

Docket Item # 14
DEVELOPMENT SITE PLAN #2000-0043
1710 PRINCE ST OFFICE BUILDING

Planning Commission Meeting
November 9, 2000

ISSUE: Consideration of a request for a development site plan for construction of an office building with structured parking and modifications.

APPLICANT: Duke Enterprises Inc.
by Robert L. Calhoun, attorney

LOCATION: 1710 Prince Street

ZONE: OCH/Office Commercial High

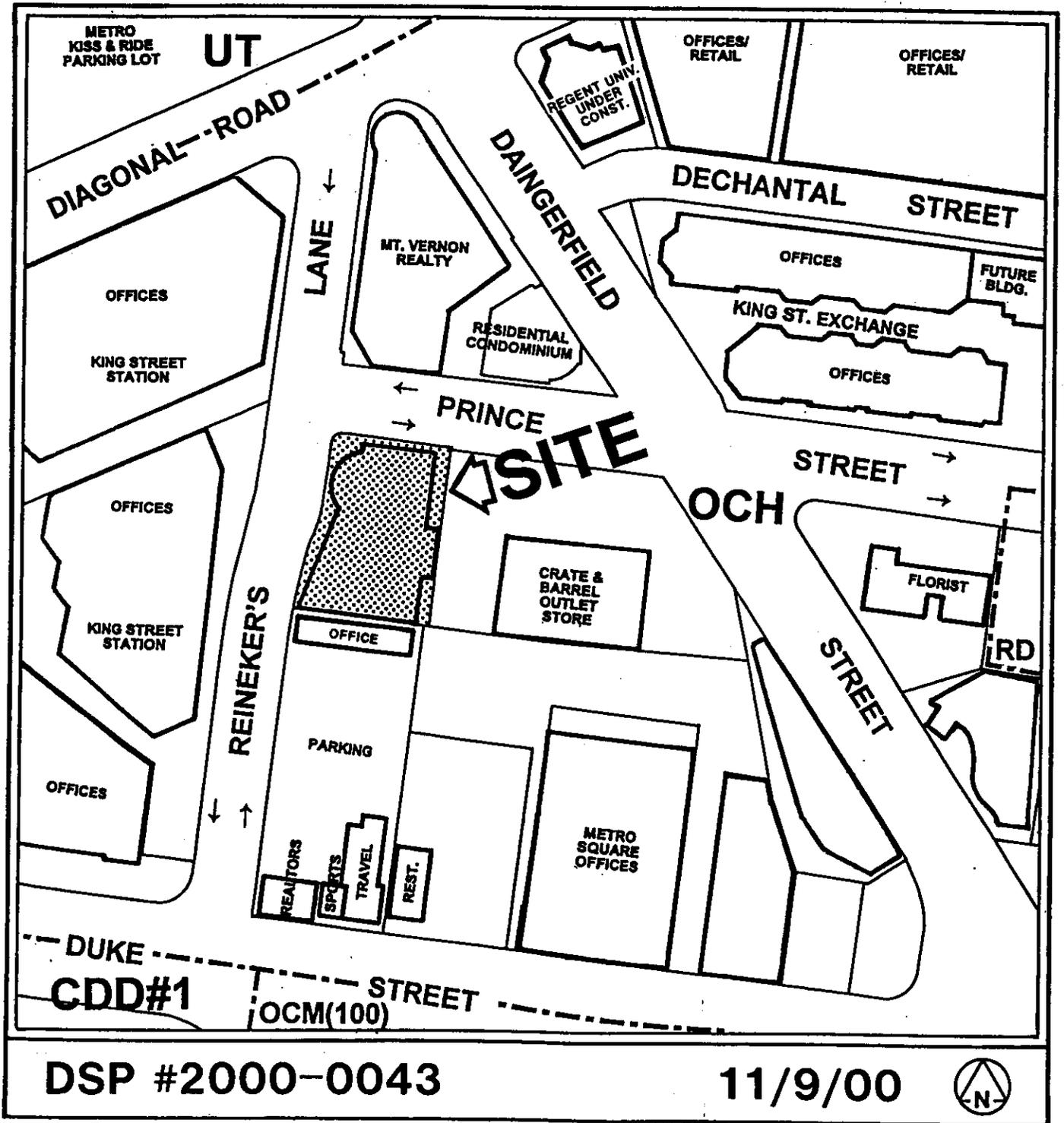
PLANNING COMMISSION ACTION, NOVEMBER 9, 2000: On a motion by Ms. Fossum, seconded by Mr. Robinson, the Planning Commission voted to approve the site plan, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Sen. Robert Calhoun represented the application.

The subject and surrounding land uses are shown on the sketch below.



STAFF RECOMMENDATION:

Staff recommends **denial** of the applicant's request to remove conditions #10 and #22. Staff recommends **approval** of the site plan modifications subject to compliance with all applicable codes and ordinances and the following conditions:

The following are new conditions.

25. Maintain a minimum 6'-0" clear pedestrian walkway area between the exterior building walls and the tree planters along Reinekers Lane and Prince Street. No more than 1'-0" of the tree grate area may be counted toward the 6' pedestrian access area. (P&Z) (T&ES)
26. Provide 4' x 6' tree pits with tree gates to the satisfaction of the Director of P&Z and the City Arborist. (P&Z)
27. Developer shall comply with the peak flow requirements of Article XIII of the zoning ordinance.
28. Provide all pedestrian and traffic signage to the satisfaction of the Director of T&ES.
29. Provide brick paver or stamped asphalt pedestrian crossings across all vehicular entrances.
30. Provide brick paver or stamped asphalt pedestrian crossings at two locations: Reinekers Lane and Prince Street; designed to the satisfaction of the Director of T&ES.
31. Prior to the start of construction, developer shall submit shop drawings to T&ES for approval for the following: traffic and pedestrian signage and poles; and brick pavers or stamped asphalt pedestrian crossings.
32. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging.
33. Proposed force main along Prince Street for publically maintained storm sewer is not acceptable. Provide minimum 18" diameter gravity storm sewer in Prince Street and connect to existing public storm sewer in Daingerfield Street.

34. Repave entire width (curb to curb) of Prince Street along length of any utility trenches, including electrical, telephone, storm sewer and sanitary sewer.

The following conditions are carried forward from DSP#99-0027.

The applicant is requesting that conditions #10 and #22 be deleted (shown as underlined).

1. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
2. Relocate the column in the immediate vicinity of the elevator shaft adjacent to Reinekers Lane on level P-1 of the parking garage. The current location of the column reduces the travel aisle width to 12.5'. Maintain a minimum clear travel aisle distance of 20' throughout the parking garage. (P&Z)
3. Provide a landscape plan which delineates the size, location, species, planting details, specification and character of proposed off-site street trees. (P&Z)
4. Provide brick side walks as illustrated on the site plan. (P&Z)
5. The applicant shall locate and adequately screen all utility structures (except fire hydrants) visible from all public areas outside the site, to the satisfaction of the Director of P&Z. (P&Z)
6. The applicant shall provide details of enclosures and methods for providing appropriate screening of all proposed recycling and dumpster facilities adjacent to the public right-of-ways, to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
7. Temporary structures for construction or sales personnel, as well as sales/marketing signs, shall be permitted, and the period such temporary structures are to remain on site, as well as the size and site design for such structures, including signs, shall be subject to the approval of the Director of P&Z. (P&Z)
8. 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)

9. Provide one (1) additional street tree along Prince Street. (RP&CA) (Health) (P&Z)
10. **APPLICANT REQUESTS CONDITION TO BE DELETED: Applicant Developer is to contribute \$1.10 per sq. ft. of gross floor area (gfa) toward the King Street Metro Area Improvement Fund. (T&ES)**
11. The BMP shall treat the Water Quality Volume for the entire site. (T&ES)
12. The storm water Best Management Practices (BMP's) required by this project shall be constructed and installed under the direct supervision of the design engineer or his/her designated representative. The design engineer shall make a written certification to the City that the Best Management Practices are constructed and installed as designed and in accordance with the approved final site plan. In addition, aggregate layers and collector pipes may not be installed unless said engineer or his/her representative is present.
13. Show existing and proposed street lights and site lights. (T&ES)
14. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. (T&ES)
15. Provide manufacturer's specifications for the fixtures. (T&ES)
16. Provide lighting calculations to verify that lighting meets City Standards. (T&ES)
17. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding lock hardware and alarms for the building prior to commencement of construction. (Police)
18. Provide controlled access to the parking garage. (Police)
19. Lighting within the parking garage shall be a minimum maintained 2.0 foot candles. (Police)
20. Walls and ceilings within the parking garage shall be painted white. (Police)
21. All documentary and archaeological investigations, procedures, products and personnel on this project shall conform to the *City of Alexandria Archaeological Standards* and the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation*, as interpreted by the Director of the Office of Historic Alexandria. (Archaeology)

22. **APPLICANT REQUESTS CONDITION TO BE DELETED:** The applicant shall provide a cash contribution to the Housing Trust Fund in the amount of \$.50 per gross square foot, payable at the time of receipt of the certificate of occupancy permit to the end user. (Housing)
23. All building wall planes shall be plumb and vertical. (City Council)
24. All exterior finishes, except for the window glazing system and cast stone accent trim, if any, shall be either of a brick red color or other medium value earth tone color, and of masonry or stucco finish. (City Council)

Staff Note: In accordance with section 11-418 (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 initial planning commission approval of the plan or the development site plan shall become void.

BACKGROUND

The applicant, Duke Street Enterprises, Inc., is requesting an amendment to the development site plan (DSP#99-0027) which was approved on appeal to City Council on January 22, 2000. The applicant is seeking the removal of staff conditions #10 and #22 which are site plan condition requirements for monetary contributions to the King Street Metro Area Improvement Fund and the Affordable Housing Trust Fund. In addition, the applicant is requesting a modification to the site plan to extend the building foot print closer to the property line thereby reducing the overall pedestrian sidewalk width located within the public right-of-way and on private land and to add additional parking spaces to the underground parking structure.

On November 4, 1999, the Planning Commission denied the development site plan application (DSP#99-0027) for construction of a three story 25,972 sq.ft. office building located at the southeast corner of Prince Street and Reinekers Lane. The Commission agreed with staff's analysis that the project did not comply with the site plan standards of Sections 11-410 (C) and (F) of the zoning ordinance. The applicant appealed Planning Commission's decision to City Council where the decision was overturned, but with two additional conditions for improving the building's appearance.

Monetary Fund Contribution Requirements

Staff does not support the applicant's request to delete the two site plan staff conditions for monetary contributions. The applicant did not object to the site plan conditions during the preliminary review process on the original site plan application that went before the Planning Commission. In fact, at the Planning Commission public hearing, the applicant's representative, the Honorable Mr. Robert Calhoun, acknowledged the condition and said his client would pay the fees:

"I think I'll just leave it at that and say burden you with a fairly long paper which I know several of you read because you asked me about one matter which I should mention that there were two items which I said no comment on. These all had to do with the fees, no comment merely said that we had nothing to say about that. It's an extraction the City levies on everybody, we'll just grit our teeth and pay it."

The applicant raised no objection to the requirements during the site plan appeal process that went before City Council--where City Council reversed the decision of the Planning Commission and approved the site plan with two additional conditions for resolving design issues for the project.

The validity of the King Street Metro Area Improvement contribution was challenged previously on an appeal to City Council for a site plan application at 1514-1516 King Street in 1991 (see attached City Council memo). The contribution to the King Street Metro Station Area improvement fund is required because it is used to reimburse the City for the numerous public improvement that have been

implemented over the years for improvements such as the undergrounding of utilities, the widening and paving of streets, traffic control devices, brick sidewalks and Gadsby street lights. The contribution fund originated from a 1989 presentation by the King Street Task Force to City Council as a way of improving the appearance and function of public areas in conjunction with private improvements associated with redevelopment as a way of enhancing the redevelopment potential of their properties. The voluntary contribution has been openly accepted by the development community over the years as a way of ensuring continued successful redevelopment in the King Street Metro Station Area. The applicant's property has benefitted from this program which is now proposed for redevelopment for an office building.

Staff is also opposed to the applicant's request to remove the Affordable Housing Trust Fund contribution condition. This voluntary contribution has been accepted widely by the development community as not only serving a general public benefit, but one that also enhances the marketability of their projects to prospective clients and businesses by providing the means with which to provide affordable housing resources for their mid to lower level employees.

Site Plan Modifications

The applicant is requesting a modification to the site plan to extend the building first floor closer to the property line than what was shown on the previous site plan that was approved by City Council. The change reduces the distance between the building's exterior walls and the edges of tree planters along Reinekers Lane, thereby reducing the clear sidewalk width available for pedestrian use. Although the frontage along Reinekers Lane may not be as heavily traveled by pedestrians as other streets, there is a prevailing minimum clear sidewalk width of at least six feet in and around the King Street Metro Station area and typically, in an urban area, it is desirable to maintain at least six feet of clearance to provide for safe and convenient pedestrian access.

On the original site plan along Reinekers Lane there was adequate room--at least six feet--for pedestrian walkway areas between the building and tree planters, except at one location where a portion of one planter was only 5' where the building angled out toward the property line. Another tree planter located along Prince Street provided a clearance of 4'-6". The three other tree planters located along Reinekers Lane provided at least six feet of clearance between building and planter.

The proposed change to extend the exterior building walls closer to the property line has reduced the clear sidewalk width at three of the four tree planter locations along Reinekers Lane. No change is proposed for the tree planter located along Prince Street. The applicant argues that adequate pedestrian walkway space will be provided because they are providing tree grates over the tree pits. But, even with the use of tree grates, the building's new first floor location produces a deficit of at least six inches below the six foot standard *minimum*. Staff is recommending that the applicant provide an absolute six foot minimum clear pedestrian sidewalk area which may include up to one

foot of width located on the tree grate's surface. This may require the applicant to set back the building's first floor approximately six inches from where it is currently shown on the revised site plan.

Staff is not opposed to the other site plan change to increase the number of parking from 44 to 52 spaces. Eight additional parking spaces are being provided with a revised layout design of level P-1 and a new level P-2 located within the underground parking garage. In the future three spaces may need to be removed to provide an access connection to a future building that will be constructed on the adjacent parcel located to the south.

Transportation and Environmental Services Conditions

Transportation and Environmental Services has added a number of new conditions. These conditions represent recently adopted site plan standards for enhanced streetscape treatment, coordination of preconstruction activities and utility work within public rights-of-ways. The applicant has expressed reservations with regard to some of these new conditions, but staff believes these requirements are needed to enhance and maintain the physical appearance of public areas adjacent to redevelopment sites.

STAFF: Barbara Ross, Deputy Director, Department of Planning and Zoning;
Kimberley Johnson, Chief, Development;
Gregory Tate, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 Bond for the public improvements must be posted prior to release of the plan.
- C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 The sewer tap fee must be paid prior to release of the plan.
- C-4 All easements and/or dedications must be recorded prior to release of the plan.
- C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C-6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-7 All utilities serving this site to be underground.
- C-8 Provide site lighting plan.
- C-9 Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control.
- C-10 Provide a phased erosion and sediment control plan consistent with grading and construction.

Code Enforcement:

No additional comments

Health Department:

No additional comments

Police Department:

No additional comments

Historic Alexandria (Archaeology):

- F-1 This property is adjacent to 1707 Duke Street, the residence and slave pen complex of Joseph Bruin, a slave dealer operating from 1844 to 1861. An archaeological consulting firm has completed documentary research indicating that Bruin did not own the lot on Prince Street. Therefore, there is low potential that archaeological resources relating to Bruin's activities will be present on the Prince Street property. There is, however, potential for other nineteenth-century archaeological materials associated with West End, a community which developed just outside of Alexandria's town limits.
- C-1 Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
- C-2 The above statement must appear in the General Notes of the site plan so that on-site contractors are aware of the requirement.

Parks & Recreation (Arborist):

No additional comments

GT

APPLICATION for
DEVELOPMENT SITE PLAN

DSP # 2000-0043

PROJECT NAME: 1710 Prince Street

PROPERTY LOCATION: 1708 - 1710 Prince Street

TAX MAP REFERENCE: 73.02-02-3§-4 ZONE: OCH

APPLICANT Name: Duke Enterprises, Inc.

Address: 1707 Duke Street, Alexandria, VA 22314

PROPERTY OWNER Name: Same as Applicant

Address: _____

SUMMARY OF PROPOSAL: Redevelopment of subject property to

accommodate a commercial office building, with structured parking.

MODIFICATIONS REQUESTED: Waive required tree crown coverage of

3,247 s.f. to none; delete conditions #'s 10 & 22 of approved
DSP # 99-0027.

THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Section 11-400 of the 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 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 his knowledge and belief.

Robert L. Calhoun
Print Name of Applicant or Agent

Robert L. Calhoun
Signature

510 King Street, Ste. 301
Mailing/Street Address

703/684-2000 703/684-5109
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

September 20, 2000
Date

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

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

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

1710 PRINCE ST OFFICE

All applicants must complete this form.

1. The applicant is the (check one):

Owner Contract Purchaser

Lessee Other: _____

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.

Charles R. Hooff, III

1707 Duke Street

Alexandria, VA 22314

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.

REDMON, PEYTON & BRASWELL, L.L.P.

510 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314

TELEPHONE (703) 684-2000
FACSIMILE (703) 684-5109

Robert L. Calhoun
Robert1522@aol.com

September 20, 2000

Sheldon Lynn
Director
Department of Planning and Zoning
City of Alexandria
301 King Street
Alexandria, Virginia 22314

Re: Development Site Plan # 99-0027
Duke Enterprises, Inc.

Dear Mr. Lynn:

The purpose of this letter is to request the removal of conditions 10 and 22, dealing with the imposition of fees on the Applicant, Duke Enterprises, Inc. (Applicant) for the King Street Metro Area Improvement Fund and the Housing Trust Fund respectively in the above-entitled site plan. It is further requested that these modifications be considered in conjunction with certain other modifications to the preliminary site plan that are being submitted concurrently herewith at the November meeting of the Planning Commission.

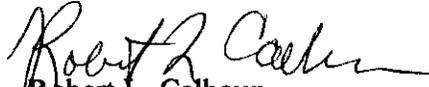
As you are aware, the City Council, at its January 22, 2000 meeting, approved this preliminary site plan with two additional conditions beyond those contained in the initial submission to the Planning Commission. In consultation with planning staff, Applicant has complied with or is in the process of complying with all of the remaining (i.e. all except for conditions 10 and 22) conditions imposed by the Council. As mentioned, certain modifications, discussed separately elsewhere are being submitted for consideration by the Planning Commission at its November meeting. Throughout this process, Applicant has expressed serious reservations to your office and the City Attorney about the legal basis for the imposition of these fees, most recently in a letter, dated March 28, 2000 to you. On the basis of more extensive research, it does not appear that there is any City ordinance, City Charter provision or act of the Virginia General Assembly that permits the imposition of either of these fees.

Both of these programs have as their historical basis, *the voluntary* contributions by certain landowners and developers. The Applicant certainly does not object to such efforts. Indeed, the family of the owner of Applicant's property has made a substantial contribution to the improvements in the King Street Metro area. However, over time, the *voluntary* nature of both of these programs has, under the guise of custom, been transformed into a mandatory extraction without a legal authority. This the Applicant objects to such extractions as a matter of principle.

As stated in the March 28 letter, absent some legal justification for the imposition of these fees, Applicant indicated that it would challenge them in an appropriate action before the Circuit Court. However, as a result of a recent discussion with the City Attorney, Applicant has determined to seek first the express removal of these conditions from the Commission. While Applicant does not believe that seeking such further administrative action is legally required and does not waive its rights in that regard, Applicant believes that submitting the matter to the Commission could result in this matter being resolved in a more efficient and expeditious manner.

Please let me know should you have any questions.

Sincerely yours,

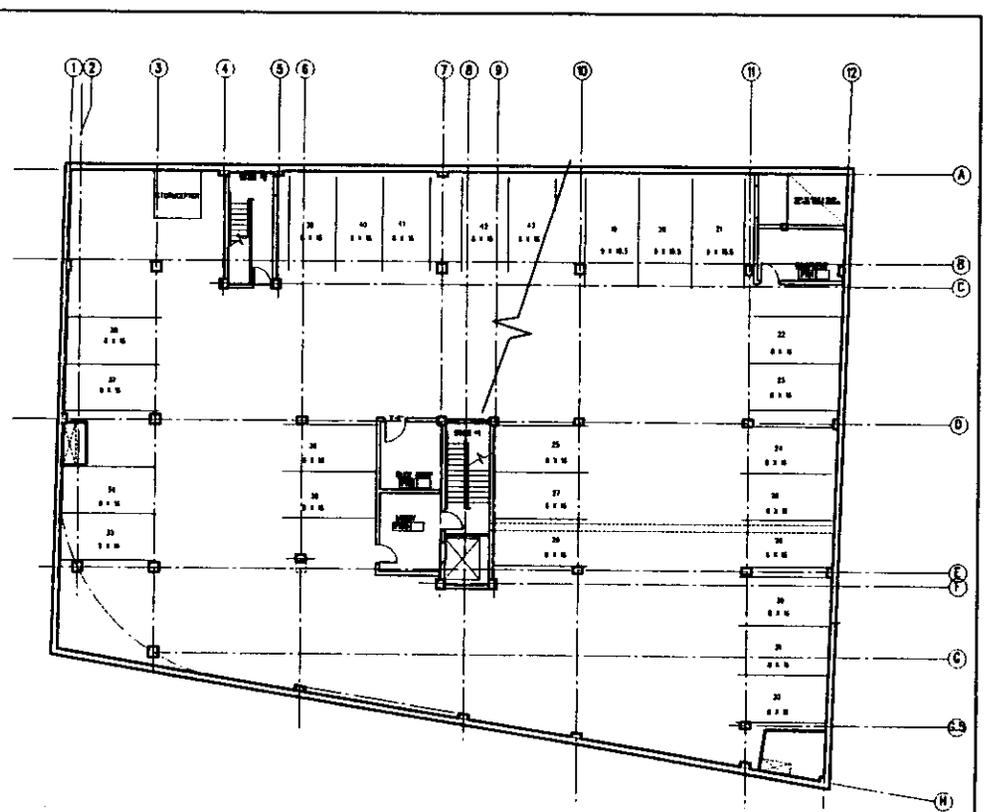
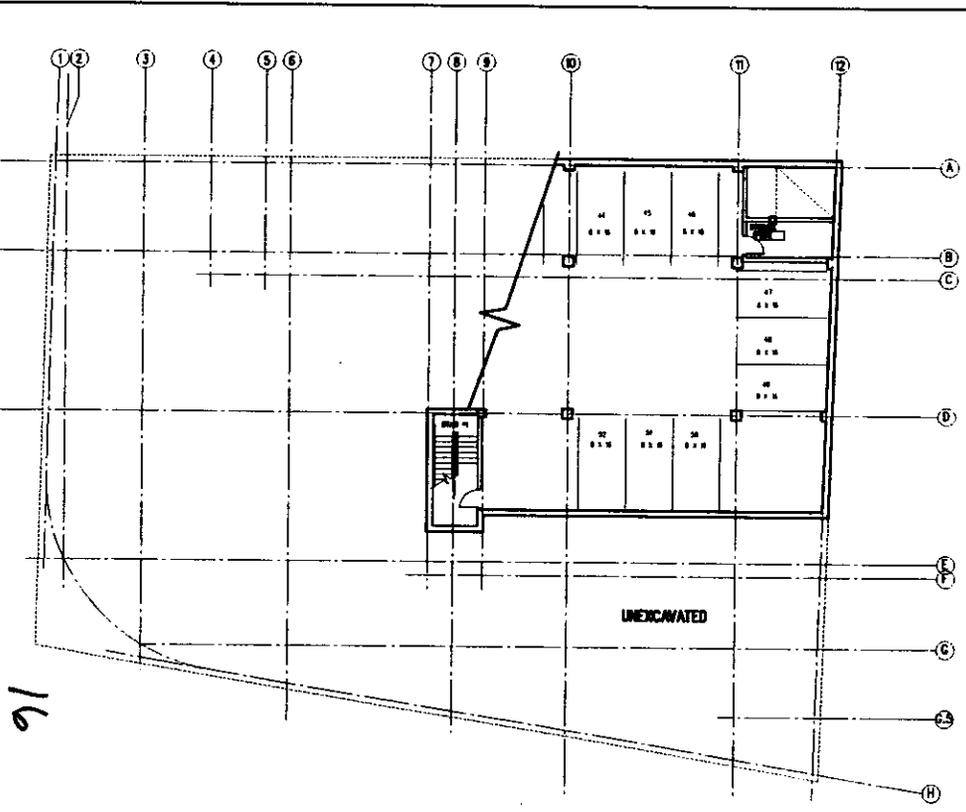


Robert L. Calhoun

Attorney for Applicant,
Duke Enterprises, Inc.

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1 P-2 PARKING

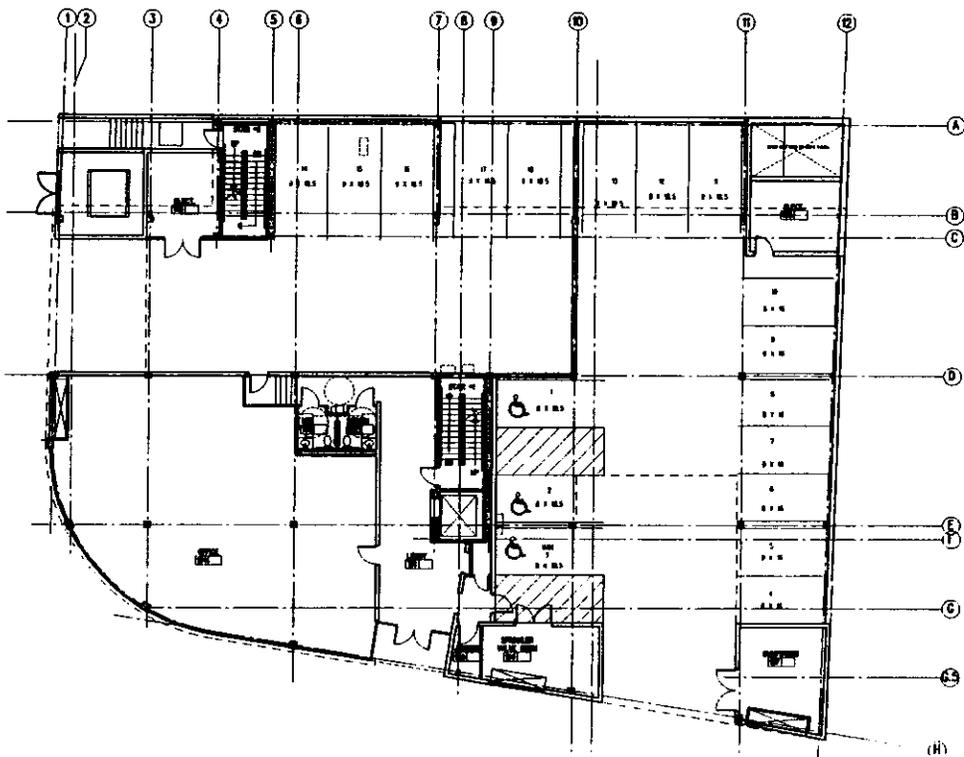
2 P-1 PARKING

1710 PRINCE STREET
 1710-10 PRINCE STREET
 ALEXANDRIA, VIRGINIA
 DUKE ENTERPRISES INC. / DUKE 8401 PARTNERSHIP

Oldham + Partners OP·X
 architecture.interiors
 21 Dupont Circle Washington DC 20036
 tel: 202.822.9797 / fax 202.785.8443
 web: http://www.opxdc.com

P-2 & P-1 PARKING		
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DSP 2000-0043



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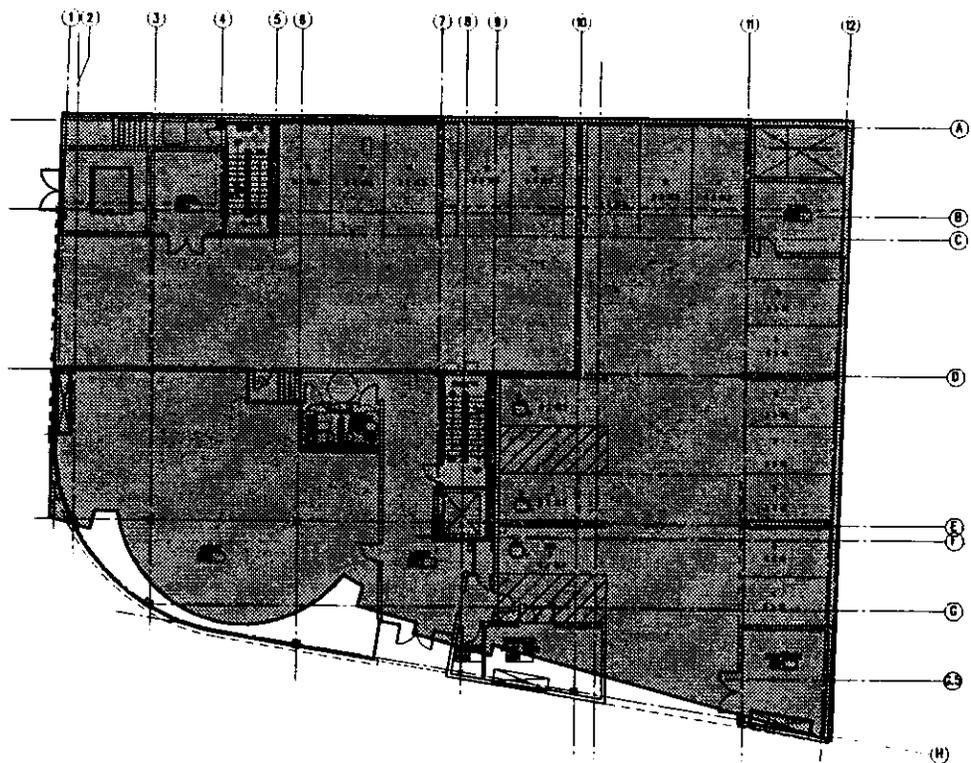
G-1 PARKING

1710 PRINCE STREET
 1710 PRINCE STREET
 ALBANY, VIRGINIA
 DUKE ENTERPRISES INC. / DUKE 8401 PARTNERSHIP

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 web http://www.opidc.com

G-1 PARKING		Drawing No. 1000
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DSP 2000-0043



1 OVERLAY DIAGRAM

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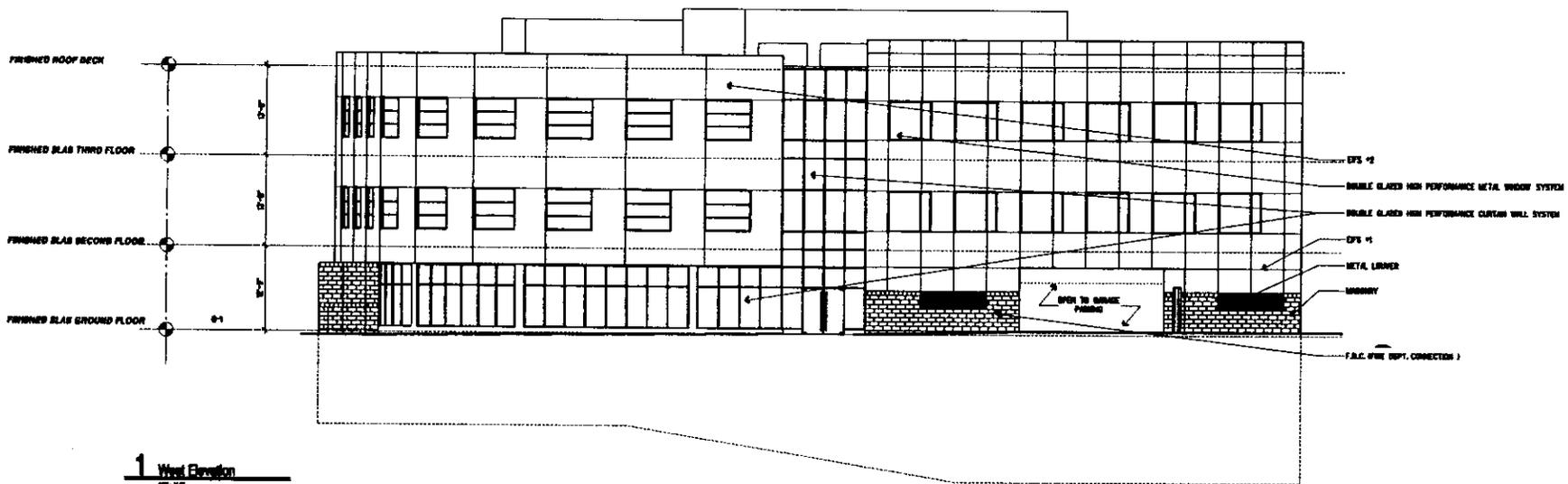
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1710-10 PRINCE STREET
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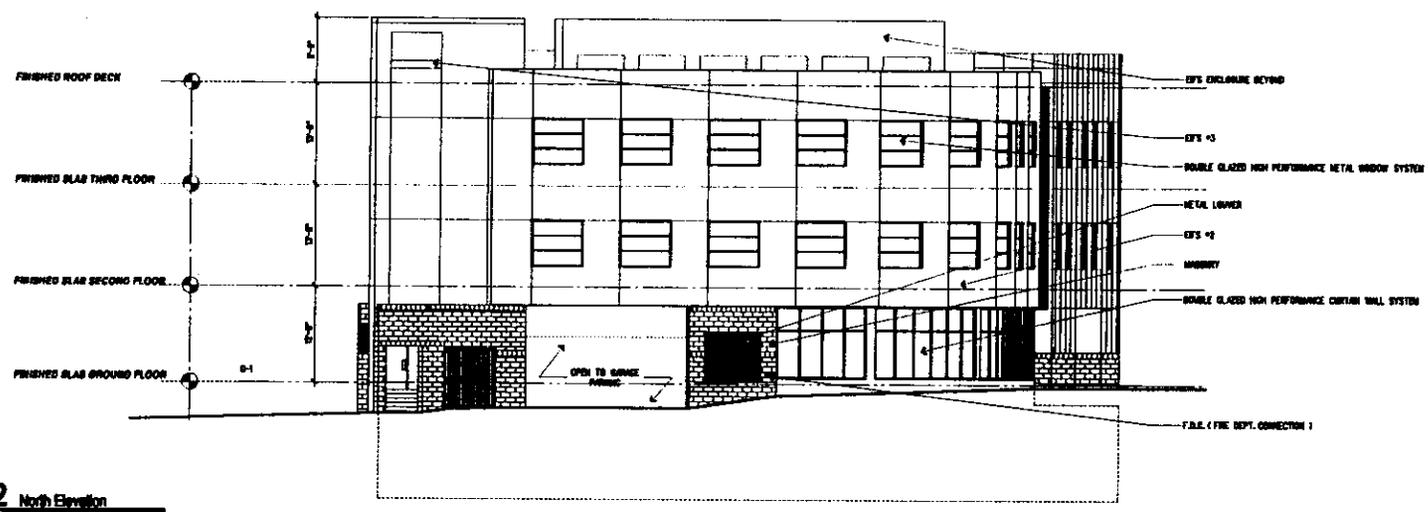
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DSP 2000-0043



1 West Elevation
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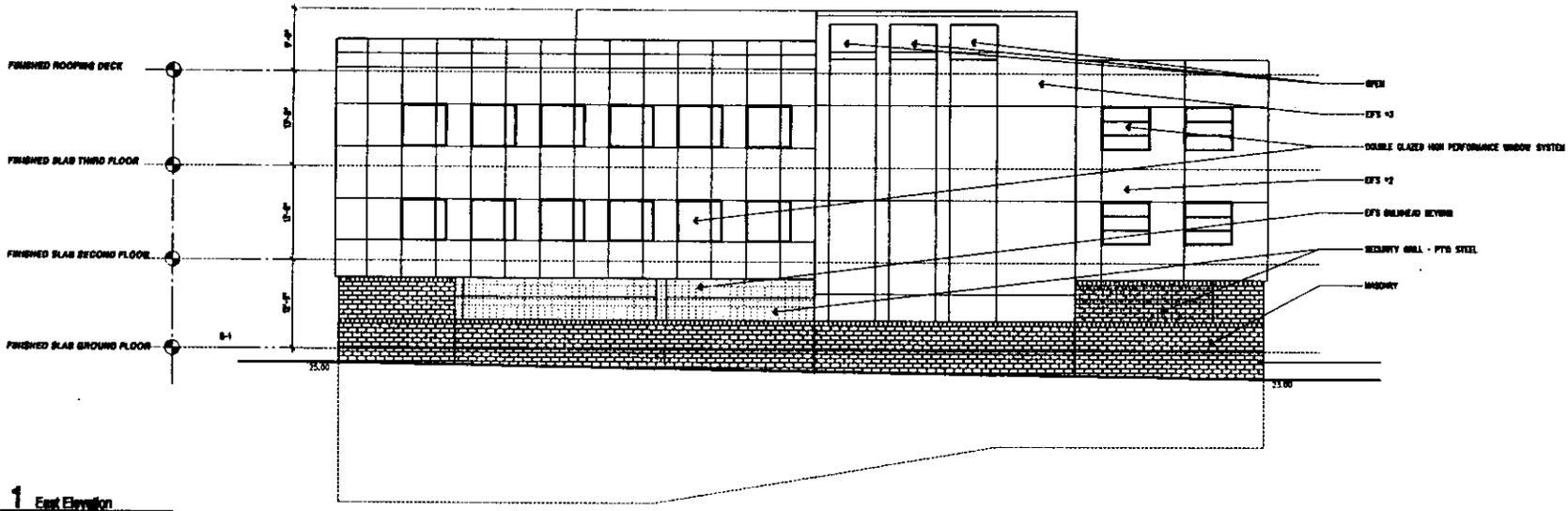
2 North Elevation
02/10

1710 PRINCE STREET
1710 PRINCE STREET
ALEXANDRIA, VIRGINIA
DUKE ENTERPRISES INC. / DUKE 0401 PARTNERSHIP

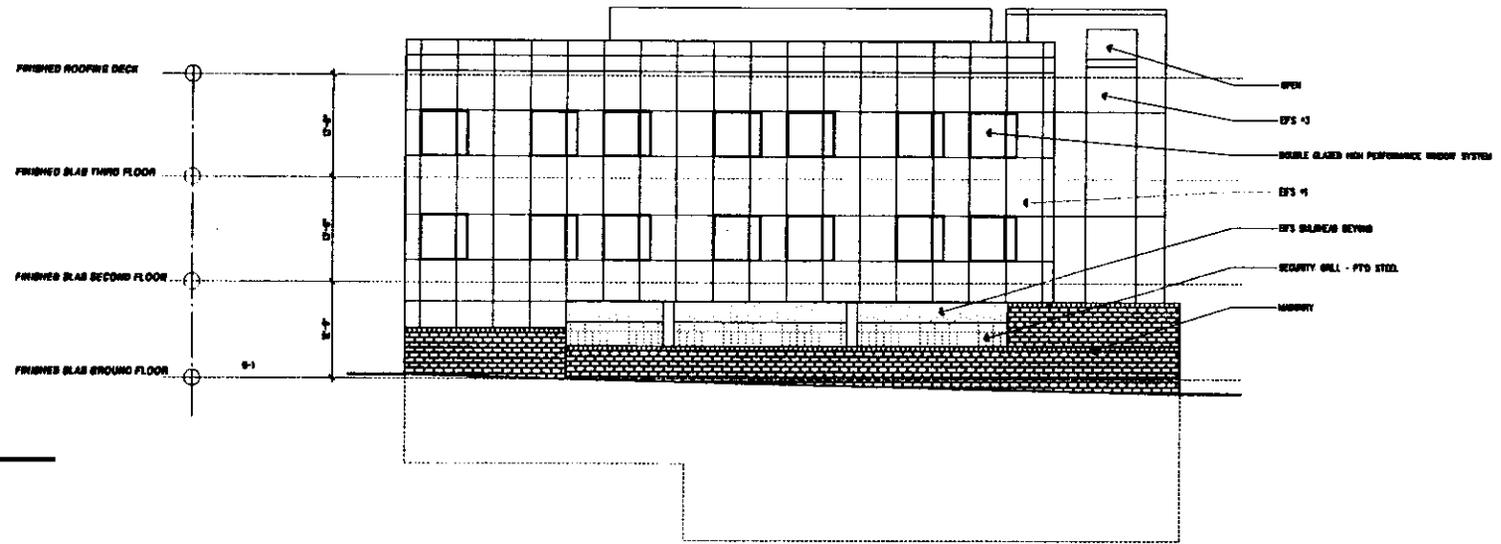
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tel 202.822.8797 / fax 202.785.0443
web http://www.opidc.com

ELEVATIONS - NORTH & WEST			
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DSP 2000-0043



1 East Elevation
02.10



2 South Elevation
02.10

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1710 PRINCE STREET

1710-19 PRINCE STREET
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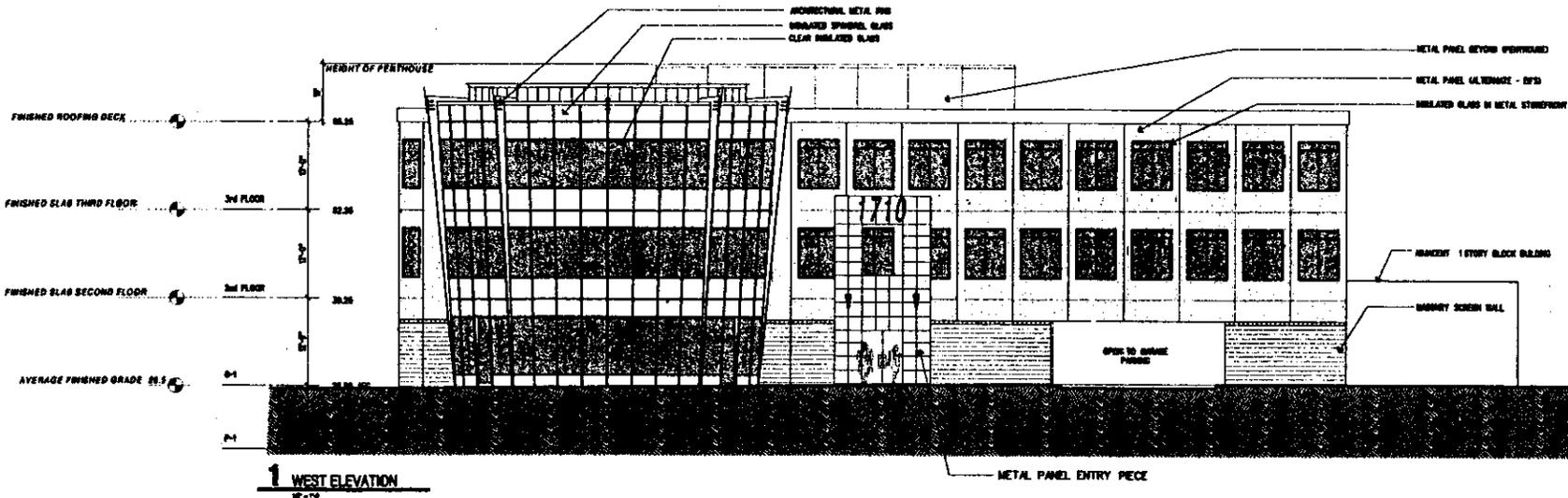
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 web http://www.opxdc.com

REVISIONS	

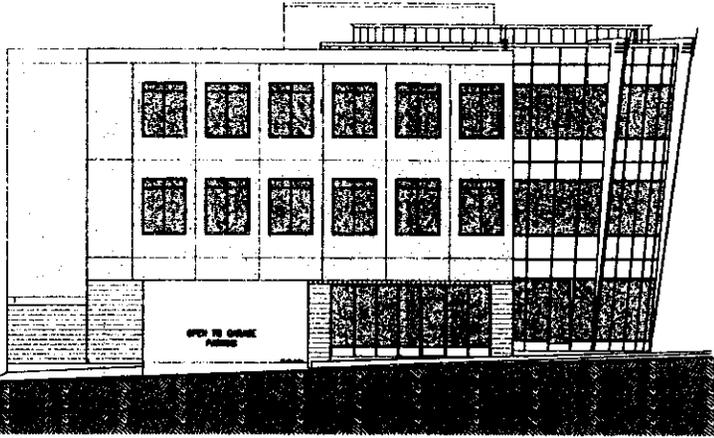
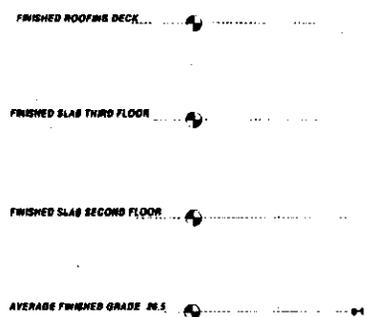
ELEVATIONS - SOUTH & EAST

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DSP 2000-0043



1 WEST ELEVATION
10'-0"



2 NORTH ELEVATION
10'-0"

Previous Submission

1710 PRINCE STREET
1700-N PRINCE STREET
ALEXANDRIA, VIRGINIA
DUKE ENTERPRISES INC. / DUKE 8401 PARTNERSHIP

Oldham - Partners
ARCHITECTS INCORPORATED
81 Dupont Circle
Washington, D.C.
20036
Tel: 202 337-2100
Tel: 703 662-0022

REVISIONS		DATE		JOB TITLE
NO.	DESCRIPTION	DATE	BY	

COMPLETION REVIEW COMMENTS		DATE		JOB TITLE
NO.	DESCRIPTION	DATE	BY	

ELEVATION			
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		1/4" = 1'-0"	

DSP 2000-0043

OCT 14 '99 15:50
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703-548-5443-

DSP 2000-0043

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:# 3

City of Alexandria, Virginia

Wagner

MEMORANDUM

DATE: MAY 10, 1991
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: VOLA LAWSON, CITY MANAGER
SUBJECT: APPEAL OF SITE PLAN CONDITION RELATING TO THE CONTRIBUTION FOR KING STREET METRO AREA IMPROVEMENTS ON SITE PLAN #91-003: 1514-1516 KING STREET OFFICE BUILDING
APPLICANT: KING STREET PROPERTIES LTD. PARTNERSHIP

ISSUE: Appeal of condition #2 of the Site Plan Coordinating Committee recommendations approved by the Planning Commission, which requires developers to contribute \$1.10 per square foot of floor area for King Street Metro Area Improvements (32,733 square feet of net floor area x \$1.10 = \$36,006 contribution).

RECOMMENDATION: That City Council deny the appeal, thereby affirming the action of the Planning Commission to approve the site plan with the Site Plan Coordinating Committee recommendations.

DISCUSSION: On April 2, 1991, the Planning Commission approved site plan #91-003 for a proposed six story office building with a gross floor area of 36,370 square feet. The property is located on the south side of the 1500 block of King Street.

On April 8, 1991, Harry P. Hart, attorney for the applicant, filed an appeal on condition #2 of the Site Plan Coordinating Committee recommendations for site plan #91-003. A corrected appeal letter of April 23, 1991, stated that the primary objection to condition #2 was the absence of the language from previous appeal of the same condition on site plan #89-028 which was heard by the Council on February 24, 1990.

At that hearing the Council dismissed the appeal, objecting to the \$1.10 contribution but amended the condition at the request of the applicant as follows: "Post bond or letter of credit prior to release of site plan in an amount constituting \$1.10 per net square foot to be expended on the King Street Task Force Public Spaces Design Project. Acceptance by the City of the payment of the \$1.10 per net square foot amount shall be considered commencement of construction under the site plan ordinance."

On two recent appeals (site plan #90-027 and #90-035) heard by the City Council on April 13, 1991, the City Attorney's office advised staff that City Code 5-5-20 ties the continuing validity of site plans

to the commencement of "substantial construction"; that the language ordinarily requires substantial physical construction work on-site, and that payment of fees to the City does not satisfy this requirement. Accordingly, the language of the amended condition which provided that "Acceptance by the City or the payment of The \$1.10 per net square feet amount shall be considered commencement of construction under the site plan ordinance" is contrary to code section 5-5-20, and must be stricken.

It is the position of staff that the monetary contribution is necessary and would not place an undue burden on the developer. It has been the policy of staff, approved by the Planning Commission, to require developers in the King Street Metro Area to contribute funds or provide improvements in this vicinity. Such contributions have been in the nature of undergrounding of utilities, street widening, street paving, cash payment for traffic control, transportation subsidies for employees/tenant, or cash payment relating directly to a particular improvement.

In 1989 the King Street Task Force made a presentation to City Council of proposed improvements to the Gateway project and the King Street Metro Area. The proposal was that improvements to the area would be funded by developer contributions. Since that time, each developer has been assessed \$1.10 per net square foot of building, with the proceeds to be used for area improvements. To date contributions have been received from O. T. Carr for King Street Exchange (\$187,549), and committed from D.R.I. for 1700 Prince Street (\$87,000). Significant contributions will be made by The Dominion Companies on it's remaining buildings in the King Street Center.

City code section 5-5-12-(a) clearly contemplates that private improvements, not expressly enumerated in the site plan code, may be required by the Planning Commission, on the recommendation of the Site Plan Coordinating Committee. Similarly, code section 5-5-14(a) authorizes the Commission to require payment for all or a proportionate share of certain enumerated public improvements "and other public improvements....". For the scheduled improvements listed in section 5-5-14(a), only the specified costs are required. This schedule includes, for instance, the requirement that "all costs of landscaping" and of street trees be paid by the developer. Code section 5-5-14() (6) and (7). For the "other public improvements," the authority to require the improvement, and to require payment of all or a proportionate share of its costs, is limited only by the requirement that the need for the improvement bear a reasonable nexus to the proposed development -- i.e., that the development cause or contribute to the needed improvement. The City Attorney's office has concluded that these code sections, read together, allow the Planning Commission (either in lieu of imposing more stringent on-site requirements or independently as off-site public improvement requirements) to require, in an appropriate case such as this,

OCT 14 '99 15:51
SENT BY:

FROM LCCM
10- 4-99 ; 4:08PM ;

703-548-5443-

PAGE.004
:# 5

reasonable contributions to the King Street Metro Area Improvement Fund which will fund public improvements providing substantial benefit to the developer's property.

Staff believes that it is equitable for the King Street Properties to make a similar contribution toward improvements which will benefit this property. If Council does not maintain this policy, the alternative will be either not to make the improvements or for the City to make those improvements.

FISCAL IMPACT: Potential loss of up to \$36,006 in revenue, if the appeal is granted.

STAFF: Philip Sunderland, City Attorney
Thomas P. O'Kane, Director, T&ES
Geoffrey S. Byrd, Site Plan Coordinator, T&ES
Sheldon Lynn, Director, Planning & Community Development

ATTACHMENTS: #1 Appeals from Attorney Hart
#2 List of contributions required of King Street Metro Area developers

City of Alexandria, Virginia

3
1-20-90

MEMORANDUM

20 m

DATE: JANUARY 2, 1990

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: VOLA LAWSON, CITY MANAGER *Vola Lawson*

SUBJECT: APPEAL OF SITE PLAN CONDITION FOR CONTRIBUTION FOR KING STREET METRO AREA IMPROVEMENTS ON SITE PLAN #89-028: 1514-1516 KING STREET OFFICE BUILDING
 APPLICANT: KING STREET PROPERTIES LTD. PARTNERSHIP

ISSUE: Appeal of condition number five of the site Plan Coordinating Committee recommendations, approved by the Planning Commission, which requires developers to contribute \$1.10 per square foot of floor area for King Street Metro Area improvements (32,733 square feet of net floor area x \$1.10 = \$36,006 contribution).

RECOMMENDATION: That City Council deny the appeal, thereby reaffirming the action of the Planning Commission to approve the site plan with the Site Plan Coordinating Committee recommendations.

DISCUSSION: On December 5, 1989, the Planning Commission approved site plan #89-028 for a proposed six story office building with a gross floor area of 36,370 square feet. The property is located on the south side of the 1500 block of King Street.

Prior to the vote to approve subject site plan, the applicant's representative, Mr. Harry P. Hart, voiced his client's objection toward paying the \$1.10 per square foot, considering it burdensome and unfair.

It is the position of staff that the monetary contribution is necessary and would not place an undue burden on the developer. It has been the policy of staff, approved by the Planning Commission, to require developers in the King Street Metro Area to contribute funds or provide improvements in this vicinity. Such contributions have been in the nature of undergrounding of utilities, street widening, street paving, cash payment for traffic control, transportation subsidies for employees/tenant, or cash payment relating directly to a particular improvement.

In 1989 the King Street Task Force made a presentation to City Council of proposed improvements to the Gateway Project and the King Street Metro Area. The proposal was that improvements to the area would be funded by developer contributions. Since that time, each developer

has been assessed \$1.10 per net square foot of building, with the proceeds to be used for area improvements. To date contributions have been committed from O. T. Carr for King Street Exchange (\$187,549), and D.R.I. for 1700 Prince Street (\$87,000). Significant contributions will be made by The Dominion Companies on it's remaining buildings in the King Street Center.

Staff believes that it is equitable for the King Street Properties to make a similar contribution toward improvements which will benefit this property. If Council does not maintain this policy, the alternative will be either not to make the improvements or for the City to make those improvements.

FISCAL IMPACT: Potential loss of up to \$36,006 in revenue, if the appeal is granted.

STAFF: Philip G. Sunderland, City Attorney
Thomas F. O'Kane, Jr., Director, T&ES
Geoffrey S. Byrd, Site Plan Coordinator, T&ES
Sheldon Lynn, Director, Planning & Community Development

ATTACHMENT: #1: Appeal from Harry P. Hart
#2: List of contributions required of King Street Metro Area developers

OCT 14 '99 15:53
SENT BY:

FROM LCCM
10-4-99; 4:03PM;

DSP 2000-0043
PAGE.007
703-548-5443
:# 8

*sent to [unclear]
[unclear]*

HART, CALLEY & VOSS
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELLORS AT LAW
307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

(703) 836-5757
FAX (703) 548-5443

December 14, 1989

HARRY P. HART
CYRIL D. CALLEY
MARK R. VOSS
MARC H. BOTZIN

*VA. AND D.C. BARS
*MD. AND D.C. ONLY

1201 CONNECTICUT AVENUE, N.W.
TWELFTH FLOOR
WASHINGTON, D.C. 20036

535 CENTER STREET, SUITE 101
MANASSAS, VIRGINIA 22109-3547
(703) 368-1125
METRO: 680-7218
FAX: (703) 368-8966

ATTACHMENT #1

Ms. Helen Holleman, City Clerk
CITY HALL, Room 2300
Alexandria, Virginia

Re: Site Plan #89-028
1514-1516 King St.

Dear Ms. Holleman:

This letter is to serve as an appeal from condition number 5 of the above referenced site plan. Would you please docket this appropriately to be heard by City Council.

Very truly yours,

Harry P. Hart
Harry P. Hart

HPH/db

CCLk.man

*Received
City Clerk's Office
December 20, 1989*

REDMON, PEYTON & BRASWELL, L.L.P.

510 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314

TELEPHONE (703) 684-2000
FACSIMILE (703) 684-5109

Robert L. Calhoun, Esq.
Robert1522@aol.com

November 6, 2000

DOCKET #14
11/09/2000

Mr. William Hurd
Chairman
Alexandria Planning Commission
City of Alexandria
120 North Royal Street
Alexandria, Virginia 22314

Re: Development Plan #2000-0043
1710 Prince Street Office Building

Dear Mr. Hurd:

The site plan before the Commission in the above matter is an amended version of one the Commission has previously considered. These comments on behalf of the Applicant, Duke Enterprises, Inc., address certain matters raised by the staff comments on the Applicant's amendments. As summarized on page 7 of the staff report, these amendments: (1) alter the building footprint to bring it closer to the Applicant's property line; (2) add additional underground parking spaces; and (3) request the removal of conditions #10 and #22, respectively dealing with the King Street Metro Station Improvement Fund and the Housing Trust Fund.

Preliminary Matter

Initially, as Applicant's representative in this matter, a comment on my remarks from the prior meeting, set out on page 7 is in order. The comments attributed to me are substantially accurate and were made in response to a question from a member of the Commission. Suffice to say, I misspoke. These statements did not accurately represent the Applicant's position which, in other contexts, both in several conversations with staff and two letters, neither of which has ever been responded to, has consistently raised legal and equity questions about these conditions. One of these letters is included in your materials at pages 14-15. In any event the issue is moot since, as required under the procedures governing site plans, the entire site plan is before you. Please accept my apology for any confusion and misunderstanding this may have caused.

Comments On Conditions

Except for conditions #'s 10 and 22, discussed further below, Applicant agrees with all of the conditions imposed in its prior submission as approved by the City Council. With respect to the new proposed conditions, numbered 25-34, Applicant objects to conditions #25, 26, 30 and 34.

All of the objected-to conditions are proposed under the broad discretionary provisions of the site plan ordinance. Some of these conditions have been around for a number years, e.g. the Housing

Trust Fund; others, such as the “pavers” required by condition 30, are barely 60 days old. What is clear is that the nature, extent and cost of these conditions has continued to grow. However, the power conferred there is not unlimited. Specifically, in Applicant’s view, there must be a reasonable “nexus” between the condition imposed and the development project-- i.e. as stated in one of the City Manager’s memorandums, attached as pp.24-28 of your materials, that “[t]he development cause or contribute” to the needed public improvement. Additionally, the economic burden of the condition must be roughly proportional to the development, considering its size and impact. Finally, proposed conditions must either be authorized by or not contravene other provisions of state or federal law. In different ways, Applicant believes that the objected-to conditions do not satisfy these conditions as further discussed.

1. Condition #10--King Street Metro Station Improvement Fund

Applicant objects to this provision for several reasons. It has expended, and is willing to expend, its own funds for “improvements” related to its own site, but questions both the fairness and legality of being taxed for offsite and distant improvements. The fact that this \$1.10 per square foot charge has been levied since 1989 without formal adoption by the City Council in the site plan ordinance suggests the City shares the Applicant’s skepticism in this regard.

2. Condition #22-- Housing Trust Fund

This condition too lacks any reasonable nexus between the Applicant’s project and the City’s interest in housing. Here again too, there is no legal basis in the City Code or state law for the imposition of this fee. Indeed, the application for site plan approval concedes this point by stating the “[i]t is the policy of the City ...” to require this fee. It should be noted that this fee only applies to certain types of development even though other development or redevelopment activities, such the upgrading of housing stock, may have a more profound impact on the supply of affordable housing. The need for affordable housing in Alexandria is not in dispute and is amply documented in a recent report considered by the Council at its recent retreat. Applicant does dispute both the fairness and legality of imposing this fee on a selective group of property owners for a problem that should be addressed by the entire community.

Both of these programs have as their historic basis, the voluntary contributions by the development community in return for expeditious approval of their projects. Applicant certainly does not object to such efforts. Indeed, the family of the owner of Applicant’s property has made a substantial contribution to improvements in the King Street Metro Station area. However, over time, the voluntary nature of both of these programs has been transformed into ones of mandatory extraction. In Applicant’s opinion, this is not right and the passage of time since their institution does not cure it.

3. Conditions #'s 25, 26, 30 and 34

All of these conditions are new and represent “recently adopted standards for enhanced streetscape treatment, coordination of preconstruction activities and utility within public rights of ways.” (Staff Report, page 9). Applicant has concerns about four of these as follows:

4. Conditions 25 and 26--Street Trees/ Tree Grates

As discussed further in the staff report (pages 8-9), the effect of certain modifications sought by

the Applicant in its building is to move the building line to the Applicant's property line. Because of the interaction between this change, the use of 4x4 tree grates and the desire of the staff to have an "absolute" six foot sidewalk, the staff reports states that it may be necessary for the Applicant to set back its building some six inches. Given the size and shape of the Applicant's parcel, it is not possible to do this. Rather, to comply with the staff request, it will necessary for the Applicant to reduce the otherwise lawfully permitted size of its building. While Applicant has not calculated the costs of this condition, it is likely to be substantial and, were this a zoning issue, would clearly qualify for a variance. Moreover, it takes a portion of the Applicant's property for a public benefit in an area (Reinekers Lane between Duke and Prince Street) that has very few pedestrians. For these reasons, Applicant believes that this condition should be modified to eliminate the need to trim six inches off its building or, in the alternative, permit the Applicant to substitute trees in another location as permitted by section 11-410(CC)(1) of the Zoning Code.

5. Condition 30---Street Pavers

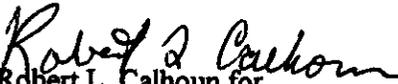
This condition requires Applicant to install at Applicant's expense brick or asphalt pavers at the corners of Prince and Reinekers Lane. Although proposed condition is justified in the interest of improving the physical appearance of a public area adjacent to the Applicant's site, its larger purpose is presumably to improve pedestrian safety. Since the vast majority of such traffic in the area consists of persons going to and from the King Street Metro Station, it does not seem equitable to impose the entire cost of a general public benefit on the Applicant for this off-site improvement.

6. Condition 34--Repaving of 1700 block of Prince Street

In the course of developing the site, it will be necessary for the Applicant to trench and close a portion of the public right of way in this block of Prince Street. Accordingly, Applicant is willing to pay the costs of its disturbance. Applicant does object as being overreaching and unreasonable a new requirement that it repave the entire block from curb to curb. This block has been cut and covered by utilities and others over the reason and the entire (as distinct from a proportionate share) cost of the restoration should not be entirely laid on the Applicant.

Thank you for your consideration of these comments. I will be available at the hearing on November 9 should you have any further questions.

Respectfully submitted,


Robert L. Calhoun for
Duke Enterprises, Inc.

Cc. Members of the Alexandria Planning Commission
Director of Planning and Zoning
City Attorney

City of Alexandria, Virginia

10
1-13-01

MEMORANDUM

DATE: JANUARY 8, 2001

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP G. SUNDERLAND, CITY MANAGER 

FROM: EILEEN FOGARTY, DIRECTOR, PLANNING & ZONING 

SUBJECT: DEVELOPMENT SITE PLAN #2000-0043, DOCKET ITEM #10

The applicant, Duke Street Enterprises, Inc., is appealing the Planning Commission's denial of a proposed amendment to the site plan approval for the property at 1710 Duke Street. The site plan (DSP#99-0027) for the proposed office building was originally approved on appeal by City Council on January 22, 2000. The applicant requested two sets of amendments from the Planning Commission:

- 1) minor changes to the building, including changes to the footprint and an increase in parking.
- 2) the removal of staff conditions #10 and #22 which are site plan condition requirements for monetary contributions to the King Street Metro Area Improvement Fund and the Affordable Housing Trust Fund.

The Commission approved changes to the building (#1 above), subject to a condition that a minimum 6' sidewalk be maintained adjacent to the building. However, the Planning Commission denied the request to eliminate the contributions to the two city funds. The applicant is now appealing to City Council for an amendment to eliminate the two conditions (#10, #22) from the site plan approval.

Staff recommended denial of this portion of the request, and the Planning Commission agreed with the staff position, finding no reason to eliminate the contributions to these two important city funds, given that the applicant had not objected to making the contribution during the original approval of the site plan. A more detailed overview of the history of this project is included in the staff report. Staff continues to recommend denial of the request to eliminate conditions #10 and #22.

*Sent to
CC, Don, Michele,
Planning,
T & S
P.F. 12-16-00*

REDMON, PEYTON & BRASWELL, L.L.P.
510 KING STREET, SUITE 301
ALEXANDRIA, VIRGINIA 22314

TELEPHONE (703) 684-2000
FACSIMILE (703) 684-5109

10
1-13-01

Robert L. Calhoun
Robert1522@aol.com

November 20, 2000

The Honorable Mayor and
Members of the Alexandria City Council
City of Alexandria
320 King Street
Alexandria, Virginia 22314

Re: Development Site Plan #2000-43--Appeal from Decision of Planning Commission
Prince Street Office Building
Duke Enterprises, Inc.

Dear Mayor Donely and Members of City Council:

Pursuant to section 11-40(C) of the Zoning Ordinance, Duke Enterprises, Inc. Applicant, appeals the decision of the Planning Commission of November 9, 2000 in the above-entitled matter.

Specifically, Applicant appeals the decision of the Commission to impose, as conditions to its approval of Applicant's site plan, certain requirements, numbered 10, 22, 30, and 34. In Applicant's opinion, all of these conditions improperly and unlawfully extract either monetary or in-kind contributions from the Applicant and should be removed.

It is requested that this matter be set for public hearing and decision at the earliest possible date.

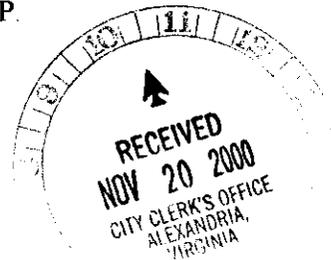
Sincerely yours,

Duke Enterprises, Inc.
By Counsel

Robert L. Calhoun
Robert L. Calhoun

Redmon, Peyton & Braswell L.L.P.

cc. Director
Department of Planning and Zoning





City of Alexandria, Virginia
 301 King Street, Suite 2300
 Alexandria, Virginia 22314

10
 1-13-01



Kerry J. Donley
 Mayor

William C. Cleveland
 Vice Mayor

Members of Council
 Claire M. Eberwein
 William D. Euille
 Redella S. Pepper
 David G. Speck
 Joyce Woodson

Beverly I. Jett, CMC
 City Clerk and
 Clerk of Council
 beverly.jett@ci.alexandria.va.us

(703) 838-4550
 Fax: (703) 838-6433

December 12, 2000

Robert L. Calhoun, Esquire
510 King Street, Suite 301
Alexandria, VA 22314

Dear Mr. Calhoun:

RE: Appeal of Development Site Plan #2000-0043 — 1710 Prince Street

The above appeal will be scheduled for public hearing before City Council at its Public Hearing Meeting to be held on Saturday, January 13, 2001, at 9:30 a.m. in Room 2400, Council Chamber, City Hall, 301 King Street, Alexandria, Virginia.

You may call my office on Monday, January 8, 2001, to see where it is placed on the docket. Enclosed is a speaker's form to be completed by you and given to the City Clerk prior to the item being read.

If you have any questions or if I can be of any further assistance, please feel free to contact me.

Sincerely,

Beverly I. Jett, CMC
City Clerk and Clerk of Council

cc: Eileen Fogarty, Director of Planning and Zoning

PF. 1/13/01

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1-13-01

- CITY SEAL -

NOTICE OF PUBLIC HEARING ON APPEAL FROM THE DECISION OF THE PLANNING COMMISSION FOR A REQUEST FOR A DEVELOPMENT SITE PLAN AMENDMENT FOR CONSTRUCTION OF AN OFFICE BUILDING WITH STRUCTURED PARKING ON THE PROPERTY LOCATED AT 1710 PRINCE STREET, ZONED OCH/OFFICE COMMERCIAL HIGH. [DEVELOPMENT SITE PLAN #2000-0043]

A Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber of the City of Alexandria, on Saturday, January 13, 2001, at 9:30 a.m., or an adjournment thereof, at which time an appeal from a decision of the Planning Commission, on November 9, 2000, imposing, as conditions to its approval of Applicant's site plan, certain requirements, numbered 10, 22, 30, and 34 for a development site plan amendment for construction of an office building with structured parking on the property located at 1710 Prince Street, Zoned OCH/Office Commercial High, will be heard. APPLICANT AND APPELLANT: Duke Enterprises, Inc., by Robert L. Calhoun, attorney.

This appeal is being heard pursuant to Section 11-409(C) of the Alexandria Zoning Ordinance.

Beverly I. Jett, CMC
City Clerk

To be published in the:

Alexandria Journal on Thursday, December 28, 2000; and
Alexandria Gazette-Packet on Thursday, December 28, 2000

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 10

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Robert Calhoun
2. ADDRESS: 510 King St, Alexandria 22314
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Duke Enterprises, Inc.
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Applicant Representative
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES NO

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

APPLICATION for
DEVELOPMENT SITE PLAN

DSP # 2000-0043

PROJECT NAME: 1710 Prince Street

PROPERTY LOCATION: 1708 - 1710 Prince Street

TAX MAP REFERENCE: 73.02-02-3§-4 ZONE: OCH

APPLICANT Name: Duke Enterprises, Inc.

Address: 1707 Duke Street, Alexandria, VA 22314

PROPERTY OWNER Name: Same as Applicant

Address: _____

SUMMARY OF PROPOSAL: Redevelopment of subject property to
accommodate a commercial office building, with structured parking.

MODIFICATIONS REQUESTED: Waive required tree crown coverage of
3,247 s.f. to none; delete conditions #'s 10 & 22 of approved
DSP # 99-0027.

THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Section 11-400 of the 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 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 his knowledge and belief.

Robert L. Calhoun
Print Name of Applicant or Agent

Robert L. Calhoun
Signature

510 King Street, Ste. 301
Mailing/Street Address

703/684-2000 703/684-5109
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

September 20, 2000
Date

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

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

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: 11-9-2000 : APPROVED 7-0

ACTION - City Council: 01/13/01PH -- See Attached.

1710 PRINCE ST OFFICE

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Planning Commission (continued)**

- ✓ 10. DEVELOPMENTAL SITE PLAN #2000-0043 -- 1710 PRINCE STREET OFFICE BUILDING -- Public Hearing and Consideration of an appeal from a decision of the Planning Commission, on November 9, 2000, imposing as conditions to its approval of Applicant's site plan, certain requirements, numbered 10, 22, 30, and 34, for a development site plan amendment for construction of an office building with structured parking on the property located at 1710 Prince Street, zoned OCH/Office Commercial High. Applicant and Appellant: Duke Enterprises, Inc., by Robert L. Calhoun, attorney. (#27 12/16/00)

COMMISSION ACTION: Approved 7-0

City Council approved the application with a change to condition #20 to read as follows: "20. The applicant shall work with the Police Department to improve public safety in the parking garage."; struck condition #34, with the request that the applicant be strongly encouraged to work with Transportation and Environmental Services to not open cut at all; if there is cutting, the applicant can go ahead and do trenching, and then Transportation and Environmental Services will go back within a year to reinspect the area, and, if there is sinking of the asphalt, then the applicant will be required to bring it back up to grade; and all other conditions are left in including 10, 22 and 30.
Council Action: _____

11. SPECIAL USE PERMIT #2000-0110
1605-1611 MOUNT VERNON AVENUE
ALEXANDRIA TOYOTA (Car lot site)
Public Hearing and Consideration to Amend Special Use Permit #2000-0110 to Change the Name of the Applicant to Conform to the Applicant on the Hyundai Dealership Site. (#28 12/16/00; #18 11/28/00; #26 11/18/00)

City Council approved the amendment to Special Use Permit #2000-0110 to change the name of the applicant to Alexandria Hyundai LLC and John E. Taylor, Jr.
Council Action: _____

- ✓ 12. MASTER PLAN AMENDMENT #2000-0007
WATER QUALITY MANAGEMENT SUPPLEMENT
Public Hearing and Consideration of an amendment to the 1992 Master Plan to incorporate the Water Quality Management Supplement to ensure compliance with the Chesapeake Bay Preservation Act.

COMMISSION ACTION: Approved 6-0

City Council approved the Planning Commission recommendation.
Council Action: _____