

EXHIBIT NO. 1

16
5-12-01

Docket Item #16
SPECIAL USE PERMIT #2001-0017

Planning Commission Meeting
May 1, 2001

ISSUE: Consideration of a request to change the ownership of a nonconforming restaurant use.

APPLICANT: Robin Gamzeh and Romas Inc., trading as Ruffino's

LOCATION: 1225 Powhatan Street
Ruffino's Restaurant
(Dixie Pig Restaurant site)

ZONE: RB/Townhouse

PLANNING COMMISSION ACTION, MAY 1, 2001: On a motion by Ms. Fossum, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 5 to 1 to 1. Mr. Gaines recused himself and Mr. Leibach voted against the motion.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Mariella Posey, North East Citizens' Association, expressed concern about the applicant's proposed delivery and catering service. She also expressed concern about parking problems that may be created if the restaurant is successful and that in order for the restaurant to be successful, it will have to attract patrons from other neighborhoods in the City.

Poul Hertel, North East Citizens' Association, stated that the Association's land use committee opposes the applicant's request because the neighborhood wants a restaurant that is neighborhood serving and it believes that the proposed restaurant is not. He stated that the restaurant has the potential to become a destination restaurant and expressed concern about the impacts associated with that kind of restaurant on the neighborhood.

Sylvia Sibrover, North East Citizens' Association, stated that the applicant has advised them that many of his patrons who live in the City have told him that they would like him to operate a restaurant closer to them and that the location of his existing restaurant in Arlington is in a commercial area, not a residential neighborhood. She requested that the applicant's request be denied.

Tom Waters, 1220 Portner Road, stated that he lives next door to the restaurant and has concerns about patron and employee parking and that on-street parking in the neighborhood can be tight at night. He expressed concern about the operation of the restaurant and the past problems of the previous operator. He requested that if the permit is approved that it be subject to a six month review rather than a one year review.

Tom McCoy stated that he lives adjacent to the restaurant and that the restaurant has not been a good neighbor in the past and requested a six month review if the restaurant is approved.

Murray Kivitz, attorney representing the applicant, stated that the applicant does not seek permission to operate a destination restaurant but rather a family style restaurant. He stated that the applicant will maintain a senior citizen discount and the existing Dixie Pig roof sign in good condition, and agrees to the removal of the curb cut on Bashford Lane as part of the T&ES plan. He stated that the applicant will explore opportunities for off-site parking and that the applicant understands he is taking a risk by purchasing the property and operating the restaurant.



SUP #2001-0017

05/01/01



STAFF RECOMMENDATION:

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

1. The restaurant shall contain a maximum of 53 seats. (PC) (SUP #97-0126)
2. The hours of operation shall be limited to 7:00 A.M. to 9:00 P.M., Monday through Thursday, and 7:00 A.M. to 10:00 P.M. Friday through Sunday. (PC) (SUP #97-0126)
3. At least one trash container shall be located in the parking area for use of patrons. The container shall not be permitted to overflow, and the area around it must be kept clean. (P&Z) (SUP #2413)
4. Condition deleted. (SUP #99-0139)
5. Litter on the site and on the public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day, or more often if necessary, to prevent an unsightly and unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2413)
6. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2413)
7. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP #96-0122)
8. The nonconforming use shall be extended until either City Council takes further action or five years from October 2001, whichever occurs first. (CC) (SUP #2000-0083)

9. **CONDITION AMENDED BY STAFF:** The special use permit shall be granted to the applicant only, namely, ~~Top Flight Services, Inc.~~ Robin Gamzeh and Roma's Inc., and only as long as the corporation is owned and controlled by ~~Catherine B. Kane~~ Robin Gamzeh and Hossein Rad. (P&Z) (SUP #97-0126) (P&Z)
10. **CONDITION AMENDED BY STAFF:** Kitchen equipment or other types of equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or storm sewers. (T&ES) (SUP #2413-C) (T&ES)
11. No music or amplified sound shall be audible at the property line. (P&Z) (SUP #2413-C)
12. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2413-C)
13. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2413-C)
14. An amendment to the special use permit will be required if there is any change either to the ownership or to the lessee. (CC) (SUP #2413-C)
15. **CONDITION AMENDED BY STAFF:** The new applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey for the business and a robbery awareness program for all employees. (Police) (SUP #96-0122) (P&Z)
16. Applicant will work with the civic association and obtain staff approval regarding any sign replacement. (CC) (SUP #96-0122)
17. **CONDITION AMENDED BY STAFF:** 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~~ T&ES Division of Environmental Quality. (Health) (SUP #97-0126) (T&ES)
18. Condition deleted. (SUP #99-0139)

19. ~~**CONDITION DELETED BY STAFF:** Delivery or catering service incidental in volume to the restaurant business is permitted. (CC) (SUP #97-0126) (PC)~~
20. The Director of Planning and Zoning shall annually review this particular application and docket it for consideration by the Planning Commission and City Council. (CC) (SUP #2000-0083)
21. ~~**CONDITION DELETED BY STAFF:** Any alcohol sales made for off-premise consumption shall be limited to delivery sales to General Aviation customers at National Airport. (PC) (SUP #97-0126) (P&Z)~~
22. The applicant shall not permit parking on its property in front of its building and shall also post signs saying "Parking Not Permitted in front of the building." (P&Z) (SUP #99-0139)
23. Condition deleted. (SUP 2000-0083)
24. **CONDITION ADDED BY STAFF:** The applicant shall have its trash removed only between the hours of 9:00 a.m. and 11:00 a.m. daily. (P&Z)
25. **CONDITION ADDED BY STAFF:** The applicant shall replace the dead plantings in the landscaping bed located on Portner Road pursuant to a plan approved by the Director of Planning and Zoning. Plants shall be installed during the next planting season. Thereafter the landscaping shall be maintained in good condition. (P&Z)
26. **CONDITION ADDED BY STAFF:** The applicant shall repair the dumpster screening and shall maintain the screening in good condition to the satisfaction of the Director of Planning and Zoning. (P&Z)
27. **CONDITION ADDED BY STAFF:** The parking lot shall be restriped and a minimum of nine parking spaces shall be provided. (P&Z)
28. **CONDITION ADDED BY STAFF:** The applicant shall provide a public sidewalk easement on the Bashford Lane side of the property to allow the construction of a five foot wide walkway adjacent to the curb. (T&ES)

29. **CONDITION ADDED BY STAFF:** The applicant shall grant a temporary construction easement on the Powhatan Street frontage to enable the City to install improvements to the right-of-way to enhance pedestrian and vehicular circulation pursuant to a plan prepared by the Department of Transportation and Environmental Services and attached to this report. The City reserves the right to make minor adjustments to the plan to accommodate drainage and utilities. (T&ES)
30. **CONDITION ADDED BY STAFF:** The applicant shall allow the City to remove the existing driveway entrance on Bashford Lane adjacent to the front entrance to the restaurant. (T&ES)
31. **CONDITION ADDED BY STAFF:** Loudspeaker(s) shall not be installed on the exterior of the building.
32. **CONDITION ADDED BY STAFF:** No parking shall be permitted in front of the restaurant building. (P&Z)
33. **CONDITION ADDED BY STAFF:** The existing rooftop sign shall be maintained in its existing design and in good condition. (P&Z)

Staff Note: Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour.

DISCUSSION:

1. The applicant, Robin Gamzeh and Roma's Inc., by Murray Kivitz, attorney, requests special use permit approval to change the ownership of a nonconforming restaurant located at 1225 Powhatan Street and known as the Dixie Pig restaurant.
2. The subject property consists of one lot of record and an outlot. The two lots have a combined area of approximately 7,473 square feet, 50 feet of frontage on Powhatan Street, 163 feet of frontage on Bashford Lane, and 48 feet of frontage on Portner Road. There are nine parking spaces on the lot; no parking is permitted in front of the building. The restaurant is located in a residential area.
3. The Dixie Pig Restaurant is a legal nonconforming use. The most recent special use permit was granted by City Council on September 16, 2000, allowing Top Flight Services Inc. by Cathy Kane, to continue to operate the restaurant and extended the nonconforming use until either City Council took action again or five years from October 2001, whichever occurred first (SUP #2000-0083).
4. The restaurant closed recently and the new applicant, who is also the contract purchaser of the property, has filed this special use permit request to change the ownership of the restaurant.
5. The applicant proposes to operate an Italian restaurant known as "Ruffino's," and currently operates a similar restaurant in Arlington, Virginia. The applicant proposes to offer breakfast, lunch, and dinner between the hours of 7:00 a.m. and 9:00 p.m. daily.
6. The applicant expects to employ six full-time employees to operate the restaurant per shift, with two shifts per day.
7. The applicant expects an average of 150 patrons per day, with 50 patrons each at breakfast and at lunch and 75 patrons at dinner.
8. Alcoholic beverages will be offered for on-premise consumption; no off-premise alcohol sales are proposed.
9. Carry out service will be offered. Delivery service provided via a "take-out taxi" service may be provided in the future. No live entertainment is proposed.
10. The applicant also seeks permission to provide a catering service for off-site customer requests. The applicant expects that not more than 10 percent of its anticipated business will consist of this type of catering.

11. According to the application materials, the applicant will maintain a senior citizens discount program for patrons.
12. Paper goods and food containers will constitute the majority of trash to be generated by the restaurant. The applicant estimates that two bags of trash will be generated daily and that trash will be collected from the restaurant three times a week between the hours of 9:00 a.m. and 11:00 a.m.
13. The applicant expects a maximum of two deliveries of supplies to occur Monday through Friday between Noon and 4:00 p.m. Deliveries will be received on the Bashford Street frontage of the property.
14. Staff has recently inspected the vacant property and determined that the planting bed on Portner Road, which had previously been maintained, now contains several dead plants.
15. Zoning: The subject property is located in the RB/Townhouse zone. A restaurant is not a permitted use in the RB zone. Section 12-210 of the zoning ordinance allows the continuation of nonconforming uses beyond December 28, 1991 only with a special use permit.
16. Master Plan: The proposed use is inconsistent with the Northeast small area plan chapter of the Master Plan which designates the property for residential use.

STAFF ANALYSIS:

Staff has no objection to the applicant's request to change the ownership of the restaurant located at 1225 Powhatan Street. Although the restaurant is a nonconforming use and the former restaurant operator had difficulty complying with the conditions of the special use permit, staff believes a small, well-run restaurant could be an amenity for area residents and businesses and supports the applicant's request.

A restaurant use at this location is allowed to continue as a nonconforming commercial use in a residential zone only if the City finds that it serves, enhances and is compatible with the nearby neighborhood. Section 12-210(B)(3). The NorthEast Citizens' Association has supplied a letter outlining the reasons it does not believe the restaurant will serve the neighborhood, including a lack of parking, the addition of delivery and catering activities, and potential future expansion. It is difficult to know ahead of time how well a restaurant will do at a given location and whether it will end up serving the surrounding residential neighborhood, or becoming a successful citywide or regional market attraction. On the other hand, the restaurant building and limited number of seats

will restrict the ultimate size of the restaurant service. Any expansion, if it were even possible, would be subject to special use permit approval. In addition, no changes are proposed regarding the hours of operation or services that will be offered by the applicant, so this application outlines an operation similar to the prior Cathy Kane/Dixie Pig restaurant. The hours, number of seats and parking are the same. Staff therefore recommends approval of this request, relying on the special use permit approval and review process to ensure that the restaurant remains a neighborhood serving enterprise.

For example, Staff has included a condition prohibiting, at least at this point, delivery services or catering because both can add significantly to the amount of vehicle activity at the site. Staff also has recommended several new conditions designed to improve its appearance, including restriping the parking lot, repair and maintenance of the dumpster screening, and the replanting of dead landscaping on Portner Road. Staff has also included the T&ES recommendations which relate to the proposed reconfiguration of Powhatan Street as depicted on the attached plan prepared by T&ES. Consistent with that plan, staff has prohibited any parking in front of the restaurant; the applicant indicates this prohibition is acceptable (see attached letter). The rooftop sign on the building has historic and architectural merit and has been a concern of the neighborhood; staff has added a condition requiring that the new operator keep and maintain that sign.

Finally, Condition #20 requires an annual review of the restaurant by the Planning Commission and City Council. Staff has retained the condition and recommends that the special use permit be reviewed by both bodies in one year. 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:

- F-1 The Department of Transportation & Environmental Services (T&ES) has produced a preliminary plan for street improvements to the Powhatan Street/Bashford Lane intersection. The plan shows modifications to the northbound travel lane, service road, sidewalks and pedestrian crossings. T&ES believes the improvements will substantially improve pedestrian and vehicular circulation in front of the Dixie Pig Restaurant and enhance the streetscape design.
- R-1 Applicant shall provide a public sidewalk easement on Bashford Lane side of the property sufficient to allow construction of a 5 foot wide walkway adjacent to the curb.
- R-2 Applicant shall grant a temporary construction easement on Powhatan Street frontage to enable City to install improvements to the right-of-way to enhance pedestrian and vehicular circulation per a plan produced by T&ES and attached to this report. The City reserves the right to make minor adjustments to this plan to accommodate drainage and utilities.
- R-3 The applicant shall allow the City to remove existing driveway entrance on Bashford Lane adjacent to the restaurant front entrance.
- R-4 The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by T&ES Division of Environmental Quality.
- R-5 Kitchen or other types of equipment shall not be cleaned outside, nor shall any cooking residue or other wastes be washed into the streets, alleys, sidewalks or sewers.
- R-6 Loudspeaker(s) shall not be installed on the exterior of the building.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Chapter 11, Section 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-3 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Four sets of plans, bearing the signature and the seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-4 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-5 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-6 A rodent control plan shall be submitted to this office for review and approval. This plan shall include the following components:
 - (a) Trash storage, control and removal measures.
 - (b) Foodstuff storage
 - (c) Rodent baiting
- C-7 The existing range hood and duct system shall be cleaned prior to occupancy and every six months thereafter.

Health Department:

- C-1 Ann Alexandria Health Department Permit is required for all regulated facilities. Permits are non-transferable.
- C-2 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 703-838-4400 Ext. 250 to arrange for an inspection of the current status of the site.
- C-3 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-4 Permits must be obtained prior to operation.
- C-5 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-6 Certified Food Managers must be on duty during all hours of operation.
- C-7 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 Security survey for the business.
- R-2 Robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Off" is approved we recommend the following conditions:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.
 - 2. That the SUP is reviewed after one year.

APPLICATION for SPECIAL USE PERMIT # 2001-0017

[must use black ink or type]

PROPERTY LOCATION: 1225 Powhatan Street (Dixie Pig Restaurant)

TAX MAP REFERENCE: 044 04 Block 07 Lot 01 ZONE: _____

APPLICANT Name: Robin Gamzeh as Contract Purchaser and Romas, Inc.

t/a Ruffino's as prospective tenant
Address: c/o Murray A. Kivitz, Esquire

PROPERTY OWNER Name: 5454 Wisconsin Avenue, #650, Chevy Chase, MD 20815
~~William Sousa and Kenneth Falke~~

Address: 8550 Arlington Blvd., Fairfax, VA 22031-4620

PROPOSED USE: 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.

Robin Gamzeh

Print Name of Applicant or Agent
Hossein B. Rad
~~4763 Lee Highway, Arlington, VA~~
Mailing/Street Address 2207

Robin Gamzeh
Signature
H. B. Rad
Signature
703 528 2242
Telephone # Fax #
202-483-1763 (H)

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: _____

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: Prospective Tenant 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.

The applicant, Robin Gamzeh, is a contract purchaser to purchase the premises. He will lease the property to Romas, Inc. t/a Ruffino's Restaurant, a corporation to be formed under the laws of Virginia, as tenant. This corporation will be owned 50/50

between Robin Gamzeh and Hussein B. Rad, both of whom will be active owner operators of the Italian foods restaurant.

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. Attorney Murray A. Kivitz, Esquire, 5454 Wisconsin Ave. #650, Chevy Chase, MD 20815. (301/951-3400) does not maintain offices in Virginia.

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)

SEE ATTACHED STATEMENT

NARRATIVE DESCRIPTION

This application is submitted in respect to the premises known as 1225 Powhatan Street, Alexandria, Virginia, for a special non-conforming use permit ("SUP") by Robin Gamzeh as Contract Purchaser and Romas, Inc., t/a Ruffino's Restaurant, II as prospective tenant ("Ruffino's").

The prospective tenant is a corporation to be formed under the laws of the Commonwealth of Virginia. This corporation is intended to be owned jointly by Robin Gamzeh and Hossien B. Rad 50/50 for the conduct of a family restaurant styled principally to provide Italian cuisine. It is the intent of the parties to be active on the scene as owner-operators, operating the facility as a first class family oriented restaurant.

The parties each have extensive restaurant business experience. At the present time they are operating Ruffino's Restaurant located at 4763 Lee Highway, Arlington, Virginia. This is a restaurant owned by Robin Gamzeh which he jointly manages with Mr. Rad.

Mr. Gamzeh prior to opening Ruffino's in Arlington, Virginia, in 1996 was employed for approximately twelve (12) years as manager of the Italian Garden Restaurant located at 17th and R Streets, N.W., Washington, D.C. Mr. Rad has been employed in the hospitality and restaurant business for more than thirty-five (35) years. He has been a joint manager of Ruffino's (Arlington) for about one and one-half (1 ½) years and prior thereto has been associated as manager of a Holiday Inn Hotel, Best Western Hotel, Annie's Steak House and Italian Kitchen Restaurants.

The applicants anticipate the business will be open seven days per week to provide breakfast, lunch and dinner during the hours of 7:00 A.M. to 9:00 P.M., Monday through Thursday and 7:00 A.M. to 10:00 P.M., Friday through Sunday.

The facility has fifty-three (53) seats. It is anticipated that initially approximately six (6) full-time employees will be hired to provide kitchen help, manager service, wait staff and bus service needs. Patrons are estimated to average one hundred seventy-five (175) persons per day based upon a projection of fifty (50) patrons at breakfast, fifty (50) at lunch and seventy-five (75) at dinner. The patron flow is expected to be staggered and as such the existing parking facilities at the site and in the area should be sufficient without creating traffic or parking problems.

The site plan attached hereto indicates the parking spaces to be available at the location.

The applicants do not intend to provide entertainment or amusement games or videos; and shall concentrate on the sale of food and beverages (an alcoholic beverage license for on-sale only consumption will be applied for). At the present time, no delivery services are contemplated except perhaps something similar to "take-out taxi" may be employed. Customers will be provided foods for on site consumption and customer pick up for personal take home use. Additionally, the applicants anticipate that they will provide a catering service for functions at customer homes and other commercial facilities. This is intended to be ancillary to the main objective of the operation of the restaurant and should not create any traffic problems with respect to the restaurant operations.

Additionally, it is not anticipated that there will be a noise factor. In the event that background tape is implemented, controls will be provided to assure that sounds do not emanate beyond the restaurant entrance.

Further, the applicants intend to maintain a senior citizens discount program for its patrons.

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: non conforming special use (Restaurant)

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).

53 seats, patrons throughout the work day estimated at 175.
breakfast - 50, lunch - 50, dinner 75

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

six persons one (1) manager. one (1) bus person (2) two
waiters, two (2) kitchen staff

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

Day:

Hours:

Monday-Thursday

7:00 am - 9:00 pm

Fri, Sat, Sunday

7:00 am - 10:00 pm

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

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

None. No entertainment or video equipment, perhaps only
soft background tape music..

B. How will the noise from patrons be controlled?

Staff will regulate volume control on tape player.

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

None. Normal kitchen operations with commercial
exhaust controls.

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?

Normal paper goods, food containers. At least one sealed
container will be in parking area for patrons' use.

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

ESTIMATED AT TWO TRASH BAGS PER DAY *lu*

C. How often will trash be collected?

Commercial refuse company, between hours of 9 AM - 11 am for
removal from dumpster estimated at 3 times per week *M*

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

Personnel will police exterior 2-3 times daily.

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

Yes. No.

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

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

Yes. No.

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

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

will comply with fire code and OSHA codes

ALCOHOL SALES

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.

Will secure license for an on premise sales only for beer

wine and mixed drinks. Anticipated food sales will be 85%

and beverage sales 15%.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

B. How many parking spaces of each type are provided for the proposed use:

 9 Standard spaces on lot

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other space in front of building on street.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? _____

B. How many loading spaces are available for the use? _____

C. Where are off-street loading facilities located? Boshford Lane Access

D. During what hours of the day do you expect loading/unloading operations to occur?
Daily Monday thru Friday between 12 and 4 PM loading

and unloading will be from Bashford Lane side of property
non in front of restaurant.

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

At most two (2) times daily

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?

NO

SITE CHARACTERISTICS

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

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

How large will the addition be? N/A square feet.

18. What will the total area occupied by the proposed use be? SEE BELOW -----
 sq. ft. (existing) + sq. ft. (addition if any) = sq. ft. (total)

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: _____

Subject property consists of two (2) lots: one of record and outlet, combined area approximately 7473 square feet; 50 foot frontage on Powhatan Street; 163 foot frontage on Bashford Lane; 48 foot frontage on Portner Road

MURRAY A. KIVITZ*
IRWIN H. LIPTZ*
LEONARD J. KOENICK*
HARLAN L. WEISS*

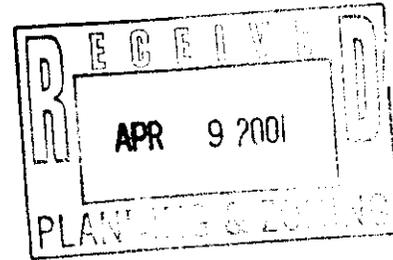
*ALSO ADMITTED IN D.C.

KIVITZ & LIPTZ, LLC
ATTORNEYS AT LAW
650 BARLOW BUILDING
5454 WISCONSIN AVENUE
CHEVY CHASE, MARYLAND 20815-6901

OF COUNSEL
DONALD R. BRENNER*

(301) 951-3400
FACSIMILE (301) 951-3646

April 5, 2001



Ms. Kathleen A. Beeton
Department of Planning and Zoning
City Hall
301 King Street, Room 2100
P.O. Box 178
Alexandria, VA 22313

Re: Application for Special Use Permit
Property location: 1225 Powhattan Street
Applicant: Robin Gamzeh as Contract
Purchaser and Romas Inc, Prospective Tenant.

Dear Ms. Beeton:

In reference to the above captioned Application and in response to your inquiries, I provide the following information.

1.) EMPLOYEES & STAFF:

The Narrative description provided with the application, upon review, did not clearly represent the intended staffing procedure. It is contemplated that there will be approximately six persons working per shift (i.e. morning to 2 P.M. and second shift 2:30 P.M. to 9 or 10). The morning shift (6 A.M. to 2. P.M). will do the food preparation work, and other needed services through breakfast and lunch. The shift will change about 2:30- 3:00 p.m. and continue to closing. At all times there will be a principal owner or manager on premises.

2.) Catering and Take Out Services:

The catering is intended solely as to the preparation of food products per off site customer requests. This is estimated at approximately 0 – 10% of anticipated business, and not the major restaurant operation. In instances where the customer shall request wait staff and other services this will be provided from out- source catering services and not regular employees.

KIVITZ & LIPTZ, LLC

As previously stated there is no present intent to provide delivery services. The referenced take out service is intended as provision of food products to customers who call in and then pick up their orders.

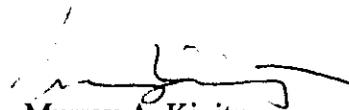
Parking:

There is no intent to allow parking in the front of the building on Powhattan Street. The application question 14 B. states 9 spaces and the plat references 9 spaces. The #10 space is not to be used for parking.

If additional information or further clarification is desired let me know.

Under separate cover I will file the Certification of Notice and Copy of Notice that is to be mailed on April 12, 2001.

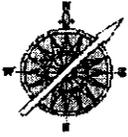
Very truly yours,



Murray A. Kivitz

MAK/tmwr

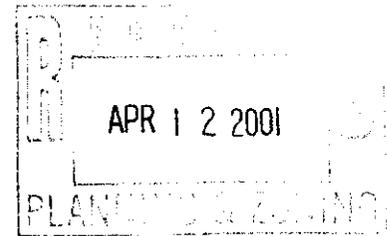
Cc: Robin Gamzeh



Land Use Committee

915 Second Street
Alexandria, Virginia 22314-1347
(703) 549-5842
ssibrover@restructassoc.com

SUP 2001-0017



Mariella
Posey,
Co-Chair

Sylvia
Sibrover,
Co-Chair

Jean
Caldwell

Barbara
Clark

Poul
Hertel

Michael
O'Neil

Steve
Troxel

Martha
Welch

Tom
Witte

April 11, 2001

Ms. Eileen Fogarty
Director
Department of Planning and Zoning
301 King Street
Alexandria, Virginia 22314-3211

Dear Ms. Fogarty:

We have reviewed the application for a Special Use Permit submitted for the Dixie Pig Restaurant at 1225 Powhatan Street.

This application raises some serious concerns for the following reasons:

- The applicant states, "the existing parking facilities at the site and in the area should be sufficient..." One of the parking facilities at the site shown on the application is directly in front of the restaurant. This is unacceptable. The applicant verbally assured our association there would be no parking in front. Parking "in the area" for an estimated 175 patrons per day is also unacceptable. Parking for residents already is very difficult in this neighborhood.
- The applicant does not indicate how parking is to be provided for employees.
- The applicant indicates only six employees, even though he intends to be open for business a minimum of 14 hours per day, seven days per week.
- The applicant states they plan to have something "similar to 'take-out taxi' ...anticipate that they will provide a catering service for functions at customer homes and other commercial facilities," and there is an indication there will be delivery service in the future. The menu includes pizza, so pizza delivery would suddenly become viable and a detriment to the neighborhood.

Since the previous tenants of this location did not have general delivery service, this would be an intensification of use.

Ms. Eileen Fogarty
April 11, 2001
Page 2

- The application has made no assurances that the unique existing sign on the roof of the building would be maintained.

Some of the verbal statements made by the applicant and his representatives give us additional concerns. He has broached the subject of increasing the size of the restaurant, outside seating and providing valet parking with no indication of where these cars would be parked, all an intensification of use.

This application and discussions with the applicant clearly suggest this is being modeled as a destination restaurant. This raises the serious issue of a parking and traffic problem that is not appropriate for a neighborhood.

At a recent meeting, the Land Use Committee of the NorthEast Citizens' Association unanimously voted to oppose the application as presented.

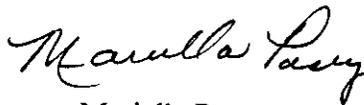
The Northeast area of Alexandria is primarily residential and the Dixie Pig is a nonconforming use. However, the majority of the residents of this area would prefer to continue using that site as a neighborhood serving restaurant that is in keeping with residential flavor of the area. We seek to preserve the residential character of the Northeast area and any intensification of use of the Dixie Pig would be detrimental to that goal. We urge the Planning Commission and City Council to deny this application in its current form.

Thank you.

Sincerely,



Poul Hertel
President
NorthEast Citizens' Association
703/684-5375



Mariella Posey
Co-Chair
Land Use Committee
202/224-0145



Sylvia Sibrover
Co-Chair
Land Use Committee
202/775-8213

cc: Ms. Kathleen Beeton, Urban Planner, Department of Planning and Zoning
The Honorable Kerry J. Donley, Mayor
Members of City Council
Mr. Eric Wagner, Chairman, Planning Commission
Members of the Planning Commission

16 SUP 2001-0017

April 24, 2001

City of Alexandria
Planning Commission
301 King Street
Alexandria, VA 22314

RE: SUP # 2001-0017

Dear Honorable Members of the Planning Commission:

As residents and homeowners in North Old Town and adjacent neighbors to the old Dixie Pig restaurant, we are writing to voice our concerns in advance of the SUP (#2001-0017) hearing to operate a restaurant at this location. In particular, we are concerned about the following aspects of the SUP application:

1. The SUP application states that there is ample parking for restaurant patrons and employees. The Staff Recommendation implies that the parking issue is not a valid concern since "hours, number of seats and parking are the same [as the Dixie Pig]." We wholeheartedly disagree with this assumption. Parking is already a problem in our neighborhood even when the restaurant is closed: currently, several neighbors park in the Dixie Pig parking lot overnight because parking is so constrained. The parking problem is compounded by the fact that there is no permit parking in our neighborhood, and that travelers flying out of National Airport park their cars in our neighborhood (to save on parking fees.) Nine parking spaces are simply not enough for 53 patrons plus restaurant employees, and it is unfair to force the neighborhood to absorb the overflow.

We request that at a minimum, the proprietors prohibit their employees from parking on the street (which ties up parking spaces all day/evening), and agree to lease overflow parking spaces for their patrons (e.g., in the lot across the street on Bashford).

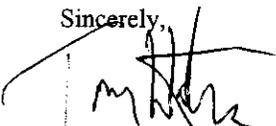
2. Since this is a neighborhood restaurant located in a residential area, we do not think it should serve liquor.
3. We disagree with the allowance of delivery/catering service (condition #19, Staff Recommendation). Based on the owners' existing business, we are concerned that the prospective owners will begin pizza delivery from this location.
4. Early morning trash pick-up (as early as 4 a.m.) and delivery of restaurant supplies was an ongoing problem under previous ownership, despite specifications in the SUP for trash pick-up/deliveries only during business hours. We request that any violations to the trash pick-up/delivery hours stated in the SUP be addressed immediately.
5. Under previous ownership the Dixie Pig property was poorly maintained, despite specifications in the SUP for regular maintenance. Again, we request that any violations be addressed immediately.

Overall, we want to avoid the broken promises and unresponsiveness that plagued the neighborhood under the previous operator, despite SUP restrictions. At a minimum, we request that the Staff agree to review this SUP in six months rather than a year.

Finally, we would like to state for the record that we, along with many residents of the neighborhood, would prefer that this property be returned to its rightful zoning (RB/Townhouse). Allowing nonconforming use on this property has caused significant hardship to us as next-door neighbors over the past three years.

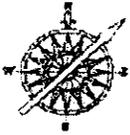
Thank you for your attention to our concerns.

Sincerely,



Tom & Maureen Waters
1220 Portner Road
Alexandria, VA 22314
(703) 683-3876

cc: NorthEast Civic Association



Land Use Committee

915 Second Street
Alexandria, Virginia 22314-1347
(703) 549-5842
ssibrover@restructassoc.com

Mariella
Posey,
Co-Chair

Sylvia
Sibrover,
Co-Chair

Jean
Caldwell

Barbara
Clark

Poul
Hertel

Michael
O'Neil

Steve
Troxel

Martha
Welch

Tom
Witte

April 11, 2001

Ms. Eileen Fogarty
Director
Department of Planning and Zoning
301 King Street
Alexandria, Virginia 22314-3211

Dear Ms. Fogarty:

We have reviewed the application for a Special Use Permit submitted for the Dixie Pig Restaurant at 1225 Powhatan Street.

This application raises some serious concerns for the following reasons:

- The applicant states, "the existing parking facilities at the site and in the area should be sufficient...." One of the parking facilities at the site shown on the application is directly in front of the restaurant. This is unacceptable. The applicant verbally assured our association there would be no parking in front. Parking "in the area" for an estimated 175 patrons per day is also unacceptable. Parking for residents already is very difficult in this neighborhood.
- The applicant does not indicate how parking is to be provided for employees.
- The applicant indicates only six employees, even though he intends to be open for business a minimum of 14 hours per day, seven days per week.
- The applicant states they plan to have something "similar to 'take-out taxi'...anticipate that they will provide a catering service for functions at customer homes and other commercial facilities," and there is an indication there will be delivery service in the future. The menu includes pizza, so pizza delivery would suddenly become viable and a detriment to the neighborhood.

Since the previous tenants of this location did not have general delivery service, this would be an intensification of use.



Ms. Eileen Fogarty
April 11, 2001
Page 2

- The application has made no assurances that the unique existing sign on the roof of the building would be maintained.

Some of the verbal statements made by the applicant and his representatives give us additional concerns. He has broached the subject of increasing the size of the restaurant, outside seating and providing valet parking with no indication of where these cars would be parked, all an intensification of use.

This application and discussions with the applicant clearly suggest this is being modeled as a destination restaurant. This raises the serious issue of a parking and traffic problem that is not appropriate for a neighborhood.

At a recent meeting, the Land Use Committee of the NorthEast Citizens' Association unanimously voted to oppose the application as presented.

The Northeast area of Alexandria is primarily residential and the Dixie Pig is a nonconforming use. However, the majority of the residents of this area would prefer to continue using that site as a neighborhood serving restaurant that is in keeping with residential flavor of the area. We seek to preserve the residential character of the Northeast area and any intensification of use of the Dixie Pig would be detrimental to that goal. We urge the Planning Commission and City Council to deny this application in its current form.

Thank you.

Sincerely,



Poul Hertel
President
NorthEast Citizens' Association
703/684-5375



Mariella Posey
Co-Chair
Land Use Committee
202/224-0145



Sylvia Sibrover
Co-Chair
Land Use Committee
202/775-8213

cc: Ms. Kathleen Beeton, Urban Planner, Department of Planning and Zoning
✓ The Honorable Kerry J. Donley, Mayor
Members of City Council
Mr. Eric Wagner, Chairman, Planning Commission
Members of the Planning Commission

16
5-12-01

MIME:Maureen.Waters@wcom.com To: Beverly I Jett@Alex, billclev@home.com @ INTERNET, vote4eberwein@aol.com @ INTERNET, wmeuille@wdeuille.com @ INTERNET, delpepper@aol.com @ INTERNET, dspeck@aol.com @ INTERNET, council-woodson@home.com @ INTERNET, mayoralx@aol.com @ INTERNET
05/10/01 12:40 PM
cc:
Subject: SUP #2001-0017: Dixie Pig Restaurant Site

May 10, 2001

Dear Honorable Members of the Council:

I am writing to urge you to reject SUP application #2001 - 0017, the Dixie Pig restaurant site (Ruffino's Restaurant), which is up for review at your Council Public Hearing meeting this Saturday, May 12th.

My family lives next door to the Dixie Pig restaurant. My husband and I have repeatedly petitioned the City Planning Commission for relief from the problems we have experienced with this restaurant over the past three years. Now there is a new proposal for purchase and use of the property. We sent the attached letter to the Planning Commissions expressing our concerns with the proposal. The Planning Commission chose to ignore all of our and the neighborhood's concerns (not ONE person in the neighborhood spoke out in support of this proposal as it currently stands at the 5/1 Planning Commission meeting!) Their lack of attention to neighborhood concerns seems unjust and inappropriate, especially given the very reasonable requests that we have made.

To reiterate the points in the attached letter, we request that:

- * the Commission agree to review the SUP in six months, rather than in a year
- * the proprietors prohibit their employees from parking on the street, and agree to lease overflow parking spaces for their patrons if necessary
- * any lack of compliance with the SUP specifications regarding trash pick up/delivery times, maintenance of the property, and prohibition of delivery services be addressed immediately.

Finally, I'd like to again state that we, and many residents of our neighborhood, would prefer that this property be returned to its rightful zoning (RB/Townhouse).

Thank you for your attention to our concerns and the concerns of the entire neighborhood.

Sincerely,

Maureen Waters
1220 Portner Road
Alexandria, VA 22314
(703) 683-3876

April 24, 2001

City of Alexandria
Planning Commission
301 King Street
Alexandria, VA 22314

RE: SUP # 2001-0017

Dear Honorable Members of the Planning Commission:

As residents and homeowners in North Old Town and adjacent neighbors to the old Dixie Pig restaurant, we are writing to voice our concerns in advance of the SUP (#2001-0017) hearing to operate a restaurant at this location. In particular, we are concerned about the following aspects of the SUP application:

1. The SUP application states that there is ample parking for restaurant patrons and employees. The Staff Recommendation implies that the parking issue is not a valid concern since "hours, number of seats and parking are the same [as the Dixie Pig]." We wholeheartedly disagree with this assumption. Parking is already a problem in our neighborhood even when the restaurant is closed: currently, several neighbors park in the Dixie Pig parking lot overnight because parking is so constrained. The parking problem is compounded by the fact that there is no permit parking in our neighborhood, and that travelers flying out of National Airport park their cars in our neighborhood (to save on parking fees.) Nine parking spaces are simply not enough for 53 patrons plus restaurant employees, and it is unfair to force the neighborhood to absorb the overflow.

We request that at a minimum, the proprietors prohibit their employees from parking on the street (which ties up parking spaces all day/evening), and agree to lease overflow parking spaces for their patrons (e.g., in the lot across the street on Bashford).

2. Since this is a neighborhood restaurant located in a residential area, we do not think it should serve liquor.
3. We disagree with the allowance of delivery/catering service (condition #19, Staff Recommendation). Based on the owners' existing business, we are concerned that the prospective owners will begin pizza delivery from this location.
4. Early morning trash pick-up (as early as 4 a.m.) and delivery of restaurant supplies was an ongoing problem under previous ownership, despite specifications in the SUP for trash pick-up/deliveries only during business hours. We request that any violations to the trash pick-up/delivery hours stated in the SUP be addressed immediately.
5. Under previous ownership the Dixie Pig property was poorly maintained, despite specifications in the SUP for regular maintenance. Again, we request that any violations be addressed immediately.

Overall, we want to avoid the broken promises and unresponsiveness that plagued the neighborhood under the previous operator, despite SUP restrictions. At a minimum, we request that the Staff agree to review this SUP in six months rather than a year.

Finally, we would like to state for the record that we, along with many residents of the neighborhood, would prefer that this property be returned to its rightful zoning (RB/Townhouse). Allowing nonconforming use on this property has caused significant hardship to us as next-door neighbors over the past three years.

Thank you for your attention to our concerns.

Sincerely,

Tom & Maureen Waters
1220 Portner Road
Alexandria, VA 22314
(703) 683-3876

16
5-12-01

MIME:mattpayne_@y To:Beverly I Jett@Alex
ahoo.com cc:
05/11/01 01:42 PM Subject:Dixie Pig SUP Concerns

Ms. Jett - I'm a resident at 1133 Powhatan Street, several houses down from the Dixie Pig restaurant, and I'm writing to you with some concerns about the recently requested SUP for this restaurant site. While I support the idea of having a neighborhood restaurant at this site, I have some thoughts that I hope can be considered when the SUP application is reviewed by the City Council.

1. Parking: I'm concerned about parking for both staff and restaurant patrons. The restaurant has very limited parking (Approx. 9 spots?), and the east side of Powhatan Street is already constantly full of residents' cars in the evenings. Any addition of cars from people driving into our neighborhood to use this restaurant could have a major impact on the residents, and could remove my support for the restaurant. I've heard that the new SUP applicants want it to be a neighborhood restaurant, and want to address our concerns. I'm encouraged by this, but I urge the City Council to not approve the SUP until a thorough parking plan can be documented, and proposed to the neighborhood for approval. This might only take a few weeks, but it would be critical to making sure the relationship between this restaurant and the neighborhood gets off on the right foot, and would do a lot to avoid potential future conflicts being escalated to the Police and the City Council for resolution. I'm looking forward to having a pleasant, successful restaurant on Powhatan, and I thank you for considering my input on this decision.

Some points to consider regarding parking:

- a. Staff parking (when, where, how many)
- b. The availability of parking at Curry Printing across the street. This is for sale, so the availability of this lot cannot be guaranteed as overflow for the Dixie Pig
- c. Customer parking (How many guests will the restaurant hold? How many cars might the restaurant generate? Are there typical formulas to determine this?)
- d. Neighborhood walk-ins (This is what I support 100%)
- e. Parking in front of the restaurant (Will access to the main lanes of Powhatan be impacted for those parking on the access road?)
- f. What if the restaurant is a smashing success? Is there some threshold whereby cars can be turned away, or portions of streets marked off-limits to non-residents? (I know this is worst case, but it's better to discuss this now rather than later)

Thank You.
Matt Payne
1133 Powhatan Street
703-549-2331

MIME:mattpayne_@y To:Beverly I Jett@Alex
ahoo.com cc:
05/11/01 01:51 PM Subject:Dixie Pig SUP Concerns

As a follow-up to my previous email, I would like to request that the City Council provide a clear promise to us (the residents and members of the NECA) and the owner/operator that they will revoke the SUP and shut down business if any agreed-to SUP conditions are not met. This would include permanently revoking their SUP if there is a consistent pattern of failure to meet the conditions of the SUP. We need to hear from you that the owners right to make a profit does not supersede restrictions on their SUP.

I realize that this applicant is looking to make a significant investment in this location and the restaurant. I look forward to establishing an amicable relationship between the residents and this business. However, this has to be done by considering all concerns (from both sides), and providing for annual reviews with the VERY REAL outcome that the business could lose their SUP if the terms of the SUP are not met.

Thanks again for your time and consideration of my concerns.
Matt Payne

=====
Matt Payne
1133 Powhatan Street
Alexandria, VA 22314

MIME:Kim.Douglas@wcom.com To:mayoralx@aol.com @ INTERNET, billclev@home.com @ INTERNET, vote4eberwein@aol.com @ INTERNET, wmeuille@wdeuille.com @ INTERNET, delpepper@aol.com @ INTERNET, dspeck@aol.com @ INTERNET, council-woodson@home.com @ INTERNET, Beverly I Jett@Alex
05/10/01 04:02 PM
cc:
Subject:SUP - Dixie Pig

To Whom it May Concern:

This email is to request that you not approve the Special Use Permit for the Dixie Pig property (Powhatan and Bashford) until all issues pertaining to the property are resolved. More specifically,

#1 The applicant should clearly document HOW he will meet ALL conditions of SUP, BEFORE it is granted.

For instance but not limited to:

- * Explain where he is going to get off street parking (Curry Printing Parking lot- which was used before, is being sold and may not be available).
- * Show contracts for delivery / trash services that demonstrate the limited time periods for access to Dixie Pig.
- * Show a parking plan that shows where employees will park.

#2. The Council provide a clear promise to us and the owner/operator that they WILL revoke the SUP and shut down business if ALL Conditions are not met. And they will permanently revoke SUP if there is a consistent pattern of failure to meet SUP. And they will confirm the owners right to make a profit does not supersede restrictions in SUP.

Thank you for your prompt attention to this request.

Sincerely,

Kim Douglas
Portner Rd. Resident
W: (703) 341-4143
H: (703) 739-0717

MIME:Anne.Kelso@w com.com To:mayoralx@aol.com @ INTERNET, billclev@home.com @ INTERNET, vote4eberwein@aol.com @ INTERNET, wmeuille@wdeuille.com @ INTERNET, delpepper@aol.com @ INTERNET, dspeck@aol.com @ INTERNET, council-woodson@home.com @ INTERNET, Beverly I Jett@Alex
05/10/01 04:28 PM
cc:
Subject:Dixie Pig

Dear All,

Currently I am a resident of Nethergate, a community that is located in close proximity to the Dixie Pig. I understand that a Special Use Permit will be issued to the potential buyer of the Dixie Pig once certain conditions have been met.

There continues to be parking challenges in and around our development. Given that the new Dixie Pig is a destination restaurant, traffic and further congestion is of great concern. In my estimation, the buyer needs a very specific plan on how they will accommodate guests as well as employee parking prior to a Special Use Permit being issued. This plan should be clearly documented prior to the issuance of an SUP. And if the plan is not adhered to the SUP should be revoked.

Also, other services such as deliveries and trash pick up need to be clearly stated and documented in the buyers plan. This is a residential neighborhood and an increase in congestion due to deliveries and trash pick up is not acceptable. The buyer should present a contract that these services be limited to weekday hours to limit congestion.

This restaurant is not likely to become an asset that enhances the neighborhood and city but will become a recurring point of friction that will need to be dealt with on an annual basis if certain conditions are not met.

Thanks for your help.

Anne Kelso

MIME:AKrakowski@ To:mayoralx@Aol.Com @ INTERNET, billclev@home.com @ INTERNET,
CAonline.org vote4eberwein@Aol.Com @ INTERNET, wmeuille@wdeuille.com @ INTERNET,
05/10/01 04:11 PM delpepper@Aol.Com @ INTERNET, dspeck@Aol.Com @ INTERNET, council-
woodson@home.com @ INTERNET, Beverly I Jett@Alex
cc:tmw@his.com @ INTERNET, kxe4@mhg.edu @ INTERNET
Subject:Dixie Pig SUP

Dear Mayor and Councilmembers,

It has come to my attention that there is a plan to purchase and reopen a restaurant on the site of the Dixie Pig on Powhatan. My wife and I live on Rolfe Place in the Powhatan Place HOA which is just around the corner from the Dixie Pig. We enjoy our quiet neighborhood and frequented the Dixie Pig while it was open, but have serious reservations about the new ownership scheme being constructed.

We ask you to require that the applicant clearly document how all of the conditions of the Special Use Permit will be met, prior to granting the SUP. It is imperative that we know where the proprietor is going to get off street parking, that we have assurances that contracts for delivery / trash services demonstrate the limited time periods for access to the location and that there is a parking plan that shows where employees will park. Further, we ask that Council make a clear promise to the neighborhood and the owner/operator that the SUP will be revoked if all conditions are not met. While we would enjoy a nice neighborhood dining establishment, we do not want to compromise parking, noise and traffic in the area. We appreciate your attention to this matter and trust you will keep the will of the residents above those of the prospective owner.

Sincerely,
Andy and Kimmie Krakowski
922 Rolfe Place
Alexandria, VA 22314
703-519-3755

MIME:rwphoto@erols.com To: Beverly I Jett@Alex, dspeck@aol.com @ INTERNET, wmeuille@wdeuille.com Councilwoman @ INTERNET, vote4eberwein@aol.com @ INTERNET, council-

05/10/01 10:22 PM

woodson@home.com @ INTERNET, mayoraix@aol.com @ INTERNET, delpepper@aol.com @ INTERNET, billclev@home.com @ INTERNET

CC:

Subject: Special Use Permit for former Dixie Pig- Not Yet

Mr Mayor, Mr Vice mayor, and members of the Council,

In brief, not yet. I am certainly in favor of an eventual restaurant at the location on Powhatan. However, let's set the conditions for the SUP first. This is a valuable property, and deserves to be developed, but not until we can determine that it will benefit the neighborhood and not detract from it.

Issues for us are parking, delivery times, and noise. Let's get this on paper first so that we can hold the eventual owner to it later.

Sincerely,
Rich and Kristine Webster
1112 Portner Rd
Alexandria

16
5-12-01

MIME:connie_graham@hq.dla.mil To: mayoralx@aol.com @ INTERNET, billclev@home.com @ INTERNET, vote4eberwein@aol.com @ INTERNET, wmeuille@wdeuille.com @ INTERNET, delpepper@aol.com @ INTERNET, dspeck@aol.com @ INTERNET, councilwoodson@home.com @ INTERNET
05/10/01 12:05 PM cc:Beverly I Jett@Alex
Subject:Dixie Pig SUP

To the Honorable Mayor Kerry J. Donley Vice Mayor William C. Cleveland Councilwoman Claire M. Eberwein Councilman William D. Euille Councilman Redella S. Pepper Councilman David G. Speck Councilwoman Joyce Woodson cc-> City Clerk Beverly I. Jett

I, as a resident of the NorthEast Citizen's Association do voice my concerns about the Dixie Pig: (We are not opposed to the idea of this restaurant locating in our neighborhood, per se; we are opposed only to the Dixie Pig location, which is not suitable to a full service upscale italian restaraunt with valet parking (valet to where??) . The Dixie Pig location, as currently configured is a barbecue joint, for heaven's sake!. [Talk about cognitive dissonance!] An alternate, ideal site would be Charlie Fairchild's mall. We have suggested this to the client, but to no avail.)

NECA wishes you to consider the following points:

- #1. The applicant should clearly docume.nt HOW he will meet ALL conditions of SUP, BEFORE it is granted! The following are examples - Off street parking: The Curry Printing Parking lot is being sold and may not be available.
 - Show contracts for delivery / trash services that demonstrate the limited time periods for access to Dixie Pig.
 - Show a parking plan that shows where employees will park.
- #2. The City Council should provide us a clear promise to us and the owner/operator that they WILL revoke the SUP and shut down business if ALL Conditions are not meet. You must permanently revoke the SUP if there is a consistent pattern of failure to meet SUP conditions, and that you will confirm that the owner's right to make a profit does not supersede restrictions in SUP.
- #3. The present package as proposed is not likely to become a neighborhood asset that enhances our neighborhood and city, but could be recurring point of major friction that you will need to deal with during annual reviews.

Connie Graham
HQ DLA J-347
703-767-7509 (DSN 427-)
703-767-7502 FAX
connie_graham@hq.dla.mil

16

5-12-01

MIME:Jon_Douglas@3com.com To:Beverly Jett@Alex
cc:
Subject:The Dixie Pig restaurant Special Use Permit
05/10/01 05:03 PM

TO: All Alexandria Council Members
C/O: City Clerk

From: Jon Douglas
1200 Portner Rd

Dear Sirs:

I am writing in regards to the special use permit (SUP) requested by the new owner of the Dixie Pig restaurant. As a resident of the neighborhood this property is located on, I would like to express my strong objection to the approval of a restaurant in a zoned residential area. Particularly after residents of the neighborhood have made repeated complaints about the previous establishment (the Dixie Pig). The previous restaurant at this site did a poor job complying with the guidelines of the SUP they were issued, or even demonstrating the most basic consideration for their neighbors.

Due to the increase in traffic, noise, litter and aggravation which will be the result for the local residents, this clearly is not an appropriate location for a restaurant at all. I believe the city council has an obligation to residents first, particularly the ones most impacted by a shortsighted decision such as this. Most residents were open to the idea of a neighborhood restaurant several years ago when the Dixie Pig first opened it's doors, only to find out first hand the problems that resulted, and how powerless we were to impact a change.

Please don't repeat this mistake, Please consider the residents of this neighborhood in your decision. This is a terrible location for a restaurant, especially one that is given the ability of impacting our quality of life through lenient SUP enforcement. This business offers no benefits to the residents who chose to live in this location (I.E. a quite RESIDENTIAL neighborhood away from busy merchant areas) and promises only to be a point of contention and aggravation.

Thank you for your consideration in this matter

Sincerely
Jon Douglas

16
5-12-01

MIME:jqinn@milchev.com To: Beverly I Jett@Alex, council-woodson@home.com @ INTERNET, dspeck@aol.com @ INTERNET, delpepper@aol.com @ INTERNET, wmeuille@wdeuille.com @ INTERNET, vote4eberwein@aol.com @ INTERNET, billclev@home.com @ INTERNET, mayorax@aol.c
05/10/01 05:03 PM INTERNET
cc:
Subject: Dixie Pig Restaurant and Special Use Permit

Dear mayor, council members and city clerk,
My wife and I are residents of Powhatan Street and live in close proximity to the Dixie Pig restaurant. As a couple of voting citizens of the city of Alexandria we would like you all to know that we are OPPOSED to the renewal of a SUP for the Dixie Pig Restaurant. I understand that the land has been sold and the new owners plan to open a restaurant on the spot. That spot is more suitable for residential townhouses which would blend into our neighborhood and not bring the accompanying problems and headaches associated with a business that may end up at odds with the neighborhood and the city.

In the event that an SUP is in fact granted then it is critical that the following conditions be attendant upon the issuing of any SUP for the new restaurant:

- 1) The council must have the applicant clearly document how they will meet all the conditions of the SUP BEFORE it is granted.
For instance - where is he going to get off street parking
-Show contracts for delivery/trash services that demonstrate limited access times to the restaurant
-Show a parking plan that shows where employees will park
- 2) Council must provide NECA a clear promise that they will revoke the SUP and shut down business if ALL conditions are not met consistently. And Council must revoke the SUP if there is a consistent pattern of failure to meet conditions of the SUP.
- 3) Council should be wary that the present package is not likely to become a neighborhood asset that enhances our neighborhood and the city, but will be a recurring point of friction that the council will need to deal with during periodic reviews.

Thanks for your attention to this important development. we appreciate your support and will be closely monitoring the outcomes.

John Quinn & Roberta Peel
1213 Powhatan Street Alexandria, VA 22314

16
5-12-01

MIME:DStovall@aethersystems.com To:mayoralx@aol.com @ INTERNET, billclev@home.com @ INTERNET, vote4eberwein@aol.com @ INTERNET, wmeuille@wdeuille.comCouncilwoman @ INTERN delpepper@aol.com @ INTERNET, dspeck@aol.com @ INTERNET, councilwoodson@home.com @ INTERNET, Beverly I Jett@Alex cc:tmw@his.com @ INTERNET
05/11/01 01:51 PM
Subject:NECA Dixie Pig

All,

Someone wants to restart the Dixie Pig restaurant.

Since the Dixie Pig is zoned residential, they need to get a Special Use Permit (SUP) from the city in order to conduct business there.

The City tends to issue SUPs if the neighborhood expresses a desire for the business.

We need you to:

#1. That Council have the applicant clearly document HOW he will meet ALL conditions of SUP, BEFORE it is granted!

For instance but not limited too: - Explain where he is going to get off street parking (Curry Printing Parking lot- which was used before, is being sold and may not be available).

- Show contracts for delivery / trash services that demonstrate the limited time periods for access to Dixie Pig.

- Show a parking plan that shows where employees will park.

#2. That Council provide us a clear promise to us and the owner/operator that they WILL revoke the SUP and shut down business if ALL Conditions are not meet. And they will permanently revoke SUP

if there is a consistent pattern of failure to meet SUP.

And the will confirm the owners right to make a profit does not supersede restrictions in SUP.

#3. To Remember - as is - the present package is not likely to become, a neighborhood asset that enhances our neighborhood and city, but WILL BE A reoccurring point of major friction that THEY will need to deal with during annual reviews.

Thanks.

Doug Stovall
1106 Portner Road
Alexandria, VA 22314
703.299.6202 h
703.861.3941 m

MIME:801greg@radix To: Beverly I Jett@Alex
.net cc:
05/11/01 02:25 PM Subject: Dixie Pig

I live at 707 Fitzhugh Way, in Old Town Greens in Alexandria, and am writing to express my support for the reopening of the Dixie Pig Restaurant. I was upset when the Dixie Pig closed, and it was there for 80 years. Accordingly, it should be no problem to reopen it, and it should be permitted.

sincerely,
Greg Guillot
707 Fitzhugh Way
Alexandria, VA 22314
(703) 837-0443



MIME:KStewart@FDIC
.gov

05/11/01 05:06 PM

To: mayoralx@aol.com @ INTERNET, billclev@home.com @ INTERNET,
vote4eberwein@aol.com @ INTERNET,
wmeuille@wdeuille.comCouncilwoman @ INTERNET,
delpepper@aol.com @ INTERNET, dspeck@aol.com @ INTERNET,
council-woodson@home.com @ INTERNET, Jett@fdic.gov @
INTERNET, Beverly I Jett@Alex

cc:

Subject: Dixie Pig SUP

As a resident of Old North Port, located off Bashford Lane in the North East area, I have a personal interest in the subject issue. I am asking that the City Council withhold approval of the SUP requested by the property buyer of the Dixie Pig restaurant location until he has shown how he will meet the conditions set forth by the surrounding neighborhood. These conditions include, but are not limited to, parking, deliveries, the type of restaurant that will replace the Dixie Pig (the neighborhood needs a restaurant that serves its needs and attracts the locals, not a "destination" restaurant that will be a magnet for more traffic). These conditions applied to the former occupant of this property and should be continued as part of the SUP for the prospective owner.

I also ask that the Council stipulate to the prospective owner that the SUP will be revoked and the business closed if all conditions are not met, and that the SUP will be permanently revoked if there is a consistent pattern of failure to meet SUP. Basically, it needs to be made clear to the prospective owner that the need to make a profit does not supersede the conditions set by the neighborhood.

The Council can be assured that, if the SUP is approved as is, it will be a continuing source of friction that will be brought up at the annual reviews by neighborhood representatives.

Thank you for your attention to this matter. Kathy Stewart
1343 Chetworth Court
Alexandria, VA 22314



MIME:KStewart@FDIC
.gov

05/11/01 05:10 PM

To: Beverly I Jett@Alex
cc:
Subject: Dixie Pig SUP

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Thank you for your attention to this matter. Kathy Stewart
1343 Chetworth Court
Alexandria, VA 22314



MIME:Ttidwell@worldbank.org
05/11/01 06:10 PM

To:
cc: (bcc: Beverly I Jett/Alex)
Subject: Concerns about SUP for the Dixie Pig

I live at 937 Powhatan St, just a little more than a block from the Dixie Pig. I do not believe that you should grant a Special Use Permit until we are given details of how the applicant expects to meet the conditions of the SUP.

1. Is there documentation about how the applicant will meet ALL conditions of SUP, BEFORE it is granted!

For instance:

- Where will there be off street parking? (Curry Printing Parking lot- which was used before, is being sold and probably will not be available). Parking
- Demonstrate the limited time periods for access to Dixie Pig by showing contracts for delivery / trash services. We do not want to live near a business that receives midnight deliveries
- Show a parking plan that shows where employees will park. We do not want the employees parking in our residential parking spaces.

2. Can the Council provide us a clear promise to us and the owner/operator that they WILL revoke the SUP and shut down business if ALL Conditions are not met. And they will permanently revoke SUP if there is a consistent pattern of failure to meet SUP.

Please confirm the owners right to make a profit does not supersede restrictions in SUP.

3. The present proposal is not likely to become a neighborhood asset that enhances our neighborhood and city, but could become a reoccurring point of major friction that THEY will need to deal with during annual reviews.

4. What is the expected volume of diners per hour at this location? Are we to expect much increased traffic and people hanging around this location? Is the applicant truly going to serve the neighborhood and work with us or is s/he going to focus on volume and profits regardless of how it impacts the neighborhood?

Please do not grant this proposal until it is clear it serves the neighborhood first.

Regards, Teresa Tidwell

My name is Mariella Posey and I live at 915 Second Street which is approximately two to three blocks from the Dixie Pig.

On April 11, Poul Hertel, Sylvia Sibrover, and I sent a letter to Eileen Fogarty with a carbon copy to each of you on the City Council expressing our concerns about this application. We're pleased that the Planning Commission addressed one of these major concerns by deleting condition 19, which would have allowed delivery and catering.

Our other major concern is the parking nightmare that could result in our neighborhood should this become a successful destination restaurant. The small size of the building does not guarantee it can't become a destination restaurant. The applicant said this will be a family restaurant. I'm sure it will be, but there is a difference between a family restaurant and a neighborhood restaurant. One can generate both traffic and a parking problem, the other doesn't.

The previous restaurant was a truly neighborhood restaurant. It offered a varied fare. Many neighbors walked to the Pig and ate there more than once a week. I can't imagine that this would happen if only Italian type food is offered. If the neighbors don't come to the new establishment as frequently as they did to the previous one, it will have to become a destination restaurant to be successful.

The application states the existing parking facilities on the site and in the area should be sufficient. They anticipate 75 customers every evening. Even if 30 these patrons are walk-ins, the remaining 45 will have to find parking. In addition the applicant did not indicate how parking would be provided for employees, so they, too, will have to find parking. Nine on site spaces are not enough for this amount of parking. The majority of cars will have to park in the neighborhood.

At the Planning Commission the attorney for the applicant said if the customers of the restaurant come and can't find parking, they'll go away. That's small consolation to the residents. Where will the residents go if they come home and can't find parking?

The majority of the residents in the northeast want a successful restaurant at the Dixie Pig, they just don't want a destination restaurant. What recourse do we have if this becomes a successful destination restaurant and residents are unable to find parking near their homes? Will the city pull the SUP of a successful business just because the neighborhood is inconvenienced?

Denying the extension of an SUP because a restaurant has become a successful destination restaurant would not be fair to the operator of the business but, on the other hand, allowing that business to continue and destroy the quality of life for the residents would be a disservice and a violation of the trust we have in our public officials to protect our neighborhoods.

The best way to avoid this dilemma is to deny this application - at least until the a solution to the parking situation is addressed.

If you decide to grant this application, we ask that the time frame of condition #20 be amended to state that the first review by the Planning Commission and City Council will come six months after it opens for business and annually thereafter.

My name is Sylvia Sibrover. I live at 915 Second Street, about two blocks from the Dixie Pig.

What many of the residents in the Northeast Area want is a neighborhood-serving restaurant. What we do not need or want is a restaurant that will turn our neighborhood into a thoroughfare with cars bringing diners to a destination restaurant. It is not the size of an establishment that determines whether it is a destination restaurant, but the number of people driving into the neighborhood to use the restaurant.

Mr. Kivitz, the counsel for the applicant, refers to the operation as being a "family style" restaurant. A family style restaurant does not necessarily mean neighborhood serving. Families have cars and they do travel to restaurants they enjoy.

The counsel for the applicant sees no problem with people driving to the restaurant. At the Planning Commission he stated "my client is taking a risk that he can accommodate the needs of his customers with nine parking spaces." There is no risk. If the lot is full potential patrons will simply park on the street. He further stated "I don't know how many parking spaces you need. If the people come and they park they'll come in. If the people come and they can't park, they'll go away. That's the risk [the applicant is] taking."

The risk is actually for the residents who may come home from work only to find they are unable to park in their own neighborhood.

Parking has never been properly addressed. The restaurant will have 6 staff plus one owner/operator (or both). The Dixie Pig lot holds only 9 cars. Where will the staff park their cars? There are no guarantees in life so there can be no guarantee that an employee would take public transportation. Assuming diners are willing to park further away from the restaurant in a lot rather than close in on the residential street, where would any alternative parking be? These are things that should have been worked out BEFORE the application for an SUP was submitted.

I'm not quite certain the applicant understands what a nonconforming use is. Although he may purchase the property, he cannot expand the size of the building or make any major changes at all. The land is zoned residential and the nonconforming use expired in 1991. The only reason a restaurant has continued is with the goodwill of the neighbors.

The problem we are facing is the applicant will purchase the property, making a major investment, and then become a detriment to our residential neighborhood. At that time our citizens association (at the urging of the neighbors) will ask City Council to pull the SUP. The problem we'd be facing is the neighbors having their quality of life severely impacted indefinitely or a business owner being told to stop operation simply because he is too successful.

If the restaurant becomes extremely popular and the residents begin to suffer, will Council pull the SUP and tell the owner/operator they must cease operation?

Since lunch and dinner will be ONLY Italian fare, I do not foresee the neighbors frequenting it as often as a restaurant with a more varied menu. Under these circumstances, the owner/operator would have to attract people from all over the area to make at least a reasonable profit.

The applicant has stated that he has many Alexandrians visiting Ruffino's in Arlington who would love a Ruffino's closer to home. I fear that regular patrons of the Arlington restaurant who live closer to Bashford and Powhatan will prefer invading our neighborhood rather than driving to Lee Highway and Glebe Road. It certainly would be convenient for them but very harmful for our residential neighborhood.

I ask Council to please understand our situation and deny this SUP.

Thank you.

SPEAKER'S FORM

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

16
5-12-01

DOCKET ITEM NO. 16

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: MURRAY A. KURTZ
2. ADDRESS: 5474 Wisconsin Avenue Chevy Chase Md
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Applicant
Robin Gansz & Partners Inc
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