

EXHIBIT NO. 1

9
5-12-01

Docket Item #8
DEVELOPMENT SPECIAL USE PERMIT #2001-0005
HOPS RESTAURANT - POTOMAC YARD

Planning Commission Meeting
May 1, 2001

ISSUE: Consideration of a request for an amendment to a development special use permit to allow off-premise sales of beer manufactured on the premises, and to extend the hours of operation of the restaurant.

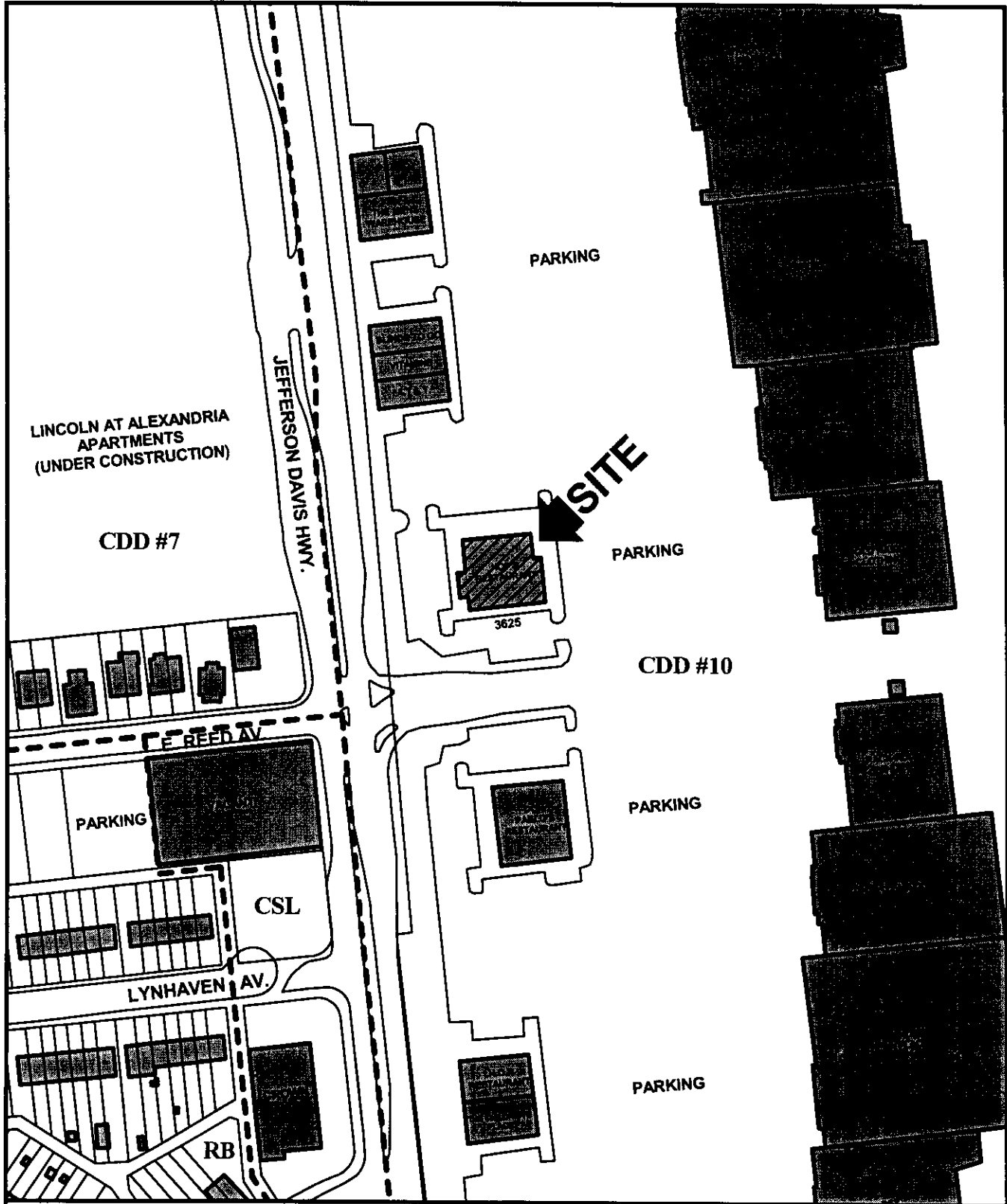
APPLICANT: Hops of Virginia Ltd
by J. Howard Middleton, Jr., attorney

LOCATION: 3625 Jefferson Davis Highway
Potomac Yard Center
Hops Restaurant

ZONE: CDD-10/Coordinated Development District, Potomac Yard/Greens

PLANNING COMMISSION ACTION, MAY 1, 2001: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



DSUP #2001-0005

05/01/01



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) (DSUP #98-0013)
2. Seating shall be provided for no more than 205 patrons. (P&Z) (DSUP #98-0013)
3. No live entertainment shall be provided at the restaurant. (P&Z)(DSUP #98-0013)
4. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to between 10:30 a.m. to ~~11:00 p.m.~~ Midnight Sunday through Thursday and 10:30 a.m. to ~~12:00~~ 1:00 a.m. Friday and Saturday as requested by the applicant. (~~DSUP #98-0013~~) (P&Z)
5. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (DSUP #98-0013)
6. **CONDITION AMENDED BY STAFF:** Alcoholic beverages ~~shall be sold for on-premises consumption only~~ may be sold for on and off-premise consumption. Only beer manufactured on the premises and sold in a jug that contains a minimum of 64 fluid ounces may be sold for off-premise consumption. (P&Z) (~~DSUP #98-0013~~) (P&Z) (Police)
7. No food, beverages, or other material shall be stored outside. (P&Z) (DSUP #98-0013)
8. Trash and garbage shall be stored inside or in a dumpster. (P&Z) (DSUP #98-0013)
9. Trash and garbage shall be collected every day that service is available. (P&Z)(DSUP #98-0013)
10. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be pick 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) (DSUP #98-0013)

DSUP #2001-0005
Hops Restaurant - Potomac Yard Center

11. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (DSUP #98-0013)
12. No amplified sound shall be audible at the property line. (P&Z) (DSUP #98-0013)
13. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties to the satisfaction of the Health Department. (Health) (DSUP #98-0013)
14. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit ~~after it has been operational for 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, (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) ~~(DSUP #98-0013)~~ (P&Z)
15. Only building mounted accent lighting and decorative pole lights shall be permitted in addition to the lighting already approved in conjunction with the overall center. Service lights in the rear of the building shall be shielded to direct light downward. (P&Z) (DSUP #98-0013)
16. All stucco, brick, and block materials used on the building shall be the same colors as those used for the shopping center. The colors of the awnings shall also be coordinated with the awnings on the other pad sites. (P&Z) (DSUP #98-0013)
17. **CONDITION DELETED BY STAFF:** ~~The location and character of the service area is not consistent with submitted elevations. Reconcile inconsistencies between building elevations and plans ensuring that all elements shown in plan are depicted correctly in the elevations.~~ (P&Z) ~~(DSUP #98-0013)~~ (P&Z)
18. **CONDITION DELETED BY STAFF:** ~~Revise window configuration on the west building elevation (north of the main entry door). Provide simulated windows to the satisfaction of the Director of Planning & Zoning.~~ (PC) ~~(DSUP #98-0013)~~ (P&Z)
19. **CONDITION DELETED BY STAFF:** ~~The proposed signs are considered roof signs and are not permitted in the City of Alexandria. Lower signs to the satisfaction of the Director of P&Z.~~ (PC) ~~(DSUP #98-0013)~~ (P&Z)

20. ~~**CONDITION DELETED BY STAFF:** Lower freestanding pediment/parapet walls to eliminate appearance of an artificial parapet and integrate with required screening requirements for rooftop mechanical systems to the satisfaction of the Director of P&Z. (PC) (DSUP #98-0013) (P&Z)~~
21. ~~**CONDITION DELETED BY STAFF:** Provide elevations or sections that clearly show compliance with the code requirement that all rooftop mechanical equipment must be screened or architecturally integrated with the building. (P&Z) (DSUP #98-0013) (P&Z)~~
22. ~~Provide revised landscape plan to the satisfaction of the Director of Planning & Zoning, which incorporates the following: The applicant shall maintain the landscaping as required by DSUP #98-0013 and site plan in good condition to the satisfaction of the Director of Planning and Zoning.~~
 - A) ~~Provide tree protection for existing trees and indicate plantings to be removed and replaced.~~
 - B) ~~Provide plantings in large open mulched areas.~~
 - C) ~~Clearly distinguish grass areas from planting beds.~~
 - D) ~~Substitute plants that are not hardy for this climate zone.~~
 - E) ~~Provide caliper size and height for shade tree(s) in the "Planting List."~~
 - F) ~~Provide on-center spacing for all shrub plantings and ground cover in remarks column of "Planting List."~~
 - G) ~~Specification and grading of all plant materials in accordance with The American Standard for Nursery Stock (ANSI Z-60.1) latest and most current edition, as produced by the American Association of Nurserymen, Washington, DC.~~
 - H) ~~All work in accordance with Landscape Specification Guidelines 4th Edition as produced by the Landscape Contractors Association of Maryland, District of Columbia and Virginia, Gaithersburg, Maryland. (DSUP #98-0013) (P&Z)~~

23. **CONDITION DELETED BY STAFF:** ~~Update all sheets of Site Plan #95-020 that are effected by this application to reflect any changes approved by the City before submitting applications for building permits (P&Z) (T&ES) (DSUP #98-0013) (P&Z)~~
24. **CONDITION DELETED BY STAFF:** ~~The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z) (DSUP #98-0013) (P&Z)~~
25. **CONDITION ADDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees. (Police)

Staff Notes: This applicant is subject to all conditions of the Site Plan for the shopping center. (Site Plan #95-020)

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

BACKGROUND:

1. The applicant, Hops of Virginia, LTD, by J. Howard Middleton, requests amendments to the development special use permit for an existing restaurant located at 3625 Jefferson Davis Highway within the Potomac Yard Shopping Center.
2. The subject property is part of the Potomac Yard Shopping Center. The restaurant is located on a pad site directly north of the Reed Avenue entrance to the shopping center. The restaurant building has an area of approximately 6,692 square feet.
3. On October 17, 1998, City Council granted Development Special Use Permit #98-0013, with site plan, for the construction of the restaurant.
4. As approved by Council, the restaurant offers bar, table, and carry out service. The restaurant includes a micro brewery which produces beer for on-premises consumption.
5. The applicant has filed a request to amend its special use permit to allow off-premise sales of the beer it manufactures on the premises. Condition #6 of the current approval allows only on-premise sales of alcohol.

The applicant requests to sell a “growler, “ a jug that contains 64 fluid ounces of the beer. The beer is produced in a micro brewery located inside the restaurant. According to the applicant, the growlers will be filled at the bar and sold to patrons with identification. The applicant has advised staff that the initial cost of a growler is \$10.00, of that amount \$3.50 is the cost of the empty jug and \$6.50 is the cost of the beer. A patron may refill a growler at the subject restaurant or any other Hops restaurant, and the cost to refill the jug after the initial purchase is \$6.50. There is no limit to the number of growlers a patron may purchase, although the applicant believes that it is unlikely that patrons will request several at one time.

6. The applicant also requests permission to increase its hours of operation to allow the restaurant to be operated until Midnight Sunday through Thursday and until 1:00 a.m. on Fridays and Saturdays. The approved hours of operation are 10:30 a.m. to 11:00 p.m. Sunday through Thursday and 10:30 a.m. to Midnight on Fridays and Saturdays.
7. No other changes are proposed to the operation of the restaurant.
8. In its original application, the applicant indicated that it will serve approximately 1,025 patrons with 28-30 employees per shift, with two shifts a day.

9. On March 19, 2001, staff made an inspection of the subject property to determine if the applicant was in compliance with the conditions of the special use permit and observed no violations of the permit conditions.
10. Zoning: The subject property is located in the CDD-10 Potomac Yards/Greens Coordinated Development District. This CDD has an underlying zoning of CSL/Commercial service low. Section 4-303(Y) of the zoning ordinance allows a restaurant in the zone only with a special use permit.
11. Master Plan: The proposed use is consistent with the Potomac West small area plan chapter of the Master Plan which designates the property for mixed use.

STAFF ANALYSIS:

Staff has no objection to the applicant's request to extend the hours of operation of the restaurant located at 3625 Jefferson Davis Highway within the Potomac Yard Shopping Center. Staff notes that the applicant's proposed closing hours are consistent with other restaurants in the shopping center, including Baskin Robbins, Dunkin Donuts, and the Togo's, which are permitted to operate until 1:00 a.m. daily (SUP #99-0080). In addition, the International House of Pancakes (IHOP) restaurant is permitted to operate 24 hours a day (SUP #2000-004). In support of the applicant's request, staff notes that noise and other potential impacts associated with the later hours of operation will not be borne by adjacent residential neighborhoods because the restaurant is located within the shopping center which is physically separated by Jefferson Davis Highway from the Lynhaven neighborhood and the new Lincoln Properties residential development adjacent to Alexandria Toyota.

Although the Police have provided their standard comments recommending only on-premise alcohol sales, Planning staff has spoken with the Police and understand that the Police do not object to the applicant's request for off-premise alcohol sales because of the cost and the quantity of beer to be sold and because the beer is manufactured on the premises. Planning staff has included conditions that allow the applicant to sell only beer that is manufactured on the premises and that restrict the minimum quantity of beer that may be sold to 64 fluid ounces. Staff has also modified Condition #14 to require a review of the restaurant one year from this approval, so that if there are problems with the operation of the restaurant, including the later hours or off-premise alcohol sales, additional conditions may be imposed or the approval may be revoked.

Finally, staff recommends the deletion of several site plan related conditions with which the applicant has complied. With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 No additional objections or additional recommendations.

Code Enforcement:

F-1 No comments.

Health Department:

F-1 No objections.

Police Department:

R-1 Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:

1. Bees 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.

F-1 The recommended security survey and robbery awareness program have not been completed.

KB

DEVELOPMENT

APPLICATION for SPECIAL USE PERMIT # 2001-0005

[must use black ink or type]

PROPERTY LOCATION: 3625 Jefferson Davis Highway, Pad #6, Potomac Yard Center

TAX MAP REFERENCE: 16.00-01-01 ZONE: CDD

APPLICANT Name: Hops of Virginia, LTD
Address: 2701 N. Rocky Point Drive, Ste 300, Tampa, Fl 33607

PROPERTY OWNER Name: Commonwealth Atlantic Properties Land V
Address: 1155 21st N.W. Ste 202 Washington, D.C. 20036

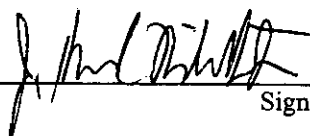
PROPOSED USE: ^{DEV.} Amend Special Use Permit No. 98-0013 for restaurant use to (1) permit sales of packaged beer manufactured on-premises for off-premises consumption and (2) extend hours of operation an additional hour each night.

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.

J. Howard Middleton, Esq.
Print Name of Applicant or Agent


Signature

3110 Fairview Park Drive, Suite 1400
Mailing/Street Address

703-641-4225
Telephone #

703-641-4340
Fax#

Falls Church, VA 22042
City and state Zip Code

February 20, 2001
Date

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

Application Received: _____ Received Plans for Completeness: _____
Fee Paid & Date: \$ _____ Received Plans for Preliminary: _____
Legal Advertisement: _____ Property Placard: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2001 - 0005

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

1. The applicant is the (check one) Owner Contract Purchaser
 Lessee or Other: _____ 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.

Avado Brands, Inc; Tom E. Dupree, Jr., Hancock at Washington, Madison, Georgia 30650

owns more than 10% of stock

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.

Special Use Permit # 2001-0005

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The restaurant currently manufactures its own beer for on-premises use. The applicant is requesting this amendment to permit sales, for off-site consumption, of growlers of beer, manufactured at the restaurant. A "growler" resembles a jug, and holds 64 fluid oz. The growlers would be sold only to patrons with identification, and would be sold only for off-site consumption. No other packaged beer would be sold for off-premises consumption.

In addition, the Applicant is requesting permission to allow one extra hour of operation per night. Hours of operation would thereby be extended to 12 midnight on Sunday through Thursday and to 1a.m on Friday and Saturday. The restaurant is popular and many of our customers would like to dine at a later time.

These are the only two changes requested by this application.

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).

Seating is for 205 patrons during the peak hours of 11:30 a.m.-1:30 p.m. and from 6:00 p.m.-9:00 p.m.

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

28-30 employees per shift with 2 shifts per day: 10 am-4:30 pm and 4:30 pm-12:00 a.m.

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

Day:	Hours:
<u>Monday-Thursday, Sunday</u>	<u>10:30 a.m.-12 a.m.</u>
<u>Friday-Saturday</u>	<u>10:30 a.m.-1:00 a.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.

The restaurant will not generate any noise greater than a typical restaurant and from standard HVAC units.

Special Use Permit # 2001-0005

B. How will the noise from patrons be controlled?

There will be space for patrons waiting for tables inside the restaurant. In addition, partition walls will control the noise within the restaurant.

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

Only odors typical of restaurants will be emanating from the site and such odors will be filtered by internal hoods & equipment.

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

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

Paper products, cans and food waste.

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

3 1/2 cubic yards per day

C. How often will trash be collected?

On the average, once a day

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

As part of overall restaurant operating checklist, the surrounding area is checked daily prior to opening and then is picked up daily as needed.

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:

Cleaning and degreaser only will be stored in containers within the back door area of the building in an enclosed area not visible nor accessible to the public.

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

These methods are covered in our training manual and in one-on-one training with corporate staff. Outside experts (alcohol, police, etc.) frequently speak to staff.

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.

Alcoholic beverages are presently served for on-premises consumption only. The proposed Change is to permit sale of beer manufactured on-premises for off-premises consumption. The Beer would be in "growlers," which contain 64 fluid oz.

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?

same

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

same 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 request, 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

Zoning ordinance? One loading/unloading space is required.

B. How many loading spaces are available for use? One

C. Where are off-street loading facilities located? Along the east side of the building inside the service court.

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

8:00 am - 10:00 am

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

Five per week

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimized impacts on traffic flow?

All public improvements required were installed under Site Plan 95-020

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?

6,875 sq. ft. (existing) + zero sq. ft. (addition if any) = 6,875 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: Potomac Yard Center

an office building. Please provide name of the building: _____

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: 183 At a bar: 22 Total number proposed: 205
2. Will the restaurant offer any of the following?
 alcoholic beverages beer and wine (on-premise) beer (off premise)
3. Please describe the type of food that will be served:
Variety of steak, chicken, seafood, burgers, home-made soups and salads (menu attached).
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? NA
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:
Television sets in bar area (not large screen).

DSUP 2001-0005
POTOMAC YARD CTR.-HOPS

The Del Ray Citizens Association

P.O. Box 2233

Alexandria, Virginia 22301

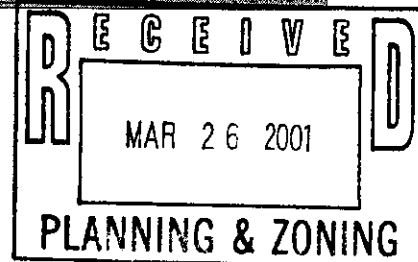
eEstablished 1954

To: Members of Planning Commission
Honorable Members of City Council

From: Bill Hendrickson, President
Stephanie Sechrist, Co-chair, Land Use Committee
Amy Slack, Co-chair, Land Use Committee

Date: March 23, 2001

Subject: DSUP# 2001-0005 to allow sales of packaged beer manufactured on-premises for off-premises consumption, and to extend the hours of operation.



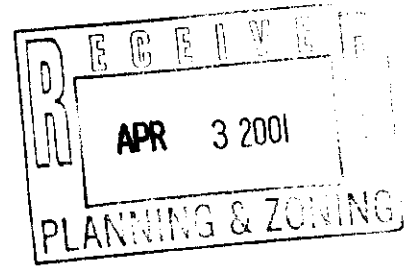
At the Land Use and Executive Committee meetings on March 14th and 20th the subject case was discussed. Both Committee's noted that the subject property was located outside of the DRCA boundaries, but that DRCA has historically been involved in reviewing projects on Jefferson Davis Highway, as it is a gateway to our community. Land use and executive committees voted to recommend *support* of the SUP and requested that the property be reviewed one year from the date of the SUP approval.

We request your support for this position and welcome your questions and comments. Please feel free to contact Amy Slack at 703-549-3412 or Stephanie Sechrist at 703-548-0536 and Bill Hendrickson at 703-549-7365 (days), 703-519-9410 (evenings).

DSUP 2001 - 0005

ReedSmith LLP

J. Howard Middleton • 703.641.4225 • jmiddleton@reedsmith.com



VIA FACSIMILE

March 30, 2001

Ms. Kathleen Beeton
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, VA 22314

Re: Hops Restaurant; Special Use Permit Amendment

Dear Kathleen:

This letter is to confirm our conversation yesterday with respect to the sale of growlers of beer at the Hops Restaurant for off-site consumption.

The growler is a bottle containing 64 fl. oz. and may be purchased in the dining area or at the bar in Hops. The growler bottle is then filled at the tap at the bar and sold to the patron. An empty glass growler would sell for \$3.50. A fill or refill of the growler will cost \$6.50, resulting in a price of \$10.00 for a growler of beer. An empty growler may be brought back to the restaurant for refill at a cost of \$6.50.

I trust this information will assist you, and if you would like to discuss this in any further detail, please call at your convenience.

Sincerely,

J. Howard Middleton, Jr.

JHM:mlh

cc: Mechele Clark, Hops


Reed Smith Hazel & Thomas LLP
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Suite 1400
Falls Church, VA 22042-0681
703.641.4200
Fax 703.641.4340

Delaware
New Jersey
New York
Pennsylvania
United Kingdom
Virginia
Washington, DC

Lynhaven Citizens Association

P O Box 2301 Alexandria, Va

April 27, 2001


 Ruby Tucker, President
 Lynhaven Citizens Association
 254 Lynhaven Drive
 Alexandria, Va 22305
 (703) 549-2931

Mr Eric Wagner, Chairman
 Members of Planning Commission
 301 King Street Room 2100
 Alexandria, VA 22314

RE: Planning Commission Meeting of 05/01/2001
 Docket Item #2001-0005

The Lynhaven Executive Board voted to support the request of Hops Restaurant for a special use amendment that would extend their hours of operation, however, we cannot and do not support the request that would allow off-premises sales of beer manufactured on the premises of Hop Restaurant. Such sales at existing businesses in and surrounding our neighborhood has greatly exacerbated problems of street litter, loitering and public intoxication.

Residents of Lynhaven and city agencies have worked closely together to improve and maintain the quality of life in our area. We ask you to continue this effort by understanding and supporting our opposition to additional off-premises sales of beer.

LB

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DEVELOPMENT

APPLICATION for SPECIAL USE PERMIT # 2001-0005

[must use black ink or type]

PROPERTY LOCATION: 3625 Jefferson Davis Highway, Pad #6, Potomac Yard Center

TAX MAP REFERENCE: 16.00-01-01 ZONE: CDD

APPLICANT Name: Hops of Virginia, LTD

Address: 2701 N. Rocky Point Drive, Ste 300, Tampa, Fl 33607

PROPERTY OWNER Name: Commonwealth Atlantic Properties Land V

Address: 1155 21st N.W. Ste 202 Washington, D.C. 20036

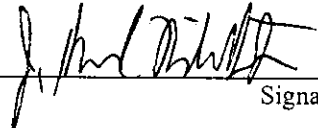
PROPOSED USE: Amend ^{DEV.} Special Use Permit No. 98-0013 for restaurant use to (1) permit sales of packaged beer manufactured on-premises for off-premises consumption and (2) extend hours of operation an additional hour each night.

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.

J. Howard Middleton, Esq.
Print Name of Applicant or Agent


Signature

3110 Fairview Park Drive, Suite 1400
Mailing/Street Address

703-641-4225
Telephone #

703-641-4340
Fax#

Falls Church, VA 22042
City and state Zip Code

February 20, 2001
Date

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

Application Received: _____ Received Plans for Completeness: _____
Fee Paid & Date: \$ _____ Received Plans for Preliminary: _____
Legal Advertisement: _____ Property Placard: _____

ACTION - PLANNING COMMISSION: 5-1-01 Recommended: Approval UC

ACTION - CITY COUNCIL: 5/12/01PH -- CC approved the Planning Commission recommendation.