 13664 Bayberry Ln 703-6231929 -
Mailing/Street Address Telephone # Fax #
Fairfax VA 22030 20121
City and State Zip Code

03/10/2004
Date

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

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

ACTION - PLANNING COMMISSION: 06/01/04 RECOMMENDED APPROVAL UC

ACTION - CITY COUNCIL: 6/12/04 Approved 6-0