Docket Item #3
SPECIAL USE PERMIT #2006-0086
Planning Commission Meeting
November 9, 2006

ISSUE: Consideration of a request to operate a café style restaurant within an existing catering operation.

APPLICANT: Javier C. Nogales and Michele L. Nogales

LOCATION: 4936-A Eisenhower Avenue

ZONE: OCM(100)/Office Commercial Medium

PLANNING COMMISSION ACTION, NOVEMBER 9, 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.
I. DISCUSSION

REQUEST
The applicants, Javier Nogales and Michele Nogales, request special use permit approval for the operation of a restaurant at 4936-A Eisenhower Avenue.

SITE DESCRIPTION
The subject property is part of one lot of record with 455 feet of frontage on Eisenhower Avenue, a depth of approximately 795 feet and a total lot area of 8.529 acres. The site is developed with the ‘BuildAmerica Six’ Industrial Park, a one-story warehouse with 150,000 square feet of floor area, 335 parking spaces, and more than 40 units, and occupied by a variety of light industrial/manufacturing/auto repair and storage uses.

The 600 square foot space proposed to be occupied by the applicant, is located on the east side of the building, in a portion of an existing catering facility currently operated by the applicant.

BACKGROUND
On December 12, 1998, City Council granted Special Use Permit#98-0141 to the applicant for the operation of a catering business at 4936-A Eisenhower Avenue. Since the issuance of the SUP, staff has not been made aware of any issues regarding the catering operation.

PROPOSAL
The applicant proposes to operate a café style restaurant serving salads, soups, sandwiches, and beverages. According to the applicant, the restaurant is anticipated to predominately serve tenants of the nearby establishments during their normal business hours. The applicant has described the operations of the business as follows:

<table>
<thead>
<tr>
<th>Hours:</th>
<th>Monday- Friday 8am- 5pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of seats:</td>
<td>14</td>
</tr>
<tr>
<td>Number of customers/ day:</td>
<td>50 to 60</td>
</tr>
<tr>
<td>Noise:</td>
<td>None</td>
</tr>
<tr>
<td>Odors:</td>
<td>No odors are anticipated by the business</td>
</tr>
<tr>
<td>Trash/Litter:</td>
<td>The applicant anticipates producing four bags per day and proposes trash collection occurring once per day.</td>
</tr>
</tbody>
</table>
SUP #2006-0086  
4936-A Eisenhower Avenue

PARKING
According to Section 8-200(A)(8) of the Zoning Ordinance, a restaurant requires one parking space for four seats. A restaurant use with 14 seats will be required to provide four off-street parking spaces all of which are being provided on-site.

ZONING/MASTER PLAN DESIGNATION
The subject property is located in the Office Commercial Medium 100 (OCM 100) zone. Section 4-1000 (AA) of the Zoning Ordinance allows a restaurant in the Office Commercial Medium 100 zone only with a special use permit.

The proposed use is consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property for office/industrial use.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant. The restaurant will be small and surrounded by non-residential uses, reducing the potential for any negative impacts. Given the proposed hours of operation, the restaurant will predominately serve employees of the building and surrounding area. In addition, the applicant is providing the required four parking spaces on-site. Staff has included a condition requiring a one-year review of the restaurant to ensure that there are no issues with the restaurant operations.

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 corporation in which the applicant has a controlling interest. (P&Z)

2. The hours of operation of the restaurant shall be limited to daily from 7am- 7pm. (P&Z)

3. Seating shall be provided for no more than 14 patrons. Outdoor seating shall not be provided. (P&Z)

4. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
5. 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)

6. 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, and on how to prevent underage sales of alcohol. (P&Z)

7. No food, beverages, or other material shall be stored outside. (P&Z)

8. 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 the containers. (P&Z)

9. Litter on the site and on public right-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 any unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)

10. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 for a security survey and robbery awareness program for all employees prior to operation. (Police)

11. The applicant shall require that all employees who drive to work use off-street parking. (P&Z)

12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)

14. Loudspeakers and/or musicians shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
15. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)

16. Applicant shall provide the City $1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)

17. 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 has 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: Richard Josephson, Acting Director; Department of Planning & Zoning
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 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.

R-3 Loudspeakers and/or musicians shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.

R-4 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132.

R-5 Applicant shall provide the City $1000.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation.

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.

C-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials. (Sec. 5-1-99)
Code Enforcement:

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 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

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 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.

Health Department:

C-1 An Alexandria Health Department Permit is required for all regulated facilities.

F-1 This facility is currently operating as Renaissance Caterer under an Alexandria Health permit, issued to Javier C. Nogales and Michele L. Berwinkle.

C-2 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 plans review of food facilities.

C-3 Approval must be obtained prior to use of the modified area.

C-4 The 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 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 readiness presentation for all employees.

F-1   The applicant is not seeking an “ABC” permit. The Police Department concurs with this.
APPLICATION for SPECIAL USE PERMIT # 2006-0086

[must use black ink or type]

PROPERTY LOCATION: 4936 -A EISENHOWER AVE.

TAX MAP REFERENCE: 068.04 - 0A - 030  ZONE: 0060.100

APPLICANT Name: JANIER C. NOGALES - MICHELE C. NOGALES
Address: #9 HARDWILL DR. STAFFORD VA 22554

PROPERTY OWNER Name: JANIER AND MICHELE NOGALES
Address: #9 HARDWILL DR. STAFFORD VA 22554

PROPOSED USE: ADDITION OF A COFFEE SHOP TO AN
EXISTING CATERING OPERATION

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.

JANIER C. NOGALES
Print Name of Applicant or Agent
4936 - A EISENHOWER AVE.
Mailing/Street Address
ALEXANDRIA VA. 22304
City and State Zip Code

Signature: (703) 212-9260 (703) 212-9258
Telephone # Fax #
2/16/04 Date 2/20/04

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) [X] 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.

Javier C. Nogales 50% 9 Hammermill Drive Stafford VA 22554
Michele L. Nogales 50% 9 Hammermill Drive Stafford VA 22554

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

We would like to add to our existing catering business a cafe for the local tenants around the immediate area. The cafe would be open from 8:00 AM to 5:00 PM serving salads, soups, sandwiches, beverages and various other items.

We do not expect parking to be affected due to the nature and location of our business. It would be a walk-in patrons from the surrounding buildings. We expect to serve 30-60 patrons per day.

The patrons would be local business owners and their employees from our building complex.

We would not add additional employees for this venture. We would use existing employees from our catering operations.
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).
      WE EXPECT MONDAY TO FRIDAY 50 TO 60 PATRONS
      FROM 8:00 AM TO 5:00 PM
   B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
      NO NEW ADDITIONAL

6. Please describe the proposed hours and days of operation of the proposed use:
   Day:                             Hours:
   MONDAY                         8 to 5
   TUESDAY                        8 to 5
   WEDNESDAY                     8 to 5
   THURSDAY                      8 to 5
   FRIDAY                         8 to 5

7. Please describe any potential noise emanating from the proposed use:
   A. Describe the noise levels anticipated from all mechanical equipment and patrons.
      NONE SINE WE ARE IN OPERATION ALL READY
B. How will the noise from patrons be controlled?

extra vaulation noise.

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

no odors - everything will be prepared in an existing kitchen under catering operation.

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?

minimal amounts from preparing off the take-out foods, food waste.

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

400 lbs. a day.

C. How often will trash be collected?

once a day.

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

We already have current employees who sweep outside and pick up trash.
10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?
   [ ] Yes.  X 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.  X No.
   If yes, provide the name, monthly quantity, and specific disposal method below:
   ________________________________________________________________
   ________________________________________________________________
   ________________________________________________________________

12. What methods are proposed to ensure the safety of residents, employees and patrons?
   X Existing evacuation plan and fire extinguisher
   X All exit signs and exit hallway.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?
   [ ] Yes.  X 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?

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?
D. During what hours of the day do you expect loading/unloading operations to occur?  
   6 am to 8 am \textit{in the morning}  
   6 pm to 8 pm \textit{in the afternoon}  

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
   \textit{2 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?  
   \textit{We believed access is adequate}  

\textbf{SITE CHARACTERISTICS}  

17. Will the proposed uses be located in an existing building?  
   \textit{X} Yes  \textit{[] No}  
   Do you propose to construct an addition to the building?  
   \textit{[]} Yes  \textit{X} No  
   How large will the addition be?  \textit{None} square feet.  

18. What will the total area occupied by the proposed use be?  
   \( 600 \text{ sq. ft. (existing)} + \textit{None} \text{ sq. ft. (addition if any)} = 600 \text{ sq. ft. (total)} \)  

19. The proposed use is located in: (check one)  
   \textit{[]} a stand alone building  \textit{X} a warehouse  
   \textit{[]} a shopping center. Please provide name of the center:  
   \textit{[]} an office building. Please provide name of the building:  
   \textit{[]} other, please describe:  

07/26/99 p:\zoning\pc-app\forms\app-sup\***
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?

2. Will the restaurant offer any of the following?
   No alcoholic beverages No beer and wine (on-premises)
   No beer and wine (off-premises)

3. Please describe the type of food that will be served:
   Cold sandwich - coffee - soup - sodas - grilled
   Chicken - grilled steaks - baked goods

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

5. If delivery service is proposed, how many vehicles do you anticipate? None
   Will delivery drivers use their own vehicles? Yes. No. Not applicable

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? Yes. No.
   If yes, please describe: ________________________________
   ________________________________
   ________________________________
FIRST FLOOR PLAN

PLUMBING SYMBOLS

-  = EXISTING SANITARY PIPE
-  = COLD WATER PIPE
-  = HOT WATER PIPE
-  = SHUT-OFF VALVE
-  = GAS COOK
-  = GAS PIPE
-  = PORT OF CONNECTION
-  = RIN SEWAGE MINE
-  = SINK BAY WINDOW
-  = SINK FOR VESSELS
-  = MASTER CUP
-  = POP 2½" x 2½"

GENERAL NOTES

1. ALL PIPES SHALL BE CONCEALED ABOVE CEILING OR WALL. COVERS IN VISION CORRIDOR REQUIRED.
2. ALL DOMESTIC WATER PIPES SHALL BE TYPE L COPPER.
3. PROVIDE ALL NECESSARY BRACKETS FOR SUPPORT OF DOMESTIC AND VERTICAL PIPING IN ACCORDANCE WITH MANUFACTURERS' RECOMMENDATIONS.
4. GAS PIPES SHALL BE BLACK STEEL. PROVIDE GAS CORR. AT ALL EQUIPMENT CONNECTIONS.
5. GAS PIPES SHALL BE CONCEALED ABOVE CEILING. EXPOSED PIPES SHALL BE ½" FINISHED FROM ANY WALL SURFACE.
6. CORRECT TO EXISTING ON PIPES IN PLUMBING CHASE BIFOLD.
7. CORRECT TO EXISTING SANITARY PIPING IN PLUMBING CHASE BIFOLD.
8. CORRECT NEW PIPING IN TO EXISTING GAS METER.

EXIST, 4" TO REPAIR

SANITARY - NOT TO SCALE

EXIST, GAS PIPE TO REPAIR

EXIST, GAS METER TO REPAIR

NATURAL GAS
4936 F Eisenhouse
4 PRIVATE PARKING SPACES
8 HANDICAP FOR VISITOR TO THE COMPLEX
10 1 HOUR PARKING FOR VISITORS
APPLICATION for SPECIAL USE PERMIT # 2006-0086

[must use black ink or type]

PROPERTY LOCATION: 4936 - A EISENHOWER AVE.

TAX MAP REFERENCE: 068.04 - 0A - 030 ZONE: 0CM .100

APPLICANT Name: JANIER C. NOGALES - MICHELE L. NOGALES
Address: #9 Hardwill Dr. Stafford, VA 22557

PROPERTY OWNER Name: JANIER AND MICHELE NOGALES
Address: #9 Hardwill Dr. Stafford, VA 22557

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JANIER C. NOGALES
Print Name of Applicant or Agent
4936 - A EISENHOWER AVE.
Mailing/Street Address
ALEXANDRIA, VA. 22304
City and State Zip Code

Signature

(703) 212 - 9260 (703) 212 - 9258
Telephone # Fax #

2/16/06 Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: Date & Fee Paid: $ 

ACTION - PLANNING COMMISSION: By unanimous consent, recommended approval 11/9/06

ACTION - CITY COUNCIL: 11/18/06 - CC approved the Planning Commission recommendation 7-0