

EXHIBIT NO. 1

5  
6-16-01

Docket Item #4  
SPECIAL USE PERMIT #2001-0027

Planning Commission Meeting  
June 5, 2001

**ISSUE:** Consideration of a request for a special use permit to change the ownership and to amend the hours of operation of an existing restaurant.

**APPLICANT:** Shah Mahmood Stanezai

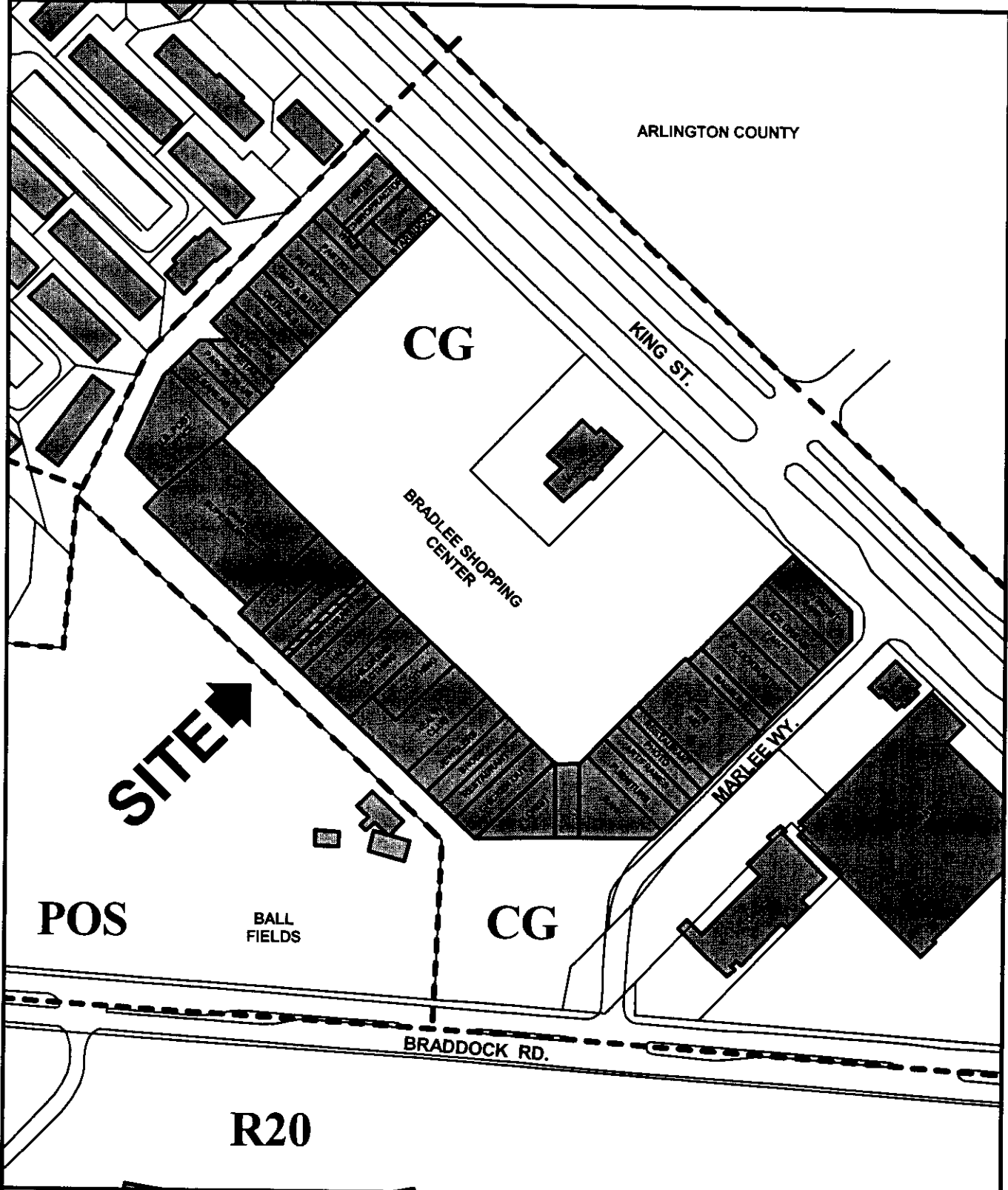
**LOCATION:** 3674 King Street  
Bradlee Shopping Center  
Subway Sandwich Shop

**ZONE:** CG/Commercial General

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**PLANNING COMMISSION ACTION, JUNE 5, 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.



**SUP #2001-0027**

**06/05/01**



STAFF RECOMMENDATION:

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

1. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide and maintain two (2) trash cans in front of the site. (T&ES)(SUP #1499) (T&ES)~~
2. **CONDITION AMENDED BY STAFF:** The hours of operation shall be limited to those as requested by the applicant, i.e., ~~11:00~~ 9:00 AM to 11:00 PM, seven days per week. ~~(P&Z)(SUP #1499) (P&Z)~~
3. **CONDITION AMENDED BY STAFF:** ~~The applicant shall pick up trash daily within 75 feet in either direction of the property on the public right-of-way~~ 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. (PC)(SUP #1499) (P&Z)
4. **CONDITION AMENDED BY STAFF:** ~~The applicant shall provide trash pick-up on days of operation~~ 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. (PC)(SUP #1499) (P&Z)
5. **CONDITION AMENDED BY STAFF:** The special use permit shall be ~~limited granted to the applicant and sub-lessee only or to any business or entity in which the applicant has a controlling interest. (CC)(SUP #1499) (P&Z)~~
6. **CONDITION ADDED BY STAFF:** A maximum of 26 seats shall be provided inside the restaurant. (P&Z)
7. **CONDITION ADDED BY STAFF:** No outside dining is permitted. (P&Z)
8. **CONDITION ADDED BY STAFF:** The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z)

9. CONDITION ADDED BY STAFF: 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)
10. CONDITION ADDED BY STAFF: No live entertainment shall be provided at the restaurant. (P&Z)
11. CONDITION ADDED BY STAFF: No amplified sound shall be audible at the property line. (P&Z)
12. CONDITION ADDED BY STAFF: No delivery service shall be provided. (P&Z)
13. CONDITION ADDED BY STAFF: Alcoholic beverages shall not be sold. (P&Z)
14. CONDITION ADDED BY STAFF: No food, beverages, or other material shall be stored outside. (P&Z)
15. CONDITION ADDED BY STAFF: The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z)
16. CONDITION ADDED BY STAFF: Kitchen or other types equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or storm sewers. (T&ES)
17. CONDITION ADDED BY STAFF: The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
18. CONDITION ADDED BY STAFF: The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees. (Police)

19. **CONDITION ADDED BY STAFF:** 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, (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)

DISCUSSION:

1. The applicant, Shah Mahmood Stanezai, requests special use permit approval to change the ownership and to amend the hours of operation of the existing restaurant known as the Subway Sandwich Shop located at 3674 King Street, within the Bradlee Shopping Center.
2. The subject property is a one lot of record with approximately 825 feet of frontage on King Street, 440 feet of frontage on Marlee Way, 150 feet of frontage on West Braddock Road, and a lot area of 461,287 square feet. The site is developed with the Bradlee Center, a shopping center with approximately 50 retail or restaurant units and a shared parking lot. The restaurant is located near the Virginia Alcohol Beverage Control (ABC) store.
3. On September 18, 1982, City Council granted Special Use Permit #1499 to Larry Feldman for Subway for the operation of a restaurant.
4. As approved by Council, the applicant operates a Subway restaurant with 26 seats.
5. As part of its inspection of fast food restaurants during the past year, staff determined that the restaurant opens earlier than currently permitted and issued a citation for the violation. The applicant filed this request to amend the hours of operation to allow it to open two hours earlier than currently permitted, at 9:00 a.m., rather than 11:00 a.m. The restaurant's approved hours of operation are 11:00 a.m. to 11:00 p.m. daily.
6. The applicant also requests permission to change the ownership of the approval from Mr. Feldman to himself.
7. No other changes to the operation of the restaurant are requested by the applicant.
8. Zoning: 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.
9. Master Plan: The proposed use is consistent with the Fairlington/Bradlee chapter of the Master Plan which designates the property for general commercial use.

STAFF ANALYSIS:

Staff has no objection to the applicant's request to change the ownership and to amend the hours of operation of the Subway restaurant located at 3674 King Street within the Bradlee Shopping Center. With the exception of the violation noted above, staff knows of no other violations or complaints from area residents or other City departments regarding the operation of the restaurant.

Staff has included some standard restaurant conditions missing from the existing permit and recommends the deletion of Condition #1 which requires the applicant to provide two trash containers in front of the site. T&ES staff have advised us that the two trash containers required to be installed at the front of the shopping center by Condition #1 have been installed and that the condition is no longer necessary and may be deleted. In addition, Planning staff notes that several City standard trash containers are located along the service drive adjacent to the center and that privately maintained trash containers are located along the sidewalk within the interior of the shopping center. Staff has also included a condition requiring a review of the restaurant one year after approval so that if there are any problems with its operation, including the hours, additional conditions may be imposed. With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 That the applicant comply with the City of Alexandria's Noise Control Code, Chapter 11, Section 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties as determined by the Department of Transportation and Environmental Services.
- R-2 Kitchen or other types equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or storm sewers.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No objection to change in hours.

Police Department:

- R-1 Recommend a security survey for the business.
- R-2 Recommend a robbery awareness program for all employees.
- F-1 No request for ABC license.
- F-2 One call for service for the year 2000.



APPLICATION for SPECIAL USE PERMIT # 2001-0027

[must use black ink or type]

PROPERTY LOCATION: 3674 King Str (Bradlee Center)

TAX MAP REFERENCE: 22.00-01-01 ZONE: CG.

APPLICANT Name: Shah Mahmood Stanezai

Address: 3674 King Str Alexandria VA 22302

PROPERTY OWNER Name: \_\_\_\_\_

Address: \_\_\_\_\_

PROPOSED USE: Restaurant (Subway Sandwich Shop)  
(prev. SUP 1499)

**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.

Shah Mahmood Stanezai  
Print Name of Applicant or Agent

S.M. Stanezai   
Signature

3674 King Str  
Mailing/Street Address

703 931-3700  
Telephone # Fax #

Alexandria VA 22302  
City and State Zip Code

3/9/01  
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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

Changes the operation

No other changes is proposed

**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: Changes of hours of operation
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).
- 30 <
- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
- 6 Employees
6. Please describe the proposed hours and days of operation of the proposed use:
- |                      |                               |
|----------------------|-------------------------------|
| Day:                 | Hours:                        |
| <u>Mond - Sunday</u> | <u>9<sup>am</sup> - 10 pm</u> |
| _____                | _____                         |
| _____                | _____                         |
| _____                | _____                         |
7. Please describe any potential noise emanating from the proposed use:
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
- \_\_\_\_\_
- \_\_\_\_\_

B. How will the noise from patrons be controlled?

Same as ~~EXIST~~ EXISTING  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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?

Papers and cups  
\_\_\_\_\_  
\_\_\_\_\_

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

4 Bages  
\_\_\_\_\_  
\_\_\_\_\_

C. How often will trash be collected?

every day  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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:

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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:

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

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**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.

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**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?

\_\_\_\_\_

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

\_\_\_\_\_ Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

C. Where is required parking located?     on-site     off-site (check one)

If the required parking will be located off-site, where will it be located:

\_\_\_\_\_

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? \_\_\_\_\_

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

C. Where are off-street loading facilities located? \_\_\_\_\_

\_\_\_\_\_ *Back of the center* \_\_\_\_\_

\_\_\_\_\_

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

from 10 Am - 5 pm

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

two times a 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?

\_\_\_\_\_

**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? \_\_\_\_\_ square feet.

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

1200 sq. ft. (existing) + 0 sq. ft. (addition if any) = 1200 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: Bradlee Center

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?~~ *Existing*  
At tables: 26 At a bar: \_\_\_\_\_ Total number proposed: 26  
*SMS (KB)*
  
2. Will the restaurant offer any of the following? *N/A*  
\_\_\_\_\_ alcoholic beverages \_\_\_\_\_ beer and wine (on-premises)  
\_\_\_\_\_ beer and wine (off-premises)
  
3. Please describe the type of food that will be served:  
Sandwiches  
\_\_\_\_\_  
\_\_\_\_\_
  
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? \_\_\_\_\_  
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



ALEXANDRIA DEPARTMENT OF  
PLANNING AND ZONING  
301 King Street, Room 2100  
Alexandria, Virginia 22314

**NOTICE OF VIOLATION**

YOU ARE CHARGED WITH VIOLATING THE  
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

March 22 2001 Friday 10:10am  
Date ticket served Day of Week Time AM/PM

Location of Violation: 3674 King Street.

Ord. Section: 11-505

Description of Violation: Condition # 2 (hours of operation shall be limited to 11am to 11pm seven day per week.)

Penalty \$: 50.00

1st  2nd  
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY

March 22 2001 AN ADDITIONAL MONETARY  
PENALTY WILL BE ASSESSED.

Mark G. Nelson 102  
Inspector's Signature ID Number

I personally observed or investigated the commission of the violation noted above and/or violation was based upon signed affidavit.

- VIOLATORS COPY - WHITE
- CITY ATTORNEY COPY - YELLOW
- FINANCE COPY - PINK
- PLANNING AND ZONING COPY - ORANGE

SUP #1499

NOTICE SERVED ON:

Stanezai Shah  
NAME: LAST FIRST MIDDLE

PROPERTY OWNER  
 COMPANY Subway  
NAME

OTHER POSITION

3674 King Street  
ADDRESS

Alexandria Va  
CITY/TOWN STATE ZIP

Stanezai Shah 3/2/01  
SIGNATURE DATE

I hereby acknowledge receipt of this Notice of Violation. Signature is not an admission of guilt.

PERSON REFUSED TO SIGN DATE

**CERTIFICATE OF SERVICE**

Mailed/posted a true copy of this notice to the last known home or business address of the respondent or the respondent's agent

Name of Person or Business Served

Address of Service

City/State

Posted true copy of this notice at the site of the infraction

The undersigned states that he/she is an employee of the City of Alexandria Department of Planning and Zoning and knows this Certificate of Service to be true to the best of his/her knowledge.

Signature \_\_\_\_\_  
Print Name \_\_\_\_\_  
Date Phone # \_\_\_\_\_

**WARNING**

YOU ARE REQUIRED TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 15 DAYS OF THE DATE OF SERVICE IN ONE OF THE FOLLOWING WAYS

Z-01 TICKET NO. 2143

1. TO PAY PENALTY AND WAIVE YOUR RIGHT TO A HEARING:

- Check the "Admit Violation" or "No Contest" box below;
- Make personal check, cashier's check, certified check or money order payable to City of Alexandria. Do not send cash through the mail;
- Print violation notice number on the check or money order;
- Payment may be made by mail, or in person, at the Treasury Office, City Hall, 301 King Street, Room 1510, Alexandria, Virginia, between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4949.

2. TO REQUEST A COURT HEARING:

- Check the "Contest in Court" box below and:  
(a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or  
(b) Appear in person or by an authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.

- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

- You have the right to appeal the interpretation of the zoning ordinance upon which this violation is based to the Board of Zoning Appeals within 30 days in accordance with 15.2-2311 of the Code of Virginia. The interpretation shall be final and unappealable if not appealed within 30 days.

FOR INFORMATION CONCERNING THIS TICKET CALL PLANNING AND ZONING AT 703-838-4688

FAILURE TO RESPOND AS PROVIDED ABOVE WILL RESULT IN THE ISSUANCE OF A SUMMONS TO APPEAR IN COURT AND ANSWER TO THE VIOLATION FOR WHICH THIS NOTICE WAS ISSUED

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION  NO CONTEST  CONTEST IN COURT

Name (print) \_\_\_\_\_  
Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

I hereby certify under penalty of law, that I have answered as indicated above, and corrected or made substantial efforts to correct the violation that I have admitted or for which I have pleaded no contest.

Signature \_\_\_\_\_ Date \_\_\_\_\_

SUP 2001-0027

APPLICATION for SPECIAL USE PERMIT # 2001-0027 ✓

[must use black ink or type]

PROPERTY LOCATION: 3674 King Str (Bradlee Center)

TAX MAP REFERENCE: 22.00-01-01 ZONE: CG.

APPLICANT Name: Shah Mahmood Stanzeai

Address: 3674 King Str Alexandria VA 22302

PROPERTY OWNER Name: \_\_\_\_\_

Address: \_\_\_\_\_

PROPOSED USE: Restaurant (Subway Sandwich Shop)  
CHANGING NAME OF  
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.

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Shah Mahmood Stanzeai S.M. Stanzeai  
Print Name of Applicant or Agent Signature  
3674 King Str 703 931-3700  
Mailing/Street Address Telephone # Fax #  
Alexandria VA 22302 3/9/01  
City and State Zip Code Date

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

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

ACTION - PLANNING COMMISSION: 6/5/01 Recommended Approval UC

ACTION - CITY COUNCIL: 6/16/01PH -- CC approved the Planning Commission recommendation.