

EXHIBIT NO. 1

5
12-16-03

Docket Item # 5
ENCROACHMENT #2003-0003
CROWN STATION-JEFFERSON DAVIS HIGHWAY

Planning Commission Meeting
December 2, 2003

ISSUE: Consideration of a request to install three site lights within the public right-of-way.

APPLICANT: Crown Central Petroleum Corporation
By R. A. Fritz

LOCATION: 3216 Jefferson Davis Highway

ZONE: CSL/ Commercial Service Low

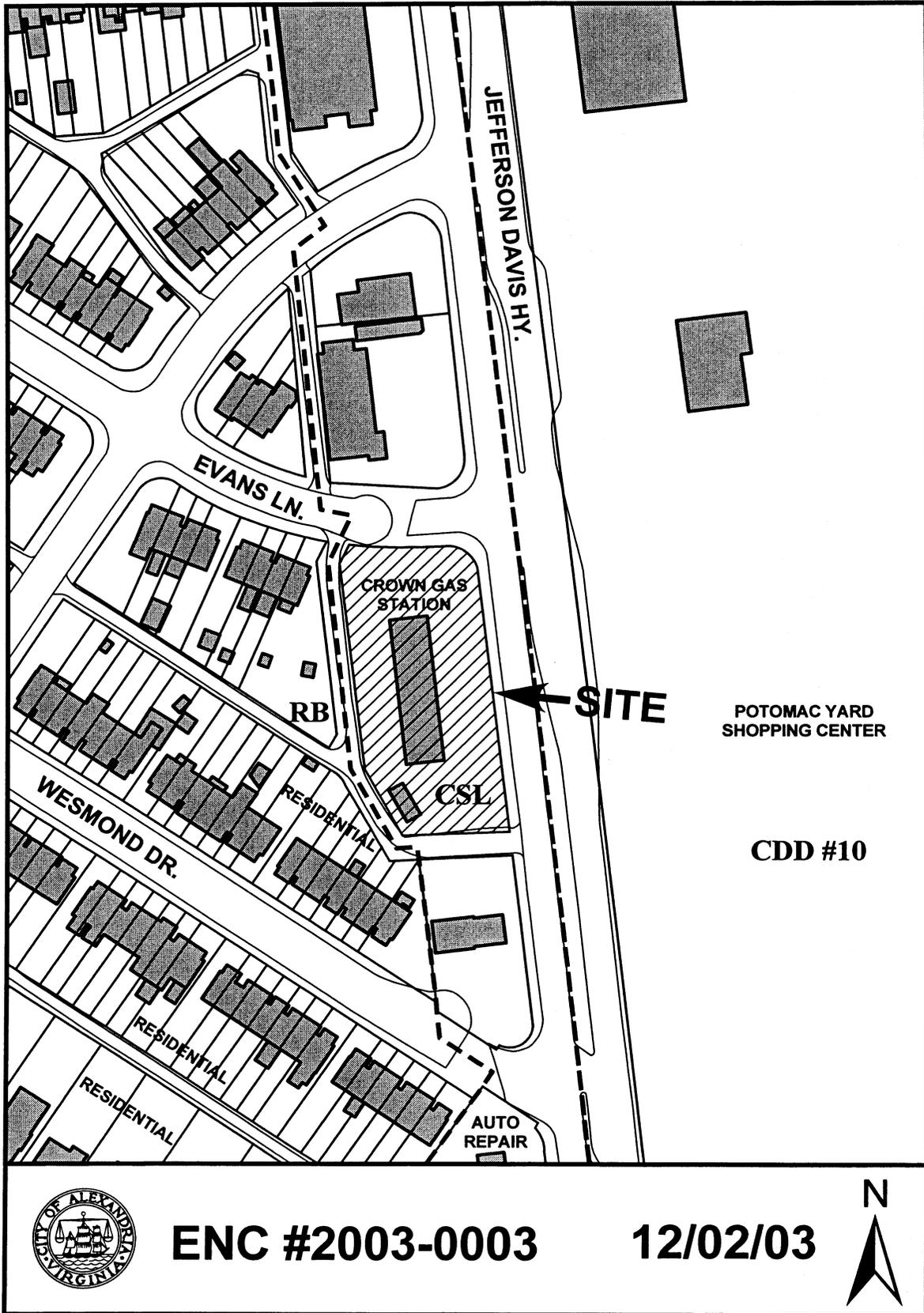
PLANNING COMMISSION ACTION, DECEMBER 2, 2003: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend **approval** of the request, subject to compliance with all applicable codes, ordinances and staff recommendations, as amended. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis but revised condition #1 to address concern about the type of lighting fixture.

Speakers:

Paul Encinas, applicant.

Amy Slack, 307 E. Randolph Ave., expressed concern over the potential for glare and spillover lighting.



ENC #2003-0003

12/02/03



STAFF ANALYSIS:

The applicant requests approval of an encroachment request for three light poles to be located within the public right-of-way adjacent to Jefferson Davis Highway. The property is zoned CSL commercial service low and is the site of the existing Crown Service Station. The encroachment is sought in conjunction with an application for special use permit extension (DSUP#2003-0038) to renovate the gas station, including the construction of a larger kiosk for use as a small convenience store. Staff is recommending approval of the proposed development special use permit extension, as discussed in more detail in the accompanying staff report. Staff is also recommending approval of the proposed encroachment.

The proposed light poles would be installed within the landscape buffer adjacent to Jefferson Davis Highway and would illuminate two existing curbcuts. The proposed light poles measure 16 feet in height and have two light fixtures each.

Staff supports the proposed encroachment into the public right-of-way for a number of reasons. The proposed lighting will not negatively impact the landscape screening which provides an essential buffer between service station and Jefferson Davis Highway. The proposed light poles are unobtrusive and could easily be removed or relocated if future street or sidewalk improvements on Jefferson Davis Highway are necessary.

STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed development special use permit application with the conditions outlined within the staff report.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Division Chief, Development;
Rasheda DuPree, Urban Planner.

STAFF RECOMMENDATION:

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

1. **(REVISED BY PLANNING COMMISSION)** Installation of the proposed lighting shall be coordinated with final development plan (DSP#2003-0038) lighting and landscape design and to the satisfaction of the Directors of T&ES and Planning and Zoning. The proposed lighting fixture design shall be coordinated with the Potomac Yard Guidelines for street lighting to the satisfaction of the Director of Planning and Zoning. (T&ES) (PC)
2. The applicant (and his or her successors) shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria as an additional named insured, against all claims, demands, suits etc. and all costs related thereto, including attorney fees, relating to bodily injury or property damage, which may occur as a result of the granting of the encroachment. (P&Z)(T&ES)
3. Neither the City nor any private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (P&Z)
4. In the event the City shall in the future have need for the area of the proposed encroachments, the property owner shall remove any structure or projection that encroaches into the public right-of-way within sixty (60) days upon notification by the City of Alexandria. (P&Z)(T&ES)
5. Approval shall be contingent upon the approval of DSUP# 2003-0038. (P&Z)

Staff Note: For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES is currently reviewing a Development Site Plan (DSP #2001-0015) for renovations to the existing service station facility.
- F-2 T&ES has no objections to the applicant request to install three pole mounted light fixtures on the adjacent public right-of-way.

Code Enforcement

- F-1 No Comments.

Police Department

- F-1 No objections.

Recreation, Parks, and Cultural Activities (RP&CA)

- F-1. No Comments.

Virginia American Water Company

- F-1 No Comments.

Real Estate Assessments

- F-1. No Comments.

APPLICATION for ENCROACHMENT

VA-007

ENC # 2003-0003

[must use black ink or type]

PROPERTY LOCATION: 3216 Jefferson Davis Hwy Alexandria, VA 22301

TAX MAP REFERENCE: 016.03-08-09 ZONE: _____

APPLICANT'S NAME: Crown Central Petroleum Corporation

ADDRESS: P. O. Box 1168 Baltimore, MD 21203

PROPERTY OWNER NAME: Crown Stations, Inc.

ADDRESS: P. O. Box 1168 Baltimore, MD 21203

ENCROACHMENT DESCRIPTION: VA-007 Light poles (3)

INSURANCE CARRIER (copy attached) Lexington Insurance Co. POLICY # 557674802

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code 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 also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

RA Fritz for crown central

Print Name of Applicant or Agent


Signature

PO Box 1168

Mailing/Street Address

410 659 4891 410 659 4734

Telephone # Fax #

Baltimore MD 21203

City and State Zip Code

2/5/03

Date

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

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

ACTION - PLANNING COMMISSION: Dec. 2, 2003 Recommend Approval 7-0

ACTION - CITY COUNCIL: _____

ENC 2003-0003

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
1/31/03

PRODUCER
Hilb, Rogal & Hamilton, Inc.
303 International Circle, #400
Hunt Valley, MD 21030
410-771-3838

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED
Crown Central Petroleum
One North Charles Street
Baltimore MD 21201

COMPANIES AFFORDING COVERAGE	
COMPANY A	Lexington Insurance Company
COMPANY B	Ace American/Lexington
COMPANY C	
COMPANY D	

COVERAGES
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	GENERAL LIABILITY	557674802	1/01/03	1/01/04	GENERAL AGGREGATE \$ 3000000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				PRODUCTS - COMP/OP AGG 2 Included
	<input checked="" type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				PERSONAL & ADV INJURY 0
	OWNER'S & CONTRACTOR'S PROT				EACH OCCURRENCE 2 3000000
	<input checked="" type="checkbox"/> Includes				FIRE DAMAGE (Any one fire) 0
	LiquorLiab				MED EXP (Any one person) 3
B	AUTOMOBILE LIABILITY	Ace American	1/01/03	1/01/04	COMBINED SINGLE LIMIT 0 5000000
	<input checked="" type="checkbox"/> ANY AUTO	ISAH07676943			BODILY INJURY (Per person) 0
	<input type="checkbox"/> ALL OWNED AUTOS	Lexington Ins Co			BODILY INJURY (Per accident) 0
	<input checked="" type="checkbox"/> SCHEDULED AUTOS	557674802			PROPERTY DAMAGE 3
	<input checked="" type="checkbox"/> HIRED AUTOS				
<input checked="" type="checkbox"/> NON-OWNED AUTOS					
<input checked="" type="checkbox"/> MCS-90Endt					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT 3
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY:
					EACH ACCIDENT 0
					AGGREGATE 3
	EXCESS LIABILITY				EACH OCCURRENCE 0
	<input type="checkbox"/> UMBRELLA FORM				AGGREGATE 5
	<input type="checkbox"/> OTHER THAN UMBRELLA FORM				0
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Ace American	1/01/03	1/01/04	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER
	THE PROPRIETOR/PARTNERS/EXECUTIVE OFFICERS ARE: <input type="checkbox"/> INCL <input type="checkbox"/> EXCL	WLRC43511257			EL EACH ACCIDENT 3 5000000
					EL DISEASE - POLICY LIMIT 0 5000000
					EL DISEASE - EA EMPLOYEE 0 5000000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

CERTIFICATE HOLDER
City of Alexandria
Dept. of Planning & Zoning
301 King Street, Room 2100
Alexandria, VA 22314

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Patricia C. Fried

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