

EXHIBIT NO. 1

10
4-21-01

Docket Item #9
SPECIAL USE PERMIT #2000-0152

Planning Commission Meeting
April 3, 2001

ISSUE: Consideration of a request to amend a special use permit to allow the following uses: contractor's storage yard, motor vehicle parking for more than 20 vehicles, and/or motor vehicle storage yard.

APPLICANT: AMT, LLC and Kathmar Construction Inc.
by M. Catharine Puskar, attorney

LOCATION: 4500 Wheeler Avenue

ZONE: I/Industrial

PLANNING COMMISSION ACTION, APRIL 3, 2001: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions #1,15, 16, 18, 20 and to add Condition #24. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission noted the applicant's amended request to allow only the contractor's storage yard on the site. Members of the Planning Commission stated that they believed the use was appropriate in this location but expressed concern about potential environment issues and the applicant's failure to comply with the existing special use permit conditions. They recommended a six month review in order to monitor the site and the applicant's compliance with the permit conditions.

Speakers:

Poul Hertel expressed concerns about the applicant's request to lease portions of the property to others and the potential loss of direct control of the special use permit with regard to any environmental issues.

Elizabeth Wright, on behalf of the Wakefield Tarleton Civic Association, expressed concern about commercial truck and van traffic on residential streets and reiterated their concerns about possible water and soil pollution.

Emily DiCicco requested support for the Wakefield Tarleton Civic Association position and stated that West End residents share their concerns.

M. Catharine Puskar, attorney for the applicant, amended the applicant's request to allow only the contractor's storage yard use at the subject property. She stated that the applicant is committed to implementing the environmental mitigation procedures recommended by staff and will install a small berm around the concrete slab on which it performs automobile repair in order to contain any spills. She stated that the proposed repair of vehicles is proposed to occur on an infrequent basis and will occur as accessory use to the main use of the property. She requested several modifications and deletions of the proposed conditions (see attached April 3, 2001 information) and requested again that Condition #21 be deleted as the applicant objects to the prohibition of parking and storing inoperable, junked or stripped vehicles on the site.

PLANNING COMMISSION ACTION, MARCH 6, 2001: On a motion by Mr. Leibach, seconded by Mr. Dunn, the Planning Commission voted to defer the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission deferred the request in order to allow the applicant the opportunity to come back with a more structured proposal regarding the use of the property. The Commission expressed concerns about the environmental issues discussed by the public and indicated that the umbrella special use permit may not be an appropriate approach in this case.

Speakers:

Jack Sullivan stated that he visited the property and took pictures of the stream. He expressed concern about both the proximity of the applicant's use to the stream and the potential for fluids from the applicant's automobile repair activities to pollute the stream.

Poul Hertel requested that the applicant be required to pave the lot and install skimmers, rather than install gravel. He expressed concern about the loss of direct control of a special use permit under the umbrella approach.

Elizabeth Wright, on behalf of the Wakefield Tarleton Civic Association, opposed any commercial and industrial vehicles using residential streets as a cut-through to the subject property. She expressed concern about the material stored on the property and raised environmental concerns about the soil and water in the area.

Ronald Holder, 238 South Jenkins Street, expressed environmental concerns and objected to the umbrella special use permit.

Julie Crenshaw requested that soil and water samples be taken and sent to the state for analysis in order to identify problems and determine the source.

M. Catharine Puskar, attorney representing the applicant, spoke regarding the proposed revisions to the special use permit conditions, several of which staff had agreed to. She also stated that the applicant agreed to comply with the additional conditions recommended by T&ES regarding automotive related businesses. She stated that the applicant will post no trespassing signs on the property and that the applicant objects to the proposed condition that prohibits the parking and storage of inoperable, junked or stripped vehicles.

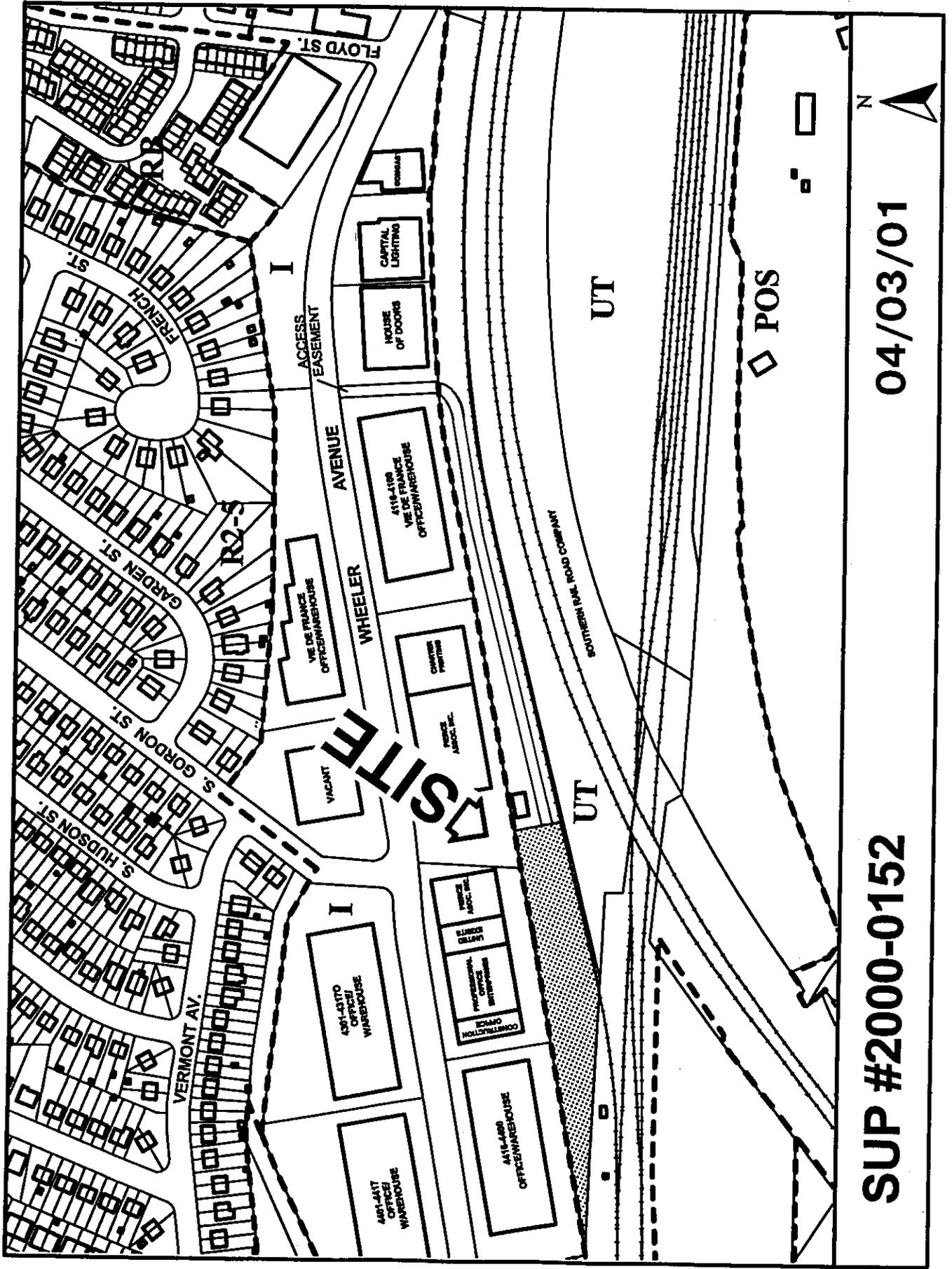
PLANNING COMMISSION ACTION, FEBRUARY 6, 2001: On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to defer the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission deferred the request in order to review the revised conditions proposed by the applicant. Members of the Commission also expressed concern about the umbrella special use permit request and indicated that it may not be an appropriate approach in this case.

Speakers:

M. Catharine Puskar, attorney representing the applicant, stated that the applicant believes the umbrella request was appropriate in that it provides certainty to area residents regarding the allowable uses and offers flexibility to the applicant. She requested changes to the language of several recommended conditions as outlined in her letter dated February 5, 2001.

Kathy Hinken, applicant, spoke.



04/03/01

SUP #2000-0152

A

SUMMARY:

This case involves industrial property and a request to allow several potential uses in the future: an expanded contractor storage yard and/or a parking facility for cars and/or for trucks. The request is indefinite because the applicant wishes to have flexibility with regard to its own business and with tenants in the future. The principal issues are whether to allow the requested uses without specific plans for them ahead of time and how to make this area as attractive as possible, given its industrial nature. Staff has recommended conditions requiring the paving of the existing road, the installation of gravel surface as protection, and landscape buffering should expansion take place. Conditions also address the need to remove the temporary trailer, the process for erecting a building on the site, and the need to contribute to trees for the adjacent park.

STAFF RECOMMENDATION:

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

1. **CONDITION AMENDED BY PLANNING COMMISSION:** The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest , **but does not preclude leasing of the property consistent with this permit, one tenant of which shall be Kathmar Construction, Inc. (P&Z) (SUP #98-0176) (PC)**
2. **CONDITION AMENDED BY STAFF:** The proposed trailer for office use shall be removed ~~within 18 months or upon completion of a permanent building, whichever occurs sooner~~ **not later than 120 days from the date of Council approval. (P&Z)(SUP #98-0176) (P&Z)**
3. Any major repair work done on the premises shall be restricted to inside a building. (P&Z) (SUP #98-0176)
4. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure. (P&Z) (SUP #98-0176)
5. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP #98-0176)
6. The site shall be cleaned-up and kept free of debris and maintained in an orderly and clean condition. (P&Z) (T&ES) (SUP #98-0176)

7. All vehicles stored on the open lot shall be parked in a neat and orderly fashion at all times. (P&Z) (SUP #98-0176)
8. No debris or vehicle parts shall be discarded on the public right-of-way of Wheeler Avenue. (P&Z) (SUP #98-0176)
9. No vehicles shall be loaded or unloaded on the public right-of-way of Wheeler Avenue. (P&Z) (SUP #98-0176)
10. No amplified sound shall be audible at the property line. (P&Z) (SUP #98-0176)
11. CONDITION AMENDED BY STAFF: The applicant shall ~~have~~ contact the Alexandria Police Crime Prevention Unit ~~conduct~~ regarding a site security survey of the business for any existing or future buildings on the site. (Police) (P&Z) (SUP #98-0176) (Police)
12. Vehicle keys shall be secured in a safe location when the business is closed. (Police) (SUP #98-0176)
13. CONDITION AMENDED BY STAFF: Provide minimal lighting of the trailer and parking lot and submit a lighting plan with the plot/site plan for a building to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. ~~If after 12 months from the SUP approval date the applicant has not yet submitted a plot plan or site plan for a permanent building on the site, the applicant shall provide lighting for the parking lot at 2 foot candles minimum maintained.~~ (Police) (P&Z) (SUP #98-0176) (P&Z)
14. CONDITION ADDED BY STAFF: The applicant shall apply for and obtain site plan approval prior to the use of any of the site for motor vehicle parking or storage and motor vehicle storage yard uses. (P&Z)
15. CONDITION ADDED BY PLANNING COMMISSION: For any expansion of the existing use, for any improvements to the site including the erection of a building, or for the creation of a parking area, t The existing gravel access road shall be paved with asphalt and all work and parking areas shall be covered with a four inch gravel base to the satisfaction of the Director of Transportation and Environmental Services. The four inch gravel base shall be installed within six months of City Council approval. The existing gravel access road shall be paved within eight months of City Council approval. (T&ES) (PC)

16. **CONDITION AMENDED BY PLANNING COMMISSION:** The following uses **only** shall be permitted: contractor's storage yard consistent with this permit, ~~motor vehicle parking for more than 20 vehicles, and motor vehicle storage yard.~~ (P&Z) (PC)
17. **CONDITION ADDED BY STAFF:** The applicant shall contribute \$1,125 to the City for the installation of five trees in the Holmes Run-Tarleton Park in lieu of a crown coverage requirement for the site which shall not be applied as part of any City plan approval. (P&Z)
18. **CONDITION AMENDED BY PLANNING COMMISSION:** As part of the plot/site plan review for the office building, the applicant shall submit a plan to the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning depicting the trees and vegetation to be removed by the applicant. The applicant shall provide additional landscaping on the site in order to ensure that an adequate buffer is provided **retained** between the applicant's property and the Holmes Run-Tarleton Park to the satisfaction of the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning. (P&Z) (PC)
19. **CONDITION ADDED BY STAFF:** The applicant shall prohibit any commercial trucks and vans associated with businesses on the land covered by this permit from utilizing South Gordon, Floyd, and Early Streets to access the site and shall direct drivers to utilize only Wheeler Avenue. (P&Z)
20. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the special use permit **one year six months** after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director received a request from any person to docket the permit for review **and the applicant has not adequately responded to the satisfaction of the Director,** 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) (PC)
21. **CONDITION ADDED BY STAFF:** No junked, abandoned or stripped vehicles shall be displayed, parked or stored outside. (P&Z)
22. **CONDITION ADDED BY STAFF:** That all waste products, including but not limited to organic compounds (solvents), motor oil, and antifreeze, be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers. (T&ES)

23. CONDITION ADDED BY STAFF: The applicant shall comply with those provisions of the City of Alexandria Best Management Practices Manual for Automotive Related Industries which are applicable to use of the property to the satisfaction of the Director of Transportation and Environmental Services. A copy can be obtained by contacting the Division of Environmental Quality at 703/838-4334. (T&ES)
24. CONDITION ADDED BY PLANNING COMMISSION: The applicant shall attach a copy of the special use permit to the tenants' leases. (PC)

DISCUSSION:

1. The applicant, AMT, LLC and Kathmar Construction Inc., by M. Catharine Puskar, attorney requests special use permit approval to amend an existing special use permit for 4500 Wheeler Avenue to allow an expansion of an existing contractor's storage yard, and/or parking for cars and/or trucks.
2. The subject property is one, irregularly-shaped lot of record with no frontage on a public street. It is located between the rear of warehouses on Wheeler Avenue and railroad tracks. Vehicular access to the site from Wheeler Avenue is provided via an access easement across other property. The total lot area that is the subject of the applicant's request is approximately 46,000 square feet.
3. On March 13, 1999, City Council granted Special Use Permit #98-0176 to the applicant for the operation of a contractor's storage yard with a temporary trailer for a contractor's office. The approved special use permit applies only to a 12,000 square foot portion of the land located at the west end of the site behind the warehouses located at 4306-4316 Wheeler Avenue.
4. The applicant is a paving contractor and does a majority of its work in the City of Alexandria.
5. This past summer the applicant began work to expand its use but was advised that it had to amend its special use permit in order to use the additional land. This application followed.
6. The applicant seeks permission to allow any or all of the following uses on the subject property:
 - A) an expanded contractor's storage yard for use by the applicant or for a contractor tenant;
 - B) motor vehicle parking and storage for more than 20 vehicles (fewer cars are allowed without a special use permit); and
 - C) motor vehicle storage yard, which allows the parking of trucks.

The applicant does not have either a contractor or parking tenant now, but does seek the flexibility to use the land for any of these uses without the necessity of returning for additional SUP approval in the future.

7. The installation of a building, the clearing of any additional part of the site, the creation of a parking area, or any other land disturbance on the subject property does trigger additional requirements. A parking area requires site plan approval by the Planning Commission. Either a plot plan, which is reviewed administratively, or a site plan is required for other land disturbance, including clearing, depending on the size of the land involved. The erection of a building requires a site plan or a plot plan, depending on the size of the building.
8. In the application materials, the applicant explains that the contractor's storage yard use will consist of storing equipment and materials, dispatching crews, conducting light automobile repair (a permitted use in the Industrial zone) on company vehicles, and accessory office operations.
9. In its original special use permit approval, the applicant sought temporary approval for a trailer and indicated that it intended to construct a permanent building to house its office operations once it acquired the property. Condition #2 required the applicant to remove the trailer within 18 months or upon completion of a building whichever occurred first. The applicant has not constructed a building and the trailer remains on-site.

In response to questioning by staff, the applicant has indicated that it will likely construct the building to the west of its existing storage yard in a wooded area. In order to accommodate the building, it is likely that some trees and other vegetation will be removed. The applicant has not developed plans so staff cannot assess the extent of any future tree removal or other issues that siting the building could involve.
10. The applicant leases approximately 8,000 square feet of land to the east of the subject property to Pierce Associates for use as a contractor's storage yard. Pierce Associates has operated in this location since 1974 and is considered a noncomplying use because it does not have a special use permit. As a noncomplying use, it is allowed to continue. The land it occupies is not included in the applicant's request.
11. On December 8, 2000, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff observed the following violations of the permit conditions and issued a citation (see attached):

Condition #2 The proposed trailer for office use shall be removed within 18 months or upon completion of a permanent building, whichever occurs sooner.

Observation: Staff observed that the trailer remains on the site, the applicant has not constructed a permanent building, and that the approval for the trailer expired on September 13, 2000.

Condition #4 No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure; and

Condition #6 The site shall be cleaned-up and kept free of debris and maintained in an orderly and clean condition.

Observation: Staff observed tires, bottles of starting fluid, a vehicle axle, two batteries, metal debris along the fence near the dumpster, and litter along the fence near the applicant's office trailer.

Condition #13 Provide minimal lighting of the trailer and parking lot. If after 12 months from the SUP approval date the applicant has not yet submitted a plot plan or site plan for a permanent building on the site, the applicant shall provide lighting for the parking lot at 2 foot candles minimum maintained.

Observation: The applicant did not submit a plot plan or site plan for a permanent building within one year of the special use permit approval and has not provided two foot candles of lighting in the parking lot.

12. Previously, on July 26, 2000, staff issued a citation for several violations of the permit conditions (see attached). Specifically, staff observed vehicle parts, tires and other materials stored on site outside of a dumpster, a violation of Condition #4. Staff also observed that the site lighting required by Condition #13 had not been installed. The applicant has agreed to address the lighting issue in its plan for erecting a building on the site, and to work with T&ES and the Police as to the proper lighting level.
13. Zoning: The subject property is located in the I/Industrial zone. Sections 4-1203 (O), (P), and (V) allow motor vehicle parking or storage for more than 20 vehicles, motor vehicle storage yard, and any other use not listed elsewhere in this ordinance in the I zone only with a special use permit.
14. Master Plan: The proposed use is consistent with the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan which designates the property for industrial use.

STAFF ANALYSIS:

Staff has no objection to the proposed expansion of the existing contractor's storage yard located at 4500 Wheeler Avenue and believes that the uses are appropriate here. The site is an irregularly-shaped parcel located away from residential uses between railroad tracks and the rear yards of the warehouse buildings on Wheeler Avenue. Staff notes that the City has few industrially zoned areas in which these uses are appropriate and believes that if the City wishes to provide a place for these uses, the subject property is an appropriate location.

Staff also notes that this case involves the use of the "umbrella" technique, allowing the applicant future uses and flexibility. Staff supports the concept of the umbrella where appropriate and believes it is appropriate here, especially because subsequent uses will likely trigger additional site review by the City. The particular uses requested here are contractor storage and vehicle parking. Contractor storage is what takes place on the site now, both by the applicant and its neighbor and tenant, Pierce Associates. That use is not particularly attractive but necessary if the City is to have services, such as paving, available. Staff believes that this site, tucked away from residential areas and behind other buildings, is an acceptable place for it.

Staff also believes that the parking uses requested are appropriate. When, last summer, Comcast sought approval to occupy the building at 150 South Gordon Street, its trucks would have needed an offsite location for parking. This site would have been available for that use or another similar one if the opportunity presents itself in the future. With regard to using the site for truck parking, as well as for the existing and future contractor trucks, staff has included a condition requiring the applicant to prohibit trucks and vans from using South Gordon, South Floyd, and South Early Streets to access the site. Limiting truck traffic to Wheeler Avenue will protect the nearby residential neighborhood. Staff had recommended similar language in the development site plan approval for Comcast at 150 South Gordon Street that was granted by the Planning Commission last September (DSP#2000-0026).

Staff does believe that any expansion or additional work on the site needs close scrutiny because it has not been developed before and will be occupied by industrial uses. Staff has included conditions requiring the paving of the existing gravel road back to the site and the installation of a gravel surface over the site, both of which apply should any expansion of the use or additional work on the site take place. Staff also believes that the applicant should be required to provide some compensation for the trees and other vegetation it removed last summer in the area onto which it now seeks permission to expand. Staff has inspected the site and believes that there is little public benefit in requiring the applicant to provide landscaping on its own property. Instead, staff recommends that the applicant be required to donate \$1,125 to the City for use to plant trees in the Holmes Run-

Tarleton Park which abuts the applicant's property to the west. Staff calculated this amount based on the crown coverage requirement for the site, in this case five trees, and multiplied that number by the cost per tree (\$225) to arrive at \$1,125 and has included a condition to this effect.

With regard to the applicant's office trailer, staff has amended Condition #2 to require that the applicant remove the trailer not later than 120 days after Council approval based on staff's determination that the applicant could obtain plot plan approval, a building permit, and begin to construct a building within that time period. Staff is concerned that any greater extension of time will discourage the applicant from removing the trailer and proceeding with its plans to build a permanent building.

Finally, because the applicant has not developed plans for the building but has expressed to staff that it will be located in a portion of the site that is currently wooded, staff recommends that the applicant be required, in addition to the typical plot plan requirements, to submit a plan indicating the trees and other vegetation to be removed and to provide additional landscaping on-site to maintain an adequate buffer between its property and the City park to the satisfaction of the Directors of Planning and Zoning and Recreation, Parks and Cultural Affairs.

With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Pave access road with asphalt and install 4" gravel base over entire work site for any expansion or additional work to the satisfaction of the Director of Transportation and Environmental Services.
- C-1 If there is greater than 2,500 square feet of ground disturbance at the site, the applicant must submit an Erosion and Sedimentation Control Plan for approval.
- C-2 Applicant shall comply with Article XIII, Environmental Management, of the Zoning Ordinance.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

Police Department:

- R-1 The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for any existing buildings on the site as well as for buildings that will be built in the future on the site.

APPLICATION for SPECIAL USE PERMIT # 2000-0152

[must use black ink or type]

PROPERTY LOCATION: 4500 Wheeler Avenue

TAX MAP REFERENCE: 59.04-02-40 ZONE: I/Industrial

APPLICANT Name: AMT, L.L.C. & KATHMAR CONSTRUCTION INC.

Address: 14305 Old Columbia Pike, Burtonsville, MD 20866

PROPERTY OWNER Name: AMT, L.L.C.

Address: 14305 Old Columbia Pike, Burtonsville, MD 20866

PROPOSED USE: SUP Amendment for Umbrella Special Use Permit to permit

enumerated uses in the I/Industrial Zoning District

(previous SUP 2000-0113)
4 SUP 98-0176)

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

Print Name of Applicant or Agent

Walsh, Colucci, Stackhouse, Emrich & Lubeley, 2200 Clarendon Blvd.

Mailing/Street Address

Arlington, VA 22201

City and State Zip Code

M Catharine Puskar

Signature

(703) 528-4700

Telephone #

(703) 525-3197

Fax #

October 24, 2000

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Katherine Hinken	25%	
Mark Hinken	25%	c/o AMT, L.L.C.
Agnes Horrigan	25%	14305 Old Columbia Pike Burtonsville, MD 20866
Thomas Horrigan	25%	

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. N/A

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

AMT, L.L.C. (the "Applicant") is requesting an amendment to an existing special use permit to expand the area contained in the special use permit and to permit certain uses requiring a special use permit in the I/Industrial zone under an umbrella special use permit request.

In the way of background, the Applicant is the owner of the 4.9 acre parcel known as 4500 Wheeler Avenue (the "Property") which runs contiguous to the southern edge of properties containing warehouses in the 3900-4400 blocks of Wheeler Avenue. This land was previously owned by the railroad (Commonwealth Atlantic Land V, Inc.) and has been used for the storage of construction equipment and other industrial uses for over thirty years.

In 1999, the Applicant obtained a special use permit (SUP #98-0176) to permit a contractor's storage yard and temporary trailer on a 12,000 square foot portion of the Property. In the past year, various prospective tenants have expressed interest in utilizing other portions of the Property for industrial uses, only to find that a special use permit would be required to expand the amount of land covered in the original SUP and to permit other industrial uses requiring a special use permit. Due to the fact that there are no buildings to house proposed uses on the Property (except for a 3,000 square foot accessory office building to be constructed) it is difficult to delineate exactly what land area is attributable to a given tenant. As such, the Applicant is proposing to expand the 12,000 sq. ft. SUP area to contain approximately 46,000 square feet as delineated on the attached exhibit.

In conjunction with the expanded SUP area, the Applicant also requests approval of an umbrella special use permit for certain uses characteristic of existing and prospective tenants thereby avoiding case by case applications on this Industrial Property. The proposed special use permit uses are as follows:

- 1) Contractor's storage yard;
- 2) Motor vehicle parking or storage for more than 20 vehicles; and/or
- 3) Motor vehicle storage yard.

Due to the fact that a "contractor's storage yard" is not an enumerated use in the City of Alexandria Zoning Ordinance (the "Ordinance"), this use is being requested pursuant to Section 4-1203 of the Ordinance under subsection (v), "any other use not listed elsewhere in this Ordinance." A contractor's storage yard will be used to store

equipment and materials, dispatch crews, and conduct light automobile repair on company vehicles. Accessory office operations may also be conducted on the site as permitted under to Section 4-1202(F) of the Ordinance.

The proposed uses are appropriate for industrial zoned land located in an area which is behind existing warehouse buildings and away from any residential area. There is ample parking on the site to accommodate all proposed uses and there is adequate access off of Wheeler Avenue. As such, we respectfully request approval of the application.

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: Umbrella Special Use Permit

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Varies depending on tenant

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Varies depending on tenant

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Hours vary depending on tenant

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Noise levels will be in compliance with the City of Alexandria
regulations

B. How will the noise from patrons be controlled?

N/A

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

No unusual odors will be generated

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Varies depending on tenant

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

Varies depending on tenant

C. How often will trash be collected?

Varies depending on tenant

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

N/A

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

Varies by tenant

If yes, provide the name, monthly quantity, and specific disposal method below:

Each tenant is responsible for the legal disposition of hazardous materials,
if any.

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

Varies by tenant

If yes, provide the name, monthly quantity, and specific disposal method below:

Each tenant is responsible for the legal disposition of organic
compounds, if any.

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

Operations will be conducted in accordance with OSHA regulations.

Each tenant is responsible for the security of its space.

ALCOHOL SALES N/A

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

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

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

N/A

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

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Access is adequate

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No N/A

Do you propose to construct an addition to the building? Yes No N/A

How large will the addition be? _____ square feet.

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

Approx. 46,000 sq. ft. (existing) w/ 3,000 sq. ft. (addition if any) = _____ sq. ft. (total)
land area building

19. The proposed use is located in: (check one)

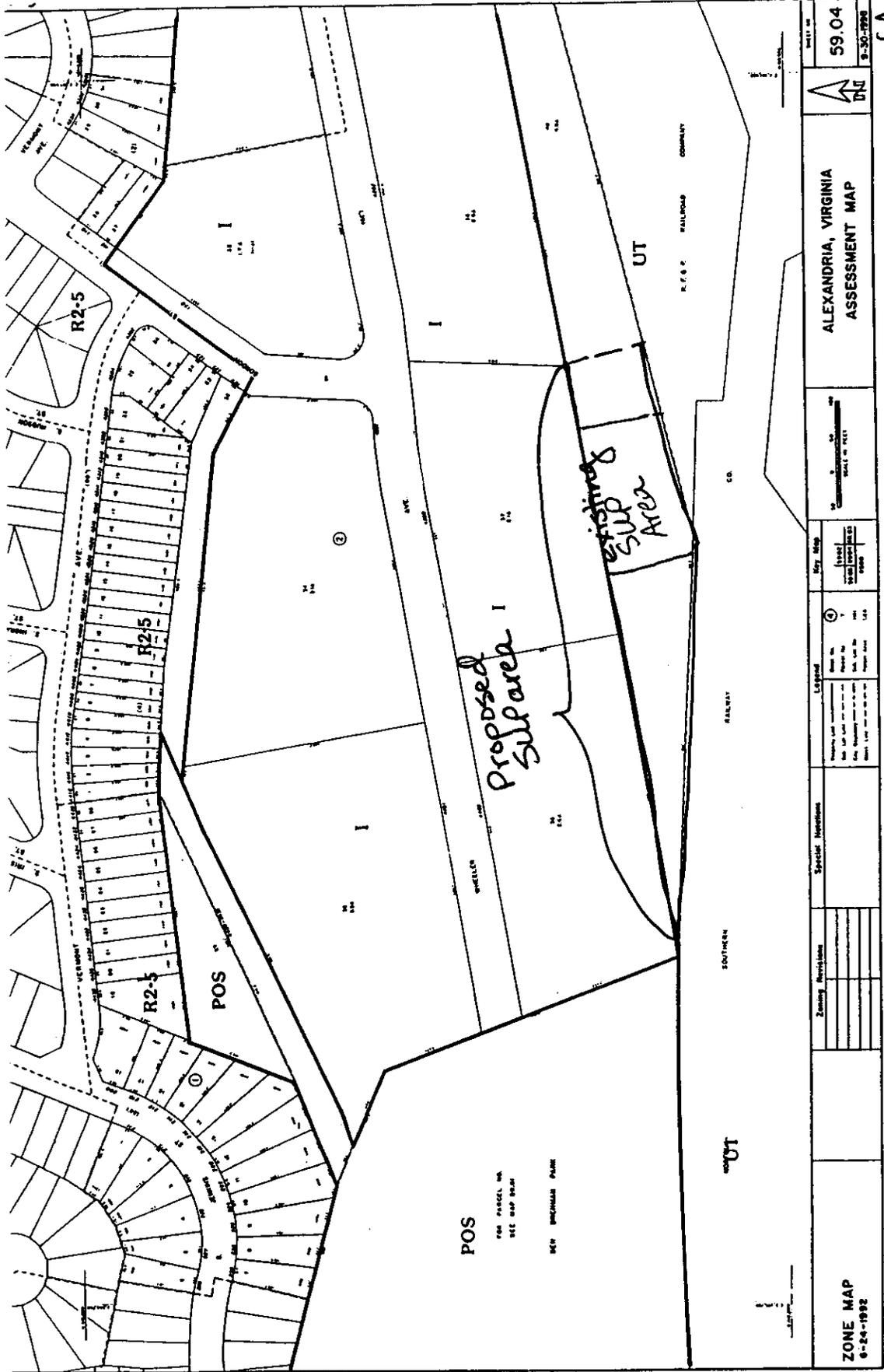
a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

other, please describe: Industrial zoned land area including approximately
3,000 sq. ft. building

SUP 2000-0152



ZONE MAP
6-24-1992

ALEXANDRIA, VIRGINIA
ASSESSMENT MAP

59.04
9-30-1998

Scale: 1" = 200'

Legend:

Symbol	Description
(Symbol)	Proposed Subarea
(Symbol)	Existing Sub Area

City Map: 1" = 1000'

Legend:

Symbol	Description
(Symbol)	Proposed Subarea
(Symbol)	Existing Sub Area

Special Restrictions:

Zone	Special Restrictions
R2-5	
POS	
I	
UT	

SUP 2000-0152

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA, THIRTEENTH FLOOR
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 FACSIMILE (703) 525-3197
 WEBSITE <http://www.wcsl.com>

M. Catharine Puskar
 (703) 528-4700 x13
 mcpus@wcsl.com

PRINCE WILLIAM OFFICE

VILLAGE SQUARE
 13683 OFFICE PLAZA, SUITE 201
 WOODBRIDGE, VIRGINIA 22192-4216
 (703) 690-4884
 METRO (703) 680-4647
 FACSIMILE (703) 690-2412

MANASSAS OFFICE

8324 WEST STREET, SUITE 800
 MANASSAS, VIRGINIA 20110-5198
 (703) 330-7400
 METRO (703) 809-7474
 FACSIMILE (703) 330-7430

LOUDOUN OFFICE

1 E. MARKET STREET, THIRD FLOOR
 LEESBURG, VIRGINIA 20176-3014
 (703) 737-3633
 FACSIMILE (703) 737-3632

January 18, 2001

via facsimile and U.S. Mail

Elizabeth Wright, President
 Wakefield Tarleton Civic Association
 113 South Ingram Street
 Alexandria, VA 22304

Re: Special Use Permit Amendment Application for an Umbrella Special Use Permit
 Premises: 4500 Wheeler Avenue
 Applicant: AMT, L.L.C.

Dear Ms. Wright:

Thank you for the opportunity to meet with the Wakefield Tarleton Civic Association last night. As promised, I wanted to provide you with the following information requested at the meeting.

- I have confirmed with my client that Kathmar is a paving contractor that does a majority of its work in the City of Alexandria. They have occupied the premises for over two years.
- As stated last night, my client is prepared to agree to a condition that requires all commercial trucks and equipment to utilize Wheeler Avenue for access to the site. This limitation will not apply to passenger vehicles.
- As stated last night, the request for a contractor's storage yard includes the right to conduct light automobile repair on company vehicles. The definition of light automobile repair, as set out in Section 2-116 of the Zoning Ordinance, is "minor service work to automobiles or light trucks including tune-up, lubrication, alignment, fuel system, brakes, mufflers, and replacement of small items but not to include general auto repair services." The definition of general automobile repair, as set out in Section 2-115 of the Zoning Ordinance, is "service and repair of motor vehicles including painting, upholstering, rebuilding, reconditioning, body and fender work, frame straightening, undercoating, engine or transmission rebuilding or replacement, tire retreading or recapping, and the like."

January 18, 2001

Page 2

If I can provide you with any further information, please do not hesitate to call.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.

M Catharine Puskar
M. Catharine Puskar

MCP:jms

cc: Kathy Hinken
Barbara Ross
Martin D. Walsh
Nan E. Terpak

J:\KATHMAR\8335\wright letter 1.18.01.doc



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

TICKET NO. 1544

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE ALEXANDRIA,
VIRGINIA ZONING ORDINANCE

12/8/00 Friday 11:30
Date ticket served Day of Week Time AM/PM

Location of Violation: 4500 Wheeler
Avenue

Ord. Section: 11-505

Description of Violation: violation of
SUP # 98-0176 conditions #

2, 4, 6, 13 related to
the office trailer, material

Penalty \$: 50.00 accumulated
outside of dumpster
at Robinson's site, and lighting of parking lot

WARNING 1st 2nd 3rd/MORE

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

Kathleen A. Beeton
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:

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 _____

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.

2/8/01 Signature Kathleen Beeton
Print Name Kathleen Beeton
Date Phone # 703-838-3866, x333

11/11 CERTIFIED MAIL

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 2000-0152



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

07/06/2000 THURSDAY
Date ticket served Day of Week Time AM/PM

Location of Violation: 4500 WHEELER AVENUE

Ord. Section: 11-505

Description of Violation: VIOLATION OF
CONDITION #4: 9 CAR AS TRUCK TIRES
LARGE TRUCK ENGINE, WOOD DEBRIS,
4 BATTERIES, 1 REAR AXLE WITH WHEELS

CONDITION #13 LOT LIGHTING NOT IN PLACE.
Penalty \$: 50

WARNING 1st 2nd 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY 07/16/2000 AN ADDITIONAL MONETARY PENALTY WILL BE ASSESSED.

Signature: [Signature] ID Number: 103

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

You have the right to appeal this notice of a zoning violation within thirty days in accordance with 15.1-456.1 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 98-0176

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

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

AMT LLC / KATHMAR CONSTRUCTION INC
Name of Person or Business Served

4500 WHEELER AVE
Address of Service

ALEXANDRIA, VA
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.

7/6/00 Signature: [Signature]
Print Name: STEPHEN A. MURPHY
Date: Phone #: (703) 438-4666

TICKET NO. 1928
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 for 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 703-838-4689

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 _____

7510-0007-1MC SUP 2000-0152

City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 5, 2001

TO: CHAIRMEN AND MEMBERS OF THE PLANNING COMMISSION

FROM: WILLIAM J. SKRABAK, CHIEF, DIVISION OF ENVIRONMENTAL QUALITY, T& ES DEPARTMENT *WJS*

SUBJECT: SUP #2000-0152 - AMT, LLC, BY M. CATHERINE PUSKAR, ATTORNEY, 4500 WHEELER AVENUE
ADDITIONAL CONDITIONS

This Special Use Permit (SUP) application is to amend an existing SUP to allow the following uses: contractor's storage yard, motor vehicle parking for more than 20 vehicles, and/or motor vehicle storage yard. Use as contractor's storage yard also permits light automobile repairs on company vehicles. In response to environmental concerns from neighbors and further evaluation from the Division of Environmental Quality, staff recommends adding conditions #21 and #22 provided below, which are the standard conditions for SUPs where automobile repairs will occur. The applicant was notified of the proposed additional conditions.

21. That all waste products including but not limited to organic compounds (solvents), motor oil, and antifreeze be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers.
22. The applicant shall comply with those provisions of the City of Alexandria Best Management Practices Manual for Automotive Related Industries which are applicable to use of the property to the satisfaction of the Director of T&ES. A copy can be obtained by contacting the Division of Environmental Quality at 703-838-4334.

#7 SUP 2000-0152

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

COURTHOUSE PLAZA, THIRTEENTH FLOOR
2200 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201-3359
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FACSIMILE (703) 825-3197
WEBSITE <http://www.wcsl.com>

M. Catharine Puskar
(703) 528-4700 x13
mcpus@wcsl.com

PRINCE WILLIAM OFFICE

VILLAGE SQUARE
13663 OFFICE PLACE, SUITE 201
WOODBRIDGE, VIRGINIA 22184-4816
(703) 680-4664
METRO (703) 680-4847
FACSIMILE (703) 680-2412

MANASSAS OFFICE

8224 WEST STREET, SUITE 300
MANASSAS, VIRGINIA 20110-5198
(703) 280-7400
METRO (703) 805-7474
FACSIMILE (703) 800-7430

LOUDOUN OFFICE

1 E. MARKET STREET, THIRD FLOOR
LEESBURG, VIRGINIA 20178-3014
(703) 737-3633
FACSIMILE (703) 737-3632

February 5, 2001

via facsimile

Barbara Ross
Deputy Director
Department of Planning & Zoning
City of Alexandria
301 King Street
City Hall, Room 2100
Alexandria, VA 22314

Re: Docket Item Number 7, Special Use Permit # 2000-0152

Dear Barbara:

As we discussed, enclosed please find a list of proposed revisions to the conditions for SUP #2000-0152. If you have any questions, please let me know.

Thank you for your attention to this matter.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.

M Catharine Puskar
M. Catharine Puskar

MCP:jms

- cc: Eileen Fogarty
- Kathleen Beeton
- Elizabeth Wright
- Kathy Hinken
- Nan E. Terpak
- Martin D. Walsh

J:\KATHMAR\8335\Rom B. 1r2.doc

SUP #2000-0152

REVISED CONDITIONS

1. The special use permit shall be granted to the applicant and Kathmar Construction, Inc. only or to any business or entity in which the applicant or Kathmar Construction, Inc. has a controlling interest, but does not preclude leasing of the Property consistent with this application, of which one tenant shall be Kathmar Construction, Inc. (P&Z) (SUP #98-0176)

2. The proposed trailer for office use shall be removed not later than 120 days from the date of Council approval. The trailer shall be removed within 60 days of the issuance of a building permit for the proposed building, subject to the following conditions: (a) the applicant submits a plot plan for the building to the City within 60 days of this approval and (b) the applicant diligently pursues building permits for the building. In no event shall the trailer remain on the Property for more than 1 year from the date of City Council approval. (P&Z)

15. For any expansion of the existing use, for any improvements to the site including the erection of a building, or for the creation of a parking area, the existing gravel access road shall be paved with asphalt and all work and parking areas shall be covered with a four inch gravel base to the satisfaction of the Director of Transportation and Environmental Services. The four inch gravel base shall be installed within 6 months of City Council approval. The existing gravel access road shall be paved within 1 year of City Council approval. (T&ES)

17. The applicant shall contribute \$1,125-\$750 to the City for the installation of five-5 trees in the Holmes Run-Tarleton Park in lieu of a crown coverage requirement for the site, which shall not be applied as part of any City plan approval. (P&Z)

18. As part of the plot/site plan review for the office building, the applicant shall submit a plan to the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning depicting the trees and vegetation to be removed by the applicant. The applicant shall provide additional landscaping on the site in order to shall ensure that an adequate buffer is provided retained between the applicant's property-Property and the Holmes Run-Tarleton Park to the satisfaction of the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning. (P&Z)

19. The applicant shall prohibit any commercial trucks and vans-construction vehicles associated with the use of the Property business on the land covered by the permit from utilizing South Gordon, Floyd and Early Streets to access the site and shall direct drivers to utilize only Wheeler Avenue. (P&Z)

20. The Director of Planning and Zoning shall review the special use permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the Director received a request from any person to docket the permit for review-complaint from any person which does not rise to the level of a violation and the applicant has not adequately responded to the satisfaction of the Director, 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)

#8 SUP 2000-0152

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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 13663 OFFICE PLACE, SUITE 201
 WOODBRIDGE, VIRGINIA 22188-4218
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 METRO (703) 690-4647
 FACSIMILE (703) 690-2412

MANASSAS OFFICE
 6324 WEST STREET, SUITE 300
 MANASSAS, VIRGINIA 20110-6188
 (703) 330-7400
 METRO (703) 306-7474
 FACSIMILE (703) 330-7430

LOUDOUN OFFICE
 1 E. MARKET STREET, THIRD FLOOR
 LEEBURG, VIRGINIA 20176-3014
 (703) 737-3883
 FACSIMILE (703) 737-3832

March 2, 2001

Via Facsimile

Members of the Planning Commission
 City of Alexandria
 301 King Street, Room 2100
 Alexandria, VA 22314

Re: **Application: SUP #2000-0152**
Applicant: AMT L.L.C. and Kathmar Construction, Inc.
Premises: 4500 Wheeler Avenue

Members of the Planning Commission:

At the February 6, 2001 Planning Commission hearing, on behalf of my client, I presented a list of revisions to the conditions proposed in the Staff Report relative to the above-referenced Application. As a follow-up to the Planning Commission's deferral of this matter, the Applicant is hereby modifying the revised conditions to identify which conditions are and are not supported by Staff. Since that hearing, we have taken the opportunity to meet on-site with Staff to further discuss issues related to the Application. As a result of that meeting and other discussions, Staff has indicated that the following revised conditions are acceptable:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest, but does not preclude leasing of the Property consistent with this application, one tenant of which shall be Kathmar Construction, Inc. (P&Z) (SUP #98-0176)
15. The existing gravel access road shall be paved with asphalt and all work and parking areas shall be covered with a four inch gravel base to the satisfaction of the Director of Transportation and Environmental Services. The four-inch gravel base shall be installed within six (6) months of City Council approval. The existing gravel access road shall be paved within eight (8) months of City Council approval. (T&ES)
18. As part of the plot/site plan review for the office building, the applicant shall submit a plan to the Directors of Parks, Recreation and Cultural Affairs and

March 2, 2001

Page 2

Planning and Zoning depicting the trees and vegetation to be removed by the applicant. The applicant shall ensure that an adequate buffer is retained between the Property and the Holmes Run-Tarleton Park to the satisfaction of the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning. (P&Z)

20. The Director of Planning and Zoning shall review the special use permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the Director received a complaint from any person which does not rise to the level of a violation and the applicant has not adequately responded to the satisfaction of the Director, 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)

The Applicant would respectfully request that the Planning Commission further consider the following minor modifications to Condition Nos. 2 and 19, with which Staff is not in concurrence. With regard to Condition #2, the Applicant would request that the Commission adopt revised the language to require that the trailer be removed within 1 year rather than within 120 days, as proposed by Staff. In this regard, the Applicant is proposing language that requires the Applicant to diligently pursue building permits for the proposed building. The Applicant's only concern with Staff's 120-day requirement is that it could potentially take longer than 120 days to receive approval from the city for building permits for the proposed building, which in turn, would result in the trailer having to be removed in the absence of the construction of the new building.

With regard to Condition #19, the Applicant would propose that there be a prohibition on commercial trucks and construction vehicles from utilizing certain public streets to access the site. The Applicant does not believe that this limitation should be placed on passenger vehicles, such as vans, as proposed by Staff. This revision is consistent with the position presented to the Wakefield-Tarleton Civic Association.

With these considerations and justifications, we would respectfully request the Commission to adopt the aforementioned revised conditions which are acceptable to Staff, as well as the following two modified conditions:

2. The proposed trailer for office use shall be removed not later than ~~120 days~~ 1 year from the date of Council approval. The trailer shall be removed within 60 days of the issuance of a building permit for the proposed building, subject to the following conditions: (a) the applicant submits a plot/site plan for the building to the City within 60 days of this approval and (b) the applicant diligently pursues building permits for the building.

March 2, 2001

Page 3

19. The applicant shall prohibit any commercial trucks and ~~vans-construction vehicles~~ associated with ~~the use of the Property business on the land covered by the permit~~ from utilizing South Gordon, Floyd and Early Streets to access the site and shall direct drivers to utilize only Wheeler Avenue. (P&Z)

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call.

Very truly yours,

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.

M Catharine Puskar

M. Catharine Puskar

MCP:jms

cc: Barbara Ross
Eileen Fogarty
Kathleen Beeton
Kathy Hinken
Nan E. Terpak
Martin D. Walsh

J:\KATHMAR\8335\ross ltr 4.doc

March 2, 2001

**KATHMAR CONSTRUCTION
PROPOSED CONDITIONS**

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest, but does not preclude leasing of the Property consistent with this application, one tenant of which shall be Kathmar Construction, Inc. (P&Z) (SUP #98-0176)
2. The proposed trailer for office use shall be removed not later than 120 days one year from the date of Council approval. The trailer shall be removed within 60 days of the issuance of a building permit for the proposed building, subject to the following conditions: (a) the applicant submits a plot/site plan for the building to the City within 60 days of this approval and (b) the applicant diligently pursues building permits for the building.
15. For any expansion of the existing use, for any improvements to the site including the erection of a building, or for the creation of a parking area, the existing gravel access road shall be paved with asphalt and all work and parking areas shall be covered with a four inch gravel base to the satisfaction of the Director of Transportation and Environmental Services. The four inch gravel base shall be installed within six (6) months of City Council approval. The existing gravel access road shall be paved within eight (8) months of City Council approval. (T&ES)
18. As part of the plot/site plan review for the office building, the applicant shall submit plan to the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning depicting the trees and vegetation to be removed by the applicant. The applicant shall provide additional landscaping on the site in order to shall ensure that an adequate buffer is provided-retained between the applicant's property-Property and the Holmes Run-Tarleton Park to the satisfaction of the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning. (P&Z)
19. The applicant shall prohibit any commercial trucks and vans-construction vehicles associated with the use of the Property business-on the land covered by the permit from utilizing South Gordon, Floyd and Early Streets to access the site and shall direct drivers to utilize only Wheeler Avenue. (P&Z)
20. The Director of Planning and Zoning shall review the special use permit one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the Director received a request from any person to docket the permit for review-complaint from any person which does not rise to the level of a violation and the applicant has not adequately responded to the satisfaction of the Director, 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)

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 6, 2001
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: EILEEN FOGARTY, DIRECTOR, PLANNING AND ZONING *E Fogarty / BK*
SUBJECT: SUP #2001-0152 - A.M.T., L., L. C. and KATHMAR CONSTRUCTION
4500 WHEELER AVENUE

Staff would like to add a standard condition applied to service stations, automobile repair and sales facilities that would prohibit the applicant from using the site as a junkyard for storing unsightly, cannibalized vehicles:

21. **CONDITION ADDED BY STAFF: No junked, abandoned or stripped vehicles shall be displayed, parked or stored outside.**

10
4-21-01

SUP #2000-0152
4500 Wheeler Av



APPLICATION for SPECIAL USE PERMIT # 2000-0152

[must use black ink or type]

PROPERTY LOCATION: 4500 Wheeler Avenue

TAX MAP REFERENCE: 59.04-02-40 ZONE: I/Industrial

APPLICANT Name: AMT, L.L.C. and KATHMAR CONSTRUCTION INC.

Address: 14305 Old Columbia Pike, Burtonsville, MD 20866

PROPERTY OWNER Name: AMT, L.L.C.

Address: 14305 Old Columbia Pike, Burtonsville, MD 20866

PROPOSED USE: SUP Amendment for Umbrella Special Use Permit to permit
enumerated uses in the I/Industrial Zoning District

(4500 Wheeler Ave - 0113)
(4500 Wheeler Ave - 0176)

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

Print Name of Applicant or Agent
Walsh, Colucci, Stackhouse, Emrich
& Lubeley, 2200 Clarendon Blvd.
Mailing/Street Address

Arlington, VA 22201
City and State zip Code

M Catharine Puskar

Signature

(703) 528-4700 (703) 525-3197
Telephone # Fax #

October 24, 2000
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: 02/06/01 DEFERRED 7-0
4/3/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 4/21/01PH -- See attached.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. DEVELOPMENT SPECIAL USE PERMIT #2000-0051
124 S WEST ST

Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an office building, with waiver of zone transition setback requirement, increase in permitted floor area ratio and modification to crown coverage requirements; zoned CD/Commercial Downtown. Applicant: Riverport Land Company, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Denial 3-3-1

City Council deferred this item to the May 12, 2001 Public Hearing Meeting.

Council Action: _____

10. SPECIAL USE PERMIT #2000-0152
4500 WHEELER AV

Public Hearing and Consideration of a request for a special use permit expansion to allow the following uses: contractor's storage yard, motor vehicle parking for more than 20 vehicles and/or motor vehicle storage yard; zoned I/Industrial. Applicant: AMT, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

City Council directed questions to and participated in an extended discussion with staff on environmental issues related to this request and on the umbrella SUP aspect which allows the applicant to sublease the property.

Councilman Euille and Councilwoman Pepper each addressed the need for City staff to move forward to closely monitor the environmental issues raised today.

City Council approved the action of the Planning Commission to grant this special use permit, with the proposed amendments as suggested by the applicant and their attorney, accepting the change to the Planning Commission's condition nos. 2, 3, 14 and 16; and amended condition no. 4 to now read: **"4. Any vehicle parts, tires, or other materials that are not contained in a dumpster or other suitable trash receptacle or enclosure shall be removed weekly, or as soon as weather conditions permit, but never later than biweekly";** and amended condition no. 21 to now read: **"21. Once the required building is on site, no junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside."**

Council Action: _____

11. SPECIAL USE PERMIT #2000-0159
3014 JEFFERSON DAVIS HY

Public Hearing and Consideration of a request for a special use permit for expansion of a noncomplying automobile repair facility to include automobile sales; zoned CSL/Commercial Service Low. Applicant: Ajmal Ghani, by William C. Thomas, Jr., attorney.

COMMISSION ACTION: Recommend Denial 7-0

City Council noted the withdrawal of this item.

Council Action: _____

10
4-21-01

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

COURTHOUSE PLAZA, THIRTEENTH FLOOR
2200 CLARENDON BOULEVARD
ARLINGTON, VIRGINIA 22201-3359
(703) 528-4700
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MANASSAS OFFICE
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(703) 330-7400
METRO (703) 803-7474
FACSIMILE (703) 330-7430

LOUDOUN OFFICE
1 E. MARKET STREET, THIRD FLOOR
LEESBURG, VIRGINIA 20176-3014
(703) 737-3833
FACSIMILE (703) 737-3832

April 20, 2001

Via Facsimile

Mayor Kerry J. Donley
Members of the City Council
City of Alexandria
301 King Street, Room 2300
Alexandria, VA 22314

Re: **Application: SUP #2000-0152**
Applicant: AMT L.L.C. and Kathmar Construction, Inc.
Premises: 4500 Wheeler Avenue

Dear Mayor Donley & Members of the City Council:

On behalf of the Applicant, I hereby request your consideration of the following revisions to the special use permit conditions contained in the Staff Report as amended by the Planning Commission on April 3, 2001 for the above-referenced Application:

- **Condition #2:** The proposed trailer for office use shall be removed not later than ~~120~~ one (1) year from the date of Council approval. The trailer shall be removed within 60 days of the issuance of a building permit for the proposed building, subject to the following conditions: (a) the applicant submits a plot/site plan for the building to the City within 60 days of this approval, and (b) the applicant diligently pursues building permits for the building.
- **Condition #3:** Any ~~major~~ repair work done on the premises shall be restricted to inside a building or on a concrete/asphalt pad with a berm.
- **Condition #14:** If required under the Zoning Ordinance, the applicant shall apply for and obtain site plan approval prior to the use of any of the site for motor vehicle parking or storage and motor vehicle storage yard uses.

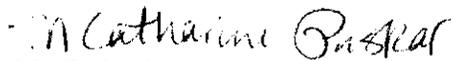
April 20, 2001

Page 2

- **Condition #16:** The following special ~~uses only~~ shall be permitted: contractors' storage yard consistent with this permit.
- **Condition #21.** – ~~No junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside.~~

Thank you for your attention to this matter.

WALSH, COLUCCI, STACKHOUSE, EMRICH & LUBELEY, P.C.


M. Catharine Puskar

MCP:mcm

cc: Barbara Ross
Kathleen Beeton
Mark & Kathy Hinken
Martin D. Walsh, Esq.

J:\KATHMAR\8335\donley-ltr.doc

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: Cathy Puskar

2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl. VA 22201

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____

AMT LLC / Kathmar Construction

4. WHAT IS YOUR POSITION ON THE ITEM?

FOR: X 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 X 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.