

EXHIBIT NO. 1

3
6-17-06

Docket Item #2
SPECIAL USE PERMIT #2006-0023

Planning Commission Meeting
June 6, 2006

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

APPLICANT: Demetrius Monis, Gus Monis, and Diane Monis

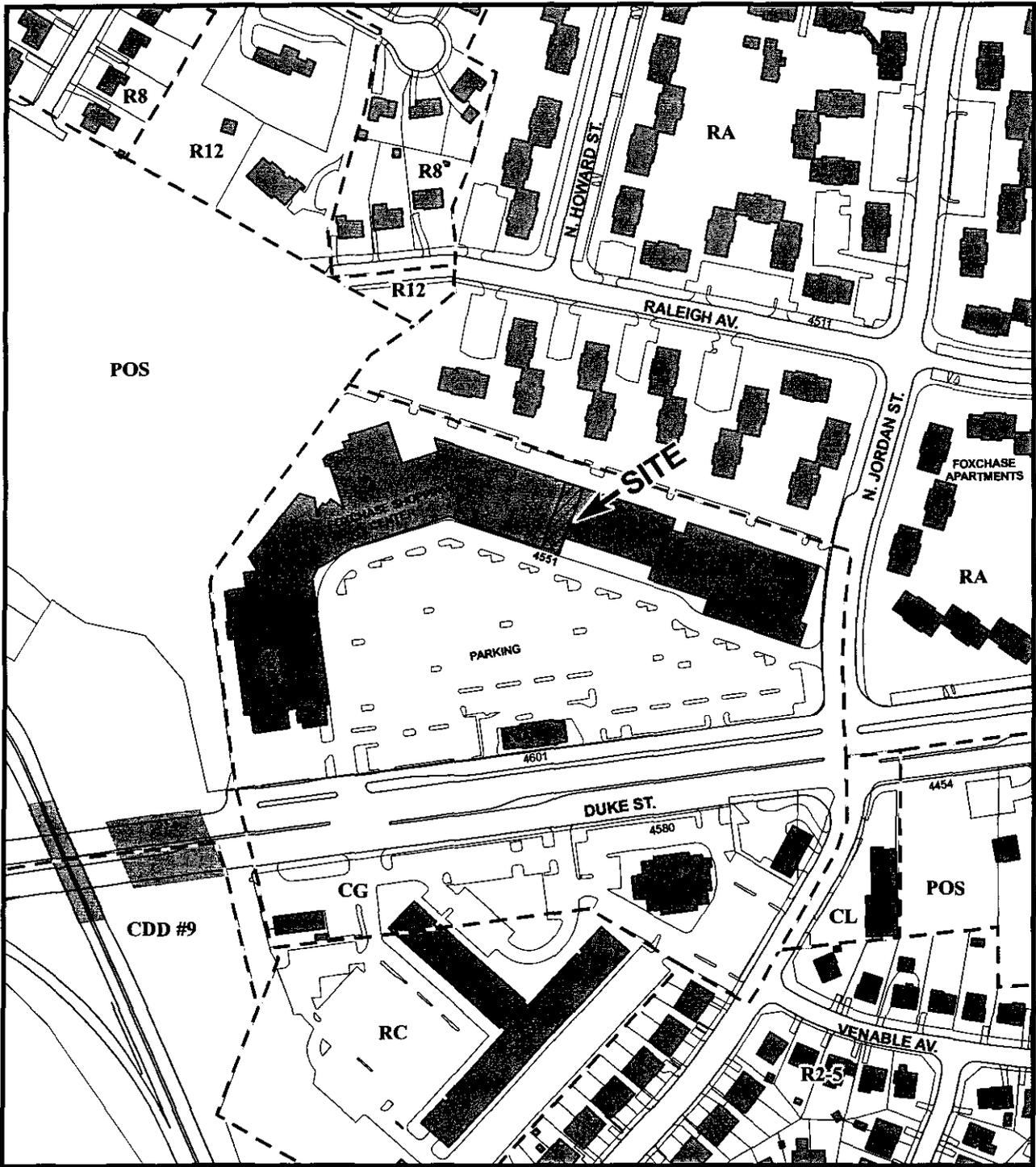
LOCATION: 4551-A Duke Street (Parcel Address: 4513 Duke Street)
Foxchase Shopping Center

ZONE: CG/Commercial General

PLANNING COMMISSION ACTION, JUNE 6, 2006: 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 recommended permit conditions found in Section III of this report.



SUP #2006-0023

06/06/06



I. DISCUSSION

REQUEST

The applicants, Demetrius Monis, Gus Monis, and Diane Monis, request special use permit approval for the operation of a restaurant located at 4551 A Duke Street..

SITE DESCRIPTION

The subject property is two lots of record having combined frontage on Duke Street of approximately 800 feet, approximately 230 feet of frontage on North Jordan Street, and a total area of 10.4 acres. The site is developed with the Foxchase Shopping Center that has a mixture of uses, including personal service, office, retail and grocery store tenants. Parking is provided on-site. The proposed restaurant will occupy 3,237 square feet of a former 4,424 square feet Chinese restaurant space.

The areas to the north and east are developed with the Foxchase Apartment buildings. The City's Raleigh Park is located to the northwest. A restaurant and the 4600 Duke Street Condominium Building are located to the south across Duke Street.

BACKGROUND

On December 6, 1983, City Council granted SUP #1616 for the operation of a Chinese restaurant at this location. Currently the space is unoccupied and the Foxchase Shopping Center is under redevelopment as approved under DSUP#2004-0025.

PROPOSAL

The applicants propose to operate an Italian/American Restaurant along with Greek specialties. The applicant describes the restaurant operation as the following:

Hours:	11am- 10pm Daily
Number of seats:	88 Dining Seats; 8 Bar Seats
Noise:	Typical restaurant noise that will be kept inside. If noise levels are too loud, patrons will be asked to quiet down or leave the establishment.
Trash/Litter:	Expected trash types include cardboard boxes, cooking oil, as well as food scraps and will be stored in one dumpster and collected once per week. The applicant has a contract with a trash management company.

Alcohol: The applicant proposes on-premise only sales of beer, wine and mixed drinks.

PARKING

Parking for all tenants of the Foxchase Shopping Center is provided in the on-site parking lot facing Duke Street. Pursuant to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant with 96 seats is required to provide 24 parking spaces.

On February 12, 2005, City Council approved a proposed parking reduction for DSUP#2004-0025, from the required 703 parking spaces as stated by the Zoning Ordinance, to 583 parking spaces. The applicant for the Foxchase Shopping Center Redevelopment Project conducted a parking study which found that one parking space per 250 square feet is adequate for the uses within the shopping center. The applicant for SUP#2006-0023 has 3,237 square feet of space and given the parking reduction for the shopping center and the square footage of the proposed restaurant, the applicant will be required to provide 13 off-street parking spaces. Therefore, the parking requirement for the restaurant is satisfied.

FOXCHASE SHOPPING CENTER REDEVELOPMENT

In February, 2005, the City received and approved DSUP#2004-0025, a request for a development special use permit, with site plan, for redevelopment of a retail use greater than 20,000 square feet, a parking reduction and freestanding signs. The proposal included major site, facade and landscape improvements, and tenant space modifications that would replace the Magruders Supermarket with a Harris Teeter Grocery Store and convert the Cinema into retail space. Construction is currently taking place and is expected to be completed by Fall 2006.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CG/Commercial General zone. Section 4-403(Y) of the Zoning Ordinance allows a restaurant in the CG zone only with a special use permit. The proposed use is consistent with the Seminary Hill/Strawberry Hill Small Area Plan chapter of the Master Plan which designates the property for commercial use.

II. STAFF ANALYSIS

Staff has no objection to the proposed restaurant located within the Foxchase Shopping Center. The restaurant is compatible with the other retail, personal service and restaurant uses envisioned as tenants of the ground floor retail spaces of the shopping center.

Staff is aware of the parking situation within Foxchase Shopping Center. In order to be consistent with the development special use permit approved for the shopping center, staff has included conditions to reduce impacts on parking, including a condition requiring all employees to park in parking spaces located behind the shopping center.

Staff has included the standard restaurant conditions and a condition requiring a review of the restaurant after it has been operational for one year. With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED 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. Seating shall be provided for no more than 96 patrons inside and outside. (P&Z)
3. Outside dining facilities may be located on private property and shall not encroach onto the public right-of-way. The applicant shall ensure that pedestrian access is provided past the outdoor seating and shall clean the seating area at the close of each day of operation. (P&Z)
4. No live entertainment shall be provided at the restaurant. (P&Z)
5. No delivery service shall be provided. (P&Z)
6. The hours of operation shall be limited to 11am to 12 midnight daily. (P&Z)
7. 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)
8. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)
9. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)

10. No food, beverages, or other material shall be stored outside. (P&Z)
11. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
12. 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)
13. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
14. Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES)
15. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
16. 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)
17. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
18. Include information on the disposal method for the grill cleaner used at the restaurant in the building permit application materials. (T&ES)
19. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)

20. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees prior to operation. (Police)
21. 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)
22. All employees must park in the parking spaces located behind the shopping center. (P&Z)
23. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z)
24. The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (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 Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
James Hunt, 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 Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right-of-ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval.
- R-2 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-3 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-4 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-5 No amplified sounds shall be audible at the property line.
- R-6 Include information on the disposal method for the grill cleaner used at the restaurant in the building permit application materials.
- 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 The submitted diagram contains insufficient details to address all code related issues. As a result, additional requirements may be required at the time of building permit plan submission.

- F-2 The proposed occupant load will require two approved means of egress from the business.
- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 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. 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-4 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-5 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC 302.3.
- C-6 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-7 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-8 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. Permits are not transferable
- C-2 Permits must be obtained prior to operation
- C-3 Five sets of plans must 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-4 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 Community Relations 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 Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The applicant is seeking an "ABC On" license only. The Police Department has no objections.

APPLICATION for SPECIAL USE PERMIT # 2006-0023

[must use black ink or type] Parcel Add: 4513 Duke St.

PROPERTY LOCATION: 4551-A Duke St. Alexandria VA 22314

TAX MAP REFERENCE: 49.03-06-04 ZONE: CG1

APPLICANT Name: Demetris Monis, Gus Monis, Diane Monis

Address: 3144 Holmes Run Rd Falls Church VA 22042

PROPERTY OWNER Name: Washington Real Estate Investment Trust

Address: 6110 Executive Blvd., Suite 800, Rockville, MD 20852

PROPOSED USE: Restaurant

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.

Demetris Monis
Print Name of Applicant or Agent

3144 Holmes Run Rd
~~1731 80th St Apt 112~~
Mailing/Street Address

Falls Church
~~Washington~~ VA 22042
City and State Zip Code


Signature

202-997-4369 703-370-3601
Telephone # Fax #

3-22-05
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.

Gus Morris 3144 Holmes Run Rd Falls Church VA 22304 - 33 1/3 %
Diane Morris " " " " " " " " - 33 1/3 %
Demetris " " " " " " " " - 33 1/3 %

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 8 1/2" 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)

This will be a family restaurant. It will serve a Italian/American menu along with greek specialties. There will be a little under 100 seats & we will provide dine-in or carry-out options. We will be open for lunch & dinner daily 11am - 10pm. There will be anywhere from 3 to 6 servers per shift, & 3-5 cooks. Since we will be located in the Foxchase Shopping Centre there will be ample parking. My family has been in Foxchase for 30 years at La Casa Pizza & we are trying ~~to~~ evolve with the demands of the neighborhood.

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).

Lunch shift - 11am-4pm 100 patrons
Dinner 4pm-10pm 100 patrons

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

Lunch - 10am-4pm 8 employees
Dinner 4pm-10pm 8-10 employees

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

Day:	Hours:
<u>Mon-Sun</u>	<u>10am-10pm</u>
_____	_____
_____	_____
_____	_____

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

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

As noisy as a busy restaurant gets.

B. How will the noise from patrons be controlled?

When a patron is loud enough to disturb
the other patrons around him/her, he/she will
be politely asked to quite down or ~~to~~ leave the
establishment

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

The odor of good food. There will be
a fully functional exhaust hood over the grills
as required by the city of Alexandria

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?

Food scraps, cardboard boxes, used cooking oil

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

1 dumpster a week

C. How often will trash be collected?

once a week

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

That is taken care of by W.R.I.T.

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:

Grill Cleaners, 2 gal monthly,

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

First Aid Kit, Sprinkler system

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.

On premise only, Beer & Wine, will get
a mixed drink license if customers create
demand.

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?

25

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

579 Standard spaces

_____ Compact spaces

12 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? _____

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

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

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

10am - 5pm

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

5 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?

It is in a shopping center so it should be no problem

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? ~~2000~~ square feet.

18. What will the total area occupied by the proposed use be?

3237 sq. ft. (existing) + _____ sq. ft. (addition if any) = 3237 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: Foxchase

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?
At tables: 20 At a bar: 10 Total number proposed: _____

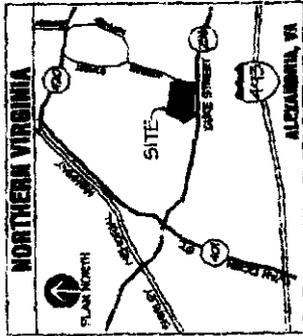
2. Will the restaurant offer any of the following?
? alcoholic beverages X beer and wine (on-premises)
_____ beer and wine (off-premises)

3. Please describe the type of food that will be served:
Italian - American - Greek

4. The restaurant will offer the following service (check items that apply):
X table service X bar X carry-out _____ delivery

5. If delivery service is proposed, how many vehicles do you anticipate? _____
Will delivery drivers use their own vehicles? ___ Yes. ___ No.

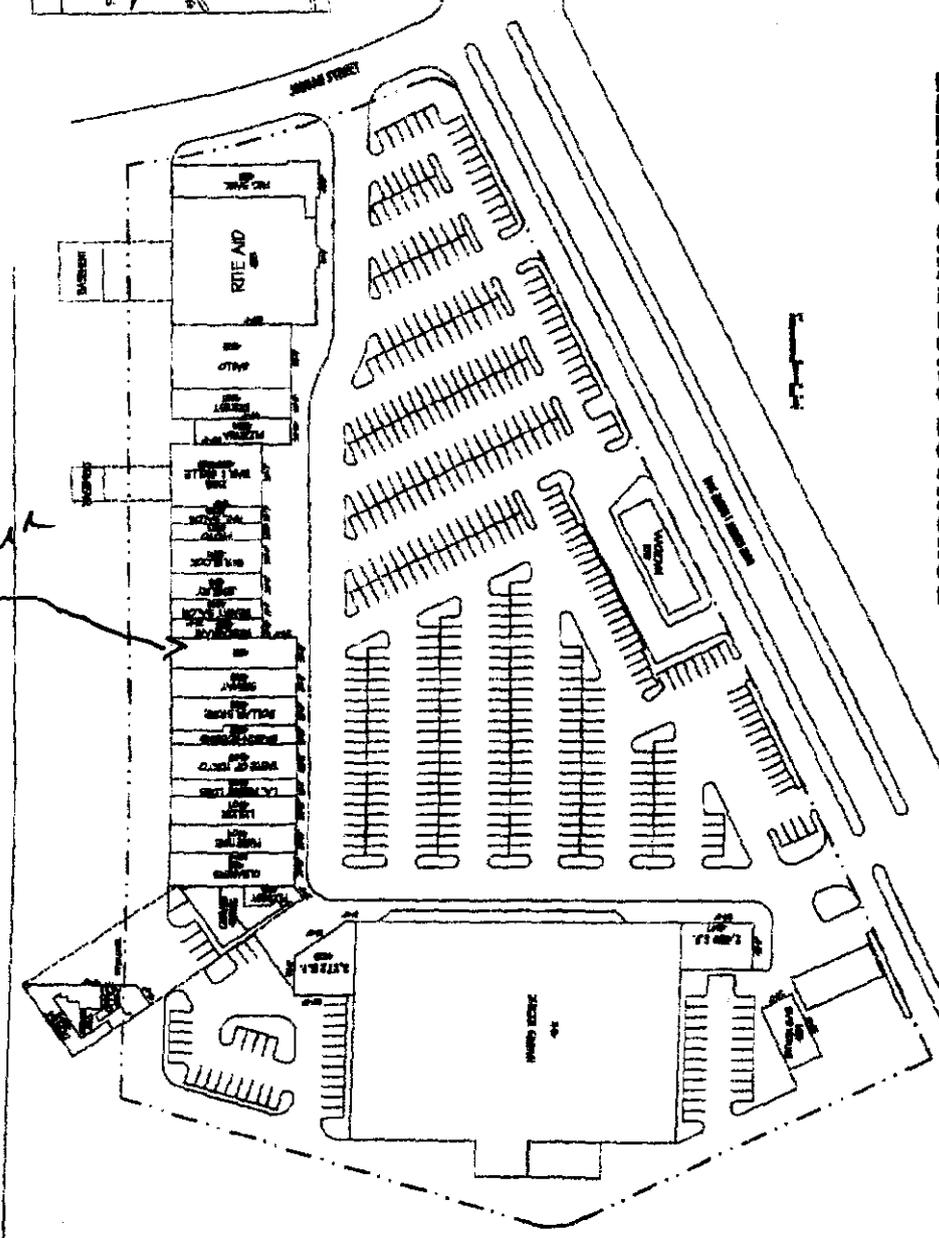
6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? ___ Yes. X No.
If yes, please describe: _____



TEENANT DATA

NO.	NAME	TYPE	AREA	STATUS	DATE
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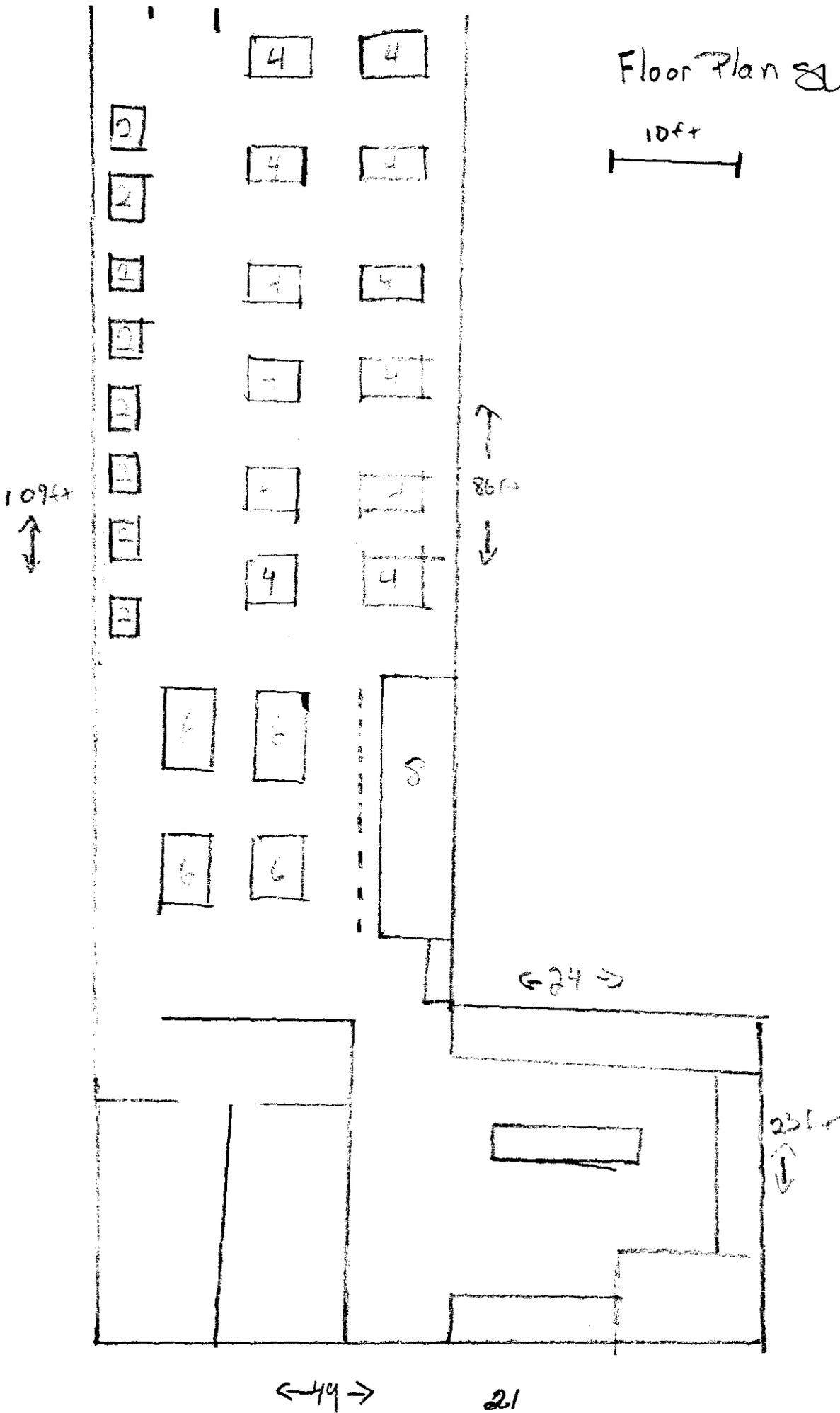
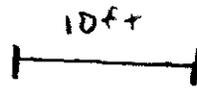
Mys park



**FOXCHASE SHOPPING CENTER
UNDER CONSTRUCTION**
**HARRIS TEETER SUPERMARKET
COMING SOON!**

WASHINGTON (REIT)
Steve Krupnick
(301) 255-0046
ROCKVILLE, MARYLAND

Floor Plan SUP 2006-0023



APPLICATION for SPECIAL USE PERMIT # 2006-0023

[must use black ink or type]

Parcel Add: 4513 Duke St.

PROPERTY LOCATION: 4551-A Duke St. Alexandria VA 22314

TAX MAP REFERENCE: 49.03-06-04 ZONE: CG1

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PROPERTY OWNER Name: Washington Real Estate Investment Trust

Address: 6110 Executive Blvd., Suite 800, Rockville, MD 20852

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Demetris Monis
Print Name of Applicant or Agent
3144 Holmes Run Rd
~~731 7000 St NW Apt 112~~
Mailing/Street Address
Falls Church
~~Washington~~ VA 22042
City and State Zip Code


Signature

202-997-4369 703-370-3601
Telephone # Fax #

3-22-05
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 6/6/06

ACTION - CITY COUNCIL: 6/17/06-CC approved the PC recommendation 6-0