

EXHIBIT NO. 1

11
3-17-01

Docket Item # 18
SPECIAL USE PERMIT #2001-0004

Planning Commission Meeting
March 6, 2001

ISSUE: Consideration of a special use permit review for an automobile service station with convenience store and restaurant.

APPLICANT: Exxon Corporation
by M. Catharine Puskar, attorney

LOCATION: 2320 Jefferson Davis Highway

ZONE: I/Industrial

PLANNING COMMISSION ACTION, MARCH 6, 2001: On a motion by Mr. Komoroske, seconded by Mr. Dunn, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Condition #7. The motion carried on a vote of 7 to 0.

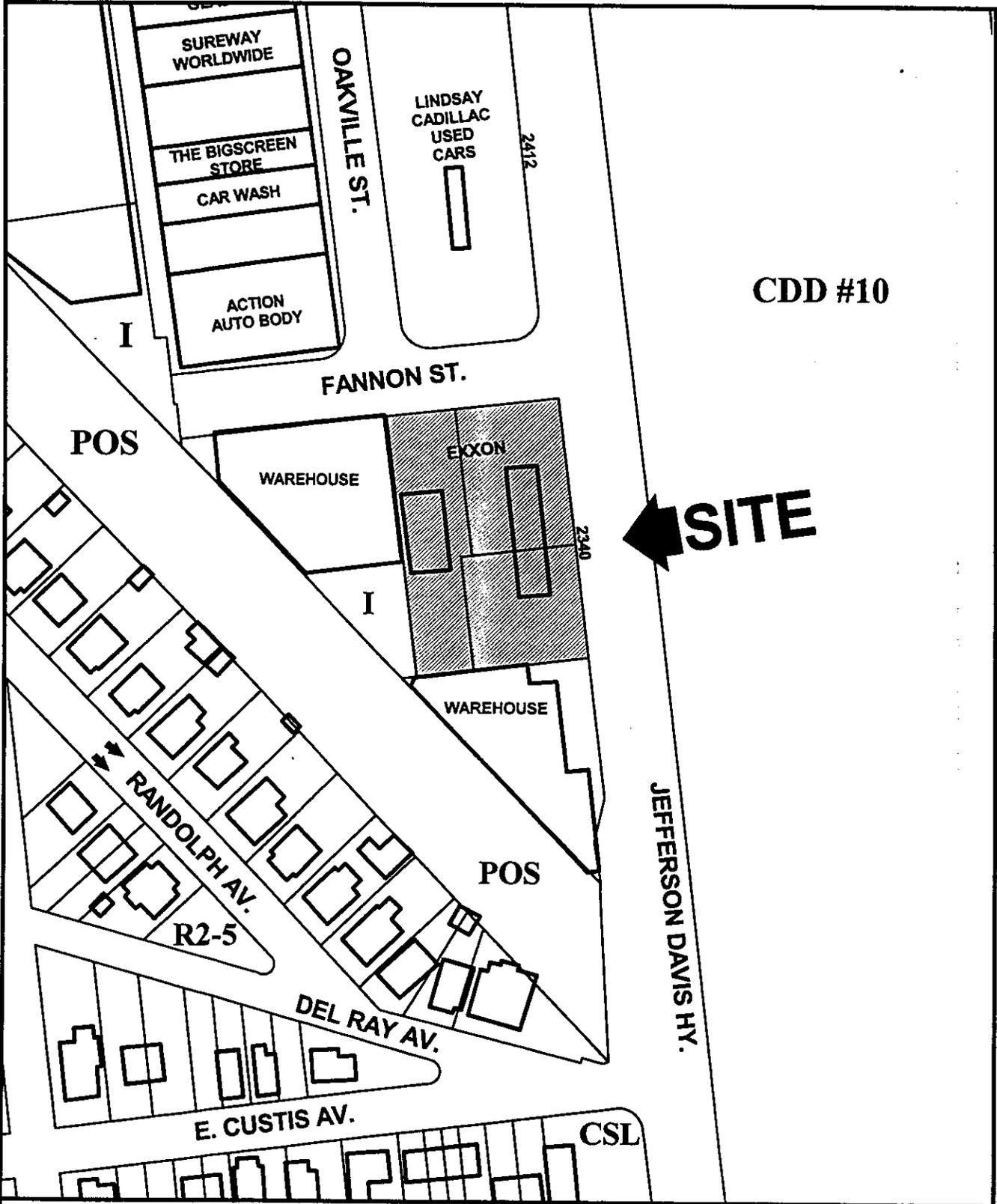
Reason: The Planning Commission agreed with the staff analysis but amended the language of Condition #7 to prohibit the installation of pay phones outside the building.

Speakers:

Amy Slack, 2307 Randolph Avenue, stated that the Del Ray Citizens Association supported the applicant's request with the conditions set forth in its memo dated March 5, 2001. She stated that in her individual capacity, she was personally concerned about the glare of the lighting on the adjacent residential properties.

David Fromm, 2307 Randolph Avenue, stated that the applicant has made recent efforts to screen some lights at the station but indicated that the screening has not been effective in that the sides of some bulbs are not fully screened. He requested that the City adopt lighting standards to reduce the spillover of lighting and stated that there is a lack of adequate control and guidelines. He expressed concern about the brightness of the lights at Potomac Yard and the Avis car lot on Jefferson Davis Highway.

M. Catharine Puskar, attorney representing the applicant, stated that Exxon will comply with the special use permit conditions and has taken steps to shield several yard lights and will screen three canopy lights and an additional yard light near Jefferson Davis Highway as soon as possible. She stated that the applicant did not object to the prohibition of outdoor pay phones on the property.



CDD #10

← SITE

SUP #2001-0004

03/06/01



STAFF RECOMMENDATION:

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

1. This special use permit shall be granted to the applicant or to any business or entity in which the applicant has a controlling interest only. (P&Z) (SUP #97-0145)
2. No materials shall be stored or permitted to accumulate outside, except in a dumpster or other suitable trash enclosure. (P&Z) (SUP #97-0145)
3. The applicant shall post the hours of operation at the entrance to the business. (P&Z) (SUP #97-0145)
4. No amplified sound shall be audible at the property line. (P&Z) (SUP #97-0145)
5. The applicant shall post “No loitering” signs on the property and shall submit a letter to the Chief of Police permitting the police to enforce the sign. (P&Z) (SUP #97-0145)
6. No alcoholic beverages shall be sold. (P&Z) (SUP #97-0145)
7. **CONDITION AMENDED BY PLANNING COMMISSION:** No outside pay telephones shall be installed ~~on the site which allow incoming calls outside of the building.~~ (P&Z) (SUP #97-0145) (PC)
8. No outdoor vending machines shall be permitted. (P&Z) (SUP #97-0145)
9. Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Director of P&Z. (P&Z) (SUP #97-0145)
10. Condition deleted. (PC) (SUP #97-0145)
11. The applicant shall reduce the size of the curb-cuts proposed to the minimum size which allows safe and adequate access to the site for patrons and deliveries, to the satisfaction of the Director of P&Z and T&ES. (P&Z) (SUP #97-0145)

12. The applicant shall revise the final landscaping plan to the satisfaction of the Director of P&Z and T&ES to include the following elements:
 - A) Landscape areas a minimum of 6 feet in depth along all public rights-of-way,
 - B) An evergreen screen hedge around the perimeter of the property adjacent to the public streets, or, if desired by the applicant, a low brick wall.
 - C) Screening along the west property line.
 - D) Substitution of Pin Oak with Willow Oaks as street trees along Jefferson Davis Highway.
 - E) Substitution of Callery Pear Trees to Redbud, Serviceberry or other suitable understory ornamental tree.
 - F) Specification and grading of all plantings in accordance with The American Standard For Nursery Stock (ANSI X60.1)-latest and most current edition; as produced by the American Association of Nurserymen; Washington D.C.
 - G) Performance of all work in accordance with Landscape Specification Guidelines 4th Edition as produced by the Landscape Contractors Association of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland. (P&Z) (City Arborist) (SUP #97-0145)
13. All dumpsters and utility structures (except fire hydrants) shall be located and screened to the satisfaction of the Director of P&Z. (P&Z) (SUP #97-0145)
14. No more than the one freestanding sign proposed shall be permitted, and it shall have a maximum sign area of 75 square feet. (P&Z) (SUP #97-0145)
15. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding a security survey prior to the beginning of construction. (Police) (SUP #97-0145)
16. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding a robbery awareness program for all employees. (P&Z) (SUP #97-0145)

17. Lighting on the entire lot shall be a minimum of 2.0 foot candles maintained or to the satisfaction of the Director of T&ES in consultation with the Chief of Police. (Police) (P&Z) (SUP #97-0145)
18. As the trees on the site mature they shall be limbed up a minimum of 6 feet. (Police) (SUP #97-0145)
19. 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) (SUP #97-0145)
20. The developer shall make a cash contribution to the Housing Trust Fund in the amount of \$0.50 per gross square foot, payable before receipt of the Certificate of Occupancy. (PC) (SUP #97-0145)
21. A parking reduction to 16 spaces shall be permitted. (PC) (SUP #97-0145)
22. No seating shall be provided for the restaurant. (P&Z) (SUP #98-0156)
23. No outdoor seating shall be permitted on the premises. (P&Z) (SUP #98-0156)
24. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #98-0156)
25. No delivery service shall be provided. (P&Z) (SUP #98-0156)
26. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #98-0156)
27. The applicant shall install at least one trash container within the restaurant for customers' use. (P&Z) (SUP #98-0156)
28. All disposable paper goods or drink containers shall be clearly marked so that the source of any litter can be identified. (P&Z) (SUP #98-0156)
29. 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 or debris shall be allowed to accumulate on site outside of these containers. (P&Z) (SUP #98-0156)

30. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #98-0156)
31. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP #98-0156)
32. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Health Department. (Health) (SUP #98-0156)
33. The Director of Planning and Zoning shall monitor the parking lot to insure that the existing on site parking is sufficient for all of the uses. If the Director determines that the parking is insufficient or that the demand for on site parking exceeds the existing supply, the applicant shall modify the parking area to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (SUP #98-0156)
34. CONDITION AMENDED BY STAFF: The Director of Planning and Zoning shall review the special use permit ~~one year~~ six months from approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(P&Z) (SUP #99-0161)~~ (P&Z)
35. The applicant shall record a consolidation plat for the three parcels of record prior to release of building permits for proposed alterations. (P&Z) (SUP #98-0156)
36. Condition deleted. (SUP #99-0161)
37. All lighting shall be directed downward and shall be screened at the sides to avoid glare on adjacent residential properties and on public rights-of-way to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (PC) (SUP #99-0161)

DISCUSSION:

1. The applicant, Exxon Corporation, is before the Planning Commission for a review of the special use permit for the Exxon gas station/convenience store and a restaurant located at 2320 Jefferson Davis Highway.
2. The site consists of one lot of record with a total area of 34,427 square feet. The site has 218 feet of frontage on Jefferson Davis Highway and 134 feet of frontage on Fannon Street and is bounded by Jefferson Davis Highway to the east, Fannon Street and the Lindsay used car sales lot to the north, the Pepsi-Cola building to the west and an office/industrial building to the south.
3. On December 13, 1997, City Council granted approval of SUP#97-0145, a development site plan with a parking reduction, for the construction and operation of a gasoline station and convenience store. The site is developed with five gasoline pumps with a total of ten pumping stations located in front of the convenience store, under a 20 foot canopy of 3,276 square feet. The "Tiger-Mart" convenience store consists of 3,400 square feet and sells a variety of prepackaged foods and convenience items. The gas station/convenience store operates seven days a week, twenty-four hours a day.

On January 23, 1999, City Council granted Special Use Permit #98-0156 to the applicant to operate a restaurant within the existing convenience store and gasoline service station. As approved by Council, a carry-out restaurant known as "Jerry's Subs and Pizza" offers cold deli sandwiches and subs, hot or grilled sandwiches, pizza and french fries prepared on-site. No seats are provided and no alcoholic beverages are offered. The restaurant is permitted to operate 24 hours a day. On March 18, 2000, City Council granted Special Use Permit #99-0161 for a review of the business.

4. Lighting

When the applicant's special use permit was reviewed last March, neighboring residents expressed concern about the lighting levels at the gas station and the spill over of light onto their properties and the public right-of-way. The Planning Commission recommended and City Council approved a new condition requiring the applicant to screen the lighting to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. In conjunction with the one year review, staff inspected the site to determine if any changes had been made. T&ES staff measured the lighting on the site and at two other locations to the west of the site and determined that the lighting levels comply with the approved site plan and Section 13-1-3 of the City Code but found glare on the public roadway (see attached findings). No changes had been made in the last year.

Staff also contacted the Del Ray Citizens Association to determine whether any improvement has been made from the neighbors' perspective and was advised that the problems remain unresolved. Staff docketed the permit for review by the Planning Commission and City Council.

5. Other violations

Staff is aware of several other problems with the operation of the business, including zoning and other special use permit violations, Code and Health Department violations (see attached departmental comments). With regard to the zoning violations, staff recently inspected the property and observed debris and litter on the property and outdoor storage of materials behind the building, including file cabinets and display racks. Staff also found multiple examples of illegal signage. Staff also determined that paper products were not marked as required by Condition #28. Staff issued a citation for the violations (see attached). Staff has also been advised that trash was removed from the property on several occasions this winter before 6:00 a.m. and has spoken with the applicant's attorney who has advised that it will contact the company and advise them of the regulations regarding the hours during which trash may be collected.

As to the Code violations, a fire safety inspection revealed several violations including temporary wiring, storage in electrical rooms and the rear alley, and a broken lock on the rear exit door.

Planning staff contacted the Health Department regarding the nature of their comments and was advised that the health permits allowing the operation of both the Jerry's Subs and Pizza and the Exxon food operations have been suspended by the Health Department three times since 1999 because the operator has failed to have a certified food manager on the premises. Health Department staff expressed frustration because they continue to conduct periodic inspections of the businesses and find that a certified food manager is not present at the time of their inspections. Because this pattern has continued to the present, Health Department staff are considering the permanent revocation of both food permits.

STAFF ANALYSIS:

Staff is concerned about the violations Planning and other City agencies have observed at the Exxon station located at 2320 Jefferson Davis Highway. T&ES staff have determined that glare does occur onto the southbound lanes of Jefferson Davis Highway, and both Planning and T&ES staff recommend that the applicant be required to screen the lighting as required by Condition #37. Staff also believes that the special use permit should be reviewed again six months from Council approval in order to confirm that the applicant has complied with that and other permit conditions. With this condition, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 On February 15, 2001 staff performed a site lighting survey to determine compliance with the approved development plan. Readings were taken between 7:15 to 7:45 p.m. with overcast sky and threatening rain.

F-2 a) Readings taken around the perimeter of the site were consistent with the approved plan. They ranged from a low of 0.30 foot candles to a high of 12.75 foot candles.

b) Readings taken on the centerline of the old W&OD Railroad grade directly to the rear of Exxon site ranged from 0.05 to 0.09 with an average of 0.08 foot candles. Readings taken at the bottom of slope on the west side of the grade (a few feet off the residential property line) barely registered (0.01-0.02).

c) Readings taken from the centerline of the Railroad grade approximately 200 feet north and opposite the existing warehouse on the north side of Fannon Street (wall mounted lights) gave a maximum reading of 0.25 foot candles.

Section 13-1-3 of the city code specifies the maximum standard of 0.25 foot candles for spillover lighting onto adjacent residential property. From the reading taken, it appears that the site is within these guidelines.

F-2 Staff was also asked to evaluate the glare from on-site lighting. This is a subjective judgement. Condition #36 of Special Use Permit #99-0161 requires **all** lighting on site to be screened (shielded) and none of the existing lights comply.

The unshielded lights result in direct glare onto the right-of-way and residential properties to the west, if only their second story rooms. Staff cannot comment on the annoyance level for the residents.

The glare onto the northbound lanes of Jefferson Davis Highway does not impact driving visibility but, for the southbound lanes they are a minor distraction, whether pole mounted or canopy lights, although they do not interfere with existing traffic controls.

R-1 Comply with condition #36 of SUP#99-0161 to screen the site lights.

Code Enforcement:

C-1 A fire inspection was performed at this facility with the following violations noted:

- 1) Replace all temporary wiring with permanent wiring.
- 2) Secure all compressed gas cylinders.
- 3) Remove all storage from electrical rooms.
- 4) Service and replace fire extinguishers where necessary.
- 5) Repair lock on rear exit door. Remove chain from door.
- 6) Remove all storage from rear alley.

Health Department:

C-1 There have been numerous violations of Alexandria's Food and Food Handling Code, Section 11-2-24, involving the lack of a certified food manager being on the premises. This has gotten to the point of issuing tickets and to suspending the food permits for the two food operations at this site. Alexandria Exxon, permit #06-00058 and Jerry's Subs and Pizza, permit #06-0108. The Health Department will continue to closely monitor this situation and to take the necessary steps to ensure compliance. Recommend continuation of the SUP with the provision the code is fully complied with.

Police Department:

F-1 No objections, in 2000 there was one call for service, a larceny.

APPLICATION for SPECIAL USE PERMIT # 2001-0004

[must use black ink or type]

PROPERTY LOCATION: 2320 JEFFERSON DAVIS Hy

TAX MAP REFERENCE: 35.01-04-17 ZONE: I

APPLICANT Name: EXXON CORP.

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of S.U.P. for AUTOMOBILE SERVICE STATION WITH CONVENIENCE STORE AND RESTAURANT.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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.

M. CATHARINE PUSKAR, atty.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone # Fax #

City and State Zip Code

Date

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

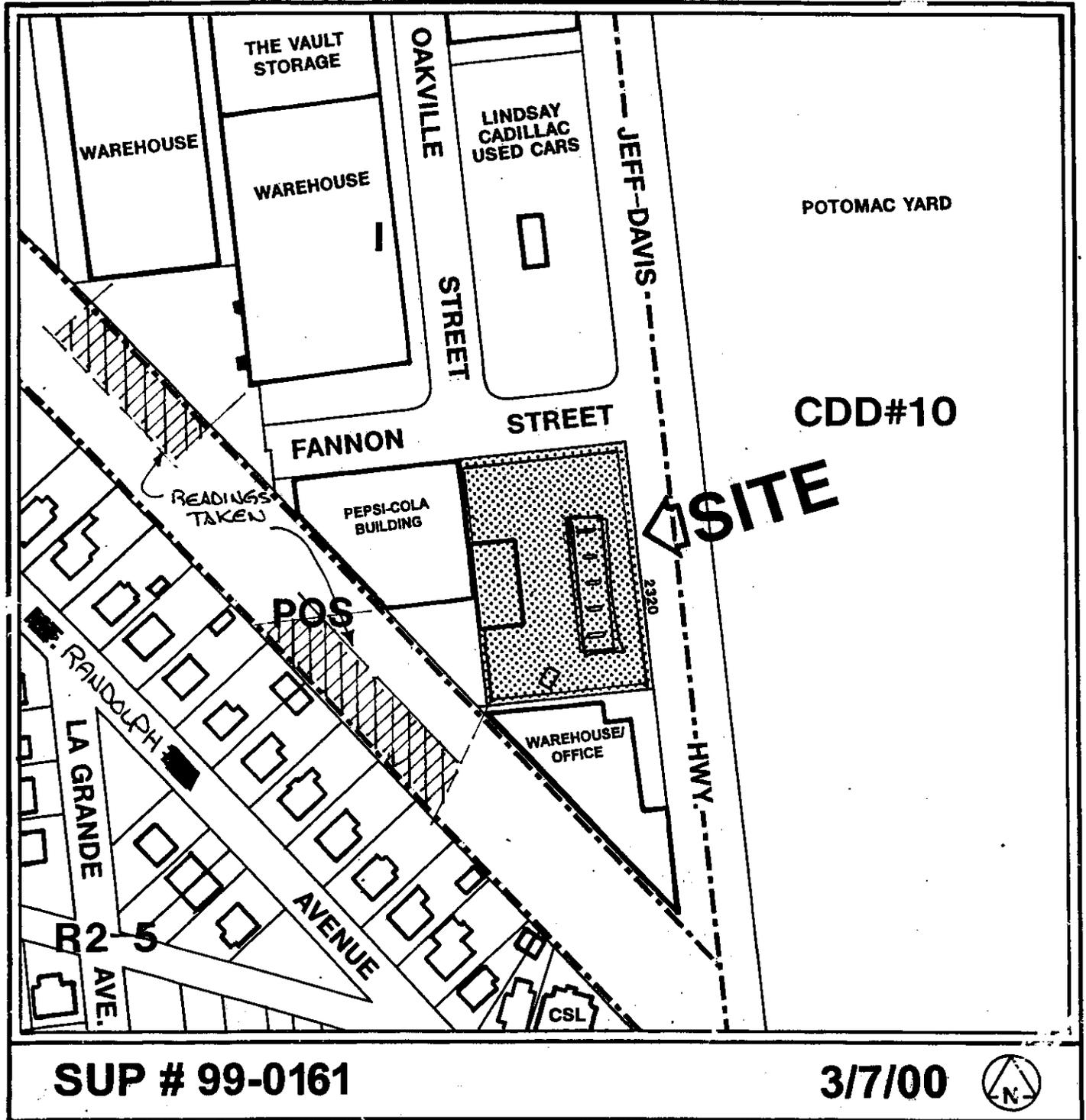
Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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

TRES LIGHTING TEST



SUP # 99-0161

3/7/00



(Not to Scale)

13



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

TICKET NO. **2040**

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

1/10/01 Wednesday 1:56 2300-2320 Jefferson Davis Hwy.
Date ticket served Day of Week Time AM/PM
Location of Violation: 2300-2320 Jefferson Davis Hwy's 403 FANNON ST
Ord. Section: 11-505, 9-10.4(C)
Description of Violation: #26 material stored outside; #28 Paper goods not marked; #30 Litter within 55' of premises; sign advertising Hot dog affixed to canopy post

Penalty \$: 50.00
 1st 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
1/30/01 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

[Signature] 103
Inspector's Signature ID Number

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

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

NOTICE SERVED ON:
SKINNER, PIPER
NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY EXXON
NAME
CASHIER
POSITION

OTHER
ADDRESS 2300-2320 Jefferson Davis Hwy.
Alexandria VA
CITY/TOWN STATE ZIP
SIGNATURE [Signature] DATE 1-10-01

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

PERSON REFUSED TO SIGN DATE _____

CERTIFICATE OF SERVICE

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

Name of Person or Business Served

Address of Service

City/State

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

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

Signature _____
Print Name _____
Date Phone # _____

WARNING

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

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

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

2. TO REQUEST A COURT HEARING:

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

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

3. TO CONTEST THE INTERPRETATION OF THE ORDINANCE:

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

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

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

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

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

Signature _____ Date _____

SWP 2001-0004



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

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE ALEXANDRIA,
VIRGINIA ZONING ORDINANCE

02/16/01 Friday 12:25
Date ticket served Day of Week Time AM/PM

Location of Violation: 2320 Jefferson
Davis Highway - EXXION

Ord. Section: 11-505

Description of Violation: Violation of
SUP #99-0161 Condition #36
requires all lighting be
directed downward and screened

Penalty \$50.00 at the sides to adjacent residential properties and
avoid glare on adjacent public rights-of-way to the
satisfaction of the Director of P&Z & T&ES.

WARNING 1st 2nd 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
10 days A MONETARY PENALTY
WILL BE ASSESSED.

Inspector's Signature ID Number

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

You have the right to appeal this notice of a zoning violation
within thirty days in accordance with 15.1-496.1 of the Code
of Virginia. The decision shall be final and unappealable if not
appealed within thirty days.

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

NOTICE SERVED ON: SUP 99-0161

NAME: LAST FIRST MIDDLE

PROPERTY OWNER

COMPANY

NAME

POSITION

OTHER

ADDRESS

CITY/TOWN STATE ZIP

SIGNATURE DATE

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

PERSON REFUSED TO SIGN DATE

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

Name of Person or Business Served

Address of Service

City/State

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

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

Signature Print Name Phone #
Date

Z-01 TICKET NO. 1547 ✓

WARNING

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

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

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

2. TO REQUEST A COURT HEARING:

- Check the "contest in Court" box below and;
 - (a) Mail this completed notice to the Office of the City Attorney, City Hall, Suite 1300, 301 King Street, Alexandria, Virginia, 22314; or
 - (b) Appear in person or by authorized representative, at the above address between the hours of 8:00 a.m. - 5:00 p.m., Monday-Friday, phone 703-838-4433.
- If you wish to contest this violation a date will be set for trial in the General District Court of Alexandria, Virginia. Failure to appear in court on the date set for trial, unless prior approval has been granted by a judge of that court, will result in the entry of a default judgement against you.

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

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

YOU MUST COMPLETE AND SIGN THIS CERTIFICATION:

ADMIT NO CONTEST CONTEST IN COURT
VIOLATION

Name (print)

Street Address

City State Zip

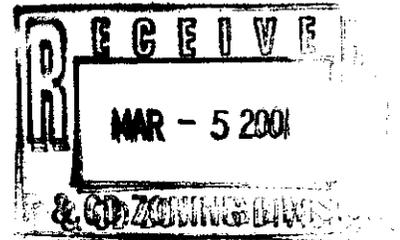
I hereby certify under penalty of law, that I have answered as indicated
above, and corrected or made substantial efforts to correct the violation that
I have admitted or for which I have pleaded no contest.

Signature Date

SUP 2001-0004

#18 SUP 2001-0004

THE DEL RAY CITIZENS ASSOCIATION



P.O. BOX 2233

ALEXANDRIA, VIRGINIA 22301

ESTABLISHED 1954

To: Honorable Members of City Council
Members of Alexandria Planning Commission
Eileen Fogarty, Director, Office of Planning and Zoning

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

Date: March 5, 2001

Subject: SUP# 2001-0004, Review of SUP for an Exxon automotive service station with a convenience store and a restaurant at 2320 Jefferson Davis Hwy.

The applicant attended the DRCA land use committee meeting on February 21 and presented the application to the committee. On his behalf, attorney Jay du Von addressed the multiple infractions Exxon had been cited for. In response, the applicant has removed the outdoor pay phones, banners and signs, and has turned off the outdoor speakers. He is monitoring the dumpsters and has the grounds policed twice daily for trash. He has 2 food managers working 12 hours shifts each until March 1 when 4 employees should complete certification training.

A resident expressed their concern that the light intensity at the station has an adverse effect on the community. At last year's review, Planning Commission had requested the applicant to address this issue. Mr. du Von expressed a commitment by the applicant to reduce glare by various means such as using lower wattage bulbs for the entire site, shielding canopy fixtures and substituting yard light lenses with a different style. The resident also thanked the applicant for scheduling the dumpster pick-up in accordance with city ordinance.

The Land Use Committee, voted to recommend *support* of the SUP with the following conditions:

- Amend lighting situation to avoid glare onto the right of way.
- Reduce bulb wattage under the canopy.
- Shield the backside of the canopy lighting to avoid residential intrusion.

Executive Committees voted to *support* the SUP as recommended by Land Use.

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

SPEAKER'S FORM

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

11
3-17-01

DOCKET ITEM NO. 11

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskar
2. ADDRESS: Walsh, Colucci et al 2200 Clarendon Blvd Ste 1300
Arlington, VA 22201
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
Exxon Corporation
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.):
Attorney
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 SPECIAL USE PERMIT # 2001-0004

[must use black ink or type]

PROPERTY LOCATION: 2320 JEFFERSON DAVIS Hy

TAX MAP REFERENCE: 35.01-04-17 ZONE: I

APPLICANT Name: EXXON CORP.

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW of S.U.P. for AUTOMOBILE

SERVICE STATION WITH CONVENIENCE STORE AND RESTAURANT

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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.

M. CATHARINE PUSKAR, atty.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone # Fax #

City and State Zip Code

Date

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

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

ACTION - PLANNING COMMISSION: 3-6-2001 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 3/17/01PH -- See attached

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. DEVELOPMENT SPECIAL USE PERMIT #2000-0030
400 CAMERON STATION BV
BROOKDALE - CAMERON STATION (Phase VII)
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a senior housing and assisted living high-rise building; zoned CDD-9/Coordinated Development District. Applicant: KG Virginia-CS LLC, by Erika L. Byrd, attorney.

COMMISSION ACTION: Recommend approval 6-0-1

City Council approved the Planning Commission recommendation.

Council Action: _____

10. SPECIAL USE PERMIT #2000-0084
400 CAMERON STATION BV
BROOKDALE - CAMERON STATION
Public Hearing and Consideration of a request for a special use permit amendment to the Cameron Station transportation management plan (TMP) to incorporate the site area of the proposed senior housing and assisted living development into the existing Cameron Station TMP; zoned CDD-9/Coordinated Development District. Applicant: Cameron Associates LLC and KG Virginia-CS LLC, by Erika L. Byrd, attorney.

COMMISSION ACTION: Recommend approval 6-0-1

City Council approved the Planning Commission recommendation.

Council Action: _____

11. SPECIAL USE PERMIT #2001-0004
2320 JEFFERSON DAVIS HY
EXXON STATION
Public Hearing and Consideration of a review of a special use permit for an automobile service station with a convenience store and a restaurant; zoned I/Industrial. Applicant: Exxon Corporation, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend approval 7-0

M. Catharine Puskar, attorney representing the applicant, spoke to condition #37 with respect to lighting. She requested that condition #37 be amended by striking the words "and on public rights-of-way" in the second sentence; which amended condition #37 would read as follows: "37. All lighting shall be directed downward and shall be screened at the sides to avoid glare on adjacent residential properties to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services."

Mayor Donley directed questions to Ms. Puskar to the code violations, particularly the food handling violations. It is his understanding that the deficiency has been resolved and requested Ms. Puskar to represent on the record that the management of the service station has a clear understanding of what's required relative to health codes and permits in relation to the convenience/deli portion of the store as opposed to the service station.

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

Ms. Puskar stated that is why they are all here today to testify to you that we understand that is a serious issue. They were having a few problems getting people certified through the process that they have to go through. They now have four certified food managers. They do understand the requirement that if a certified food manager is not on location they cannot serve food.

Councilwoman Pepper suggested that staff monitor the lights at this site.

Mayor Donley also requested that staff get back to Council with respect to how it is viewing the lighting issue and the adoption of a potential policy. He mentioned the use of shrouding or shields to at least prevent the spillover light while still maintaining the need to have a safe and lighted area particularly at night.

City Council approved the Planning Commission recommendation with an amendment to condition #37, which amended condition reads as follows: **"37. All lighting shall be directed downward and shall be screened at the sides to avoid glare on adjacent residential properties to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services."**

Council Action: _____

Board of Architectural Review

12. CASE BAR-2000-0244 -- 216 SOUTH WASHINGTON STREET
Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on December 6, 2000, denying a request for approval of new replacement windows at 216 South Washington Street, zoned CD Commercial. APPLICANT AND APPELLANT: Downtown Baptist Church by M. Catharine Puskar, Attorney. (#9 2/24/01)

BOARD ACTION: Denied 5-2

M. Catharine Puskar, attorney for the applicant, requested deferral of this item to April. She stated that they have met with members of the Historic Alexandria Foundation and an architect recommended by them. She indicated that they are pursuing some of the suggestions and trying to get some estimates based on their evaluation and recommendations.

City Council deferred this appeal to its Public Hearing Meeting in April.

Council Action: _____

ORDINANCES AND RESOLUTIONS

13. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to make supplemental appropriations for the support of the government of the City of Alexandria for fiscal year 2001. (#23 3/13/01) [ROLL-CALL VOTE]

City Council finally passed the ordinance upon its Second Reading and Final Passage. ORD. NO. 4191

Council Action: _____