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1-8-02

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, December 15, 2001 - - 9:30 a.m.

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Ms. Johnson, Division Chief, Planning and Zoning; Mr. Tate, Urban Planner, Planning and Zoning; Mr. Baker, Survey Technician, Transportation and Environmental Services; Fire Chief Hawkins; Deputy Police Chief Hilleary; and Lieutenant Uzzell, Police Department.

Recorded by: Ms. Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the Deputy City Clerk called the Roll; all Members of City Council were present.

New Business Item No. 1. Mayor Donley wished everyone a happy holiday season and a prosperous new year, and hopefully, it will be a better year.

2. Public Discussion Period.

(a) James R. Manship, Box 75, Mount Vernon, VA, addressed his concerns regarding an incident relating to the Police Department.

(A copy of Mr. Manship's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 12/15/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley asked the Chief of Police, through the City Manager, to provide Council with a full report on the matter, including any disciplinary actions that may or may not have taken place.

(b) Dale W. Dover, 228 South Washington Street, Suite 210, attorney, and Bruce Adams, 616 South Washington Street, Guardian *ad litem* for Katelynn Frazier at the time of her death, appeared to again petition Council and renew their offer to pay \$1,000 to purchase and place a gravestone at the gravesite of Katelynn Frazier.

(A copy of a letter from City Attorney Pessoa dated December 14, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(b); 12/15/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley stated that he and the entire Council are supportive of their request and would like to see it happen, but his understanding is that permission by the family has been refused, and that we lack the authority to mandate such an action.

City Attorney Pessoa reported that after last month's public hearing meeting, his staff and DSS staff talked to the child's grandmother and were told in no uncertain terms that the family was providing for a headstone, wished to do this themselves and did not want the City or any other parties to intrude into the matter. It is his opinion that the City cannot override the family's desires, as the next of kin have the ultimate say as to the burial arrangement. He noted that the City, even if it wanted to, is not in a position to force the family to accept the gravestone. City Attorney Pessoa did offer an alternative suggestion, that the City form an education fund for Katelynn's three surviving siblings, over whom the City still has custody, as a fitting memory for Katelynn.

Mayor Donley asked that, one more time, we contact the family, and absent their permission, that we work with Mr. Dover and anybody else to look at a suitable living alternative. If Mr. Dover wants to have a discussion with the City regarding the basis of custodial consent as a matter of law, the Mayor suggested he have that discussion with the City Attorney. If the City can find a way to honor the request, we will do so.

(c) David M. Fromm, 2307 East Randolph Avenue, addressed a shortcoming that affects compliance with various conditions in many special use permits. He suggested that a sup, and its conditions, should be made public and posted for the information of future managers and employees. He asked that Council entertain a sup condition that addresses this in a constructive manner, as follows: "The following condition is to be considered for inclusion by Planning and Zoning staff in every sup to encourage and enhance compliance to employee and management education. A summary of this sup, to be prepared by Planning and Zoning staff, shall be located on site, displayed and maintained to the satisfaction of the Director of Planning and Zoning."

(A copy of Mr. Fromm's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(c); 12/15/01, and is incorporated herewith as part of this record by reference.)

Councilman Speck responded that the comment about education of the public affected by a sup is a good one. He asked that we communicate to the Planning Commission and Planning staff to discuss whether they want to introduce this or something like this on a regular basis for all sups. Mr. Speck reiterated that the City requires that the permit be on public display.

Councilwoman Pepper asked that staff review this and come up with something to require that sup conditions are made public knowledge to all managers and employees.

(d) Julie Crenshaw, 816 Queen Street, thanked the Council for voting in favor of the grant to study the mapping of streams in Alexandria. Ms. Crenshaw requested that when Council puts together the task force to study the charter change for an elected school board to please include a representative of the League of Women Voters.

(e) Mary Catherine Gibbs, 3818 Keller Avenue, on behalf of the Alexandria Commission on Women, announced a fundraiser featuring the *Capital Steps* being sponsored by the Alexandria Business and Professional Women, Commission for Women, Office on Women, and Friends of the Alexandria Commission for Women on Saturday, January 19, 2002, at 8 p.m. in T.C. Williams High School Auditorium.

(A copy of a flyer is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(e); 12/15/01, and is incorporated herewith as part of this record by reference.)

(f) Sara Kukorlo, 4134 Uline Avenue, on behalf of the Strawberry Hill neighborhood, explained a recent problem with parking in their community because of a change in parking regulations at the adjacent Cameron Commons Apartments. She advised that because this has led many of its residents to park on the neighborhood streets, Strawberry Hill is requesting that neighborhood parking restrictions be established.

The Mayor referred the Strawberry Hill petition to Transportation and Environmental Services Director Baier and asked him to determine the source of the problem and eliminate that before considering establishing a parking district.

(g) Claudia Waller, 5943 Kelley Court, representing a new task force called Citizens for Titan Pride, put together by Councilman Euille initially in response to the rather detrimental article that appeared in *Sports Illustrated* about T.C. Williams following the movie, Remember the Titans, introduced Rob Kennedy, president of the T.C. Williams Student Council Association who read his letter on diversity at T.C. Williams High School.

(A copy of Mr. Kennedy's letter is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(g); 12/15/01, and is incorporated herewith as part of this record by reference.)

New Business Item No. 2. Councilman Speck and Councilwoman Eberwein reported on the meeting they had with Speaker of the House of Delegates Wilkins in Richmond on the City's interest in having a local ordinance allowing it to impose a recordation fee directed to open space. They met with Delegate Albo of Fairfax and will meet with Senator Saslaw, who now represents part of Alexandria. Delegate Albo noted that there is currently a study commission on growth policies throughout the state that needs to be extended. He suggested that in the course of the amendment to extend this study, that it be amended to include this topic as well, and it is being drafted.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-9)

Planning Commission

Without Objection, City Council removed docket item nos. 4, 5, and 9 from the Action Consent Calendar and considered them under separate motions.

3. SPECIAL USE PERMIT #2001-0107 -- 311 N HENRY ST -- PRIME AUTO CARE -- Public Hearing and Consideration of a request for a special use permit extension for a general automobile repair and rental business; zoned CL/Commercial Low. Applicant: Vanna So.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/15/01, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2001-0117 -- 2320 JEFFERSON DAVIS HY -- EXXON STATION -- Public Hearing and Consideration of a review of a special use permit for an automobile service station with convenience store and restaurant; zoned I/Industrial. Applicant: Exxon Corporation, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/15/01, and is incorporated herewith as part of this record by reference.)

7. ENCROACHMENT #2001-0009 -- 1205 CAMERON ST -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for a building wall; zoned CRMU-M/Commercial Residential Mixed Use. Applicant: Chris Neumann.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/15/01, and is incorporated herewith as part of this record by reference.)

8. DEVELOPMENT SPECIAL USE PERMIT #2001-0015 -- 3216 JEFFERSON DAVIS HY -- CROWN STATION -- Public Hearing and Consideration of a request for a development special use permit for extension of time for approved renovations to an automobile service station; zoned CSL/Commercial Service Low. Applicant: Crown Stations, Inc., by Erika L. Byrd, attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/15/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Action Consent Calendar as presented with the exception of docket item nos. 4, 5, and 9 which were considered under separate motions. The actions are as follows:

3. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

4. SPECIAL USE PERMIT #2001-0109 -- 330 JOHN CARLYLE ST -- PIZZA BIANCA ITALIAN BISTRO -- Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CDD-1/Coordinated Development District, Duke Street. Applicant: Pizza Bianca Italian Bistro, by Zakaria B. Driouche.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/15/01, and is incorporated herewith as part of this record by reference.)

Councilman Speck identified that Condition #17 has some new language, "and shall direct them to use the 17 on-site garage spaces dedicated for retail uses when available," which goes beyond the standard language of employees who drive to work are required to use off-street parking. He related his concern that if employees are directed to use the retail parking space, doesn't that mean that the retail spaces are being used by employees rather than by shoppers.

Planning and Zoning Deputy Director Ross responded to questions from Councilman Speck and Councilwoman Woodson, and they participated in the discussion.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Woodson	"aye"	

5. SPECIAL USE PERMIT #2001-0111 -- 201 HUME AV -- Public Hearing and Consideration of a review of a special use permit and a request to change a condition regarding parking for an approved nonconforming artist studio with accessory residential use; zoned R-2-5/Residential. Applicant: Andrew Wingfield and Tania Karpowitz.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/15/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the addition to Condition #10 of the standard condition language about violations, which Condition #10 reads as follows: **"10. 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 has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed."** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

9. SPECIAL USE PERMIT #2001-0110 -- 210 SWAMP FOX RD -- HOFFMAN TOWN CENTER -- Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CDD-2/Coordinated Development District, Eisenhower Avenue. Applicant: Ruby Tuesday, Inc., by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 12/15/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Ellen Pickering, 103 Roberts Lane, reminded Council of the long-time plan to have trees on Eisenhower Avenue, spoke to amended Condition #17 and in support of upholding the Planning Commission recommendation;

Poul Hertel, 1212 Michigan Court, endorsed Ellen Pickering's words and thanked City staff for its work on this. Mr. Hertel stated his opinion that the additional landscaping poses no hardship and encouraged Council to follow the advice of the Planning Commission; and

For the record, Cathy Puskar, 3422 Old Dominion Boulevard, attorney for the applicant, stated that the amendment to Condition #17 was a matter of some debate, but we did come to an agreement and were satisfied with the agreement.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the addition of the standard condition we use to impose that employees who drive to work must use off-street parking. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Woodson	"aye"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

10. Public Hearing on and Consideration of Report on the Closing of a Public Way Consisting of South Royal and South Streets, from Jones Point Drive to South Washington Street. (#14 12/11/01)

(A copy of the City Manager's memorandum dated December 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/15/01, and is incorporated herewith as part of this record by reference.

A copy of the presentation made by Transportation and Environmental Services Director Baier is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 12/15/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 10; 12/15/01, and is incorporated herewith as part of this record by reference.

A copy of a draft verbatim transcript on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 10; 12/15/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Lee V. Walter, 214 Prince Street, spoke in opposition to the closing of South Street; and

(A copy of Mrs. Walter's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 10; 12/15/01, and is incorporated herewith as part of this record by reference.)

Teresa Whisenant Miller, 808 South Lee Street, representing Yates Gardens Civic Association, reported that a number of meetings were held by the Woodrow Wilson Bridge Task Force and Yates Gardens Civic Association, and it was generally considered that our neighborhood was for the closing of South Street.

Transportation and Environmental Services Director Baier gave a brief overview with a PowerPoint presentation. He summarized what the issues are: (1) security relating to the bridge; (2) construction/demolition; (3) location of the new bridge; and (4) park plans and park access. Mr. Baier reported that the City continues to meet with members of the community and the school on issues of concern. Mr. Baier responded to questions from the Mayor and participated in the discussion.

In response to Councilwoman Eberwein's question about delaying the formal vacation until such time as we can see the final effects, City Attorney Pessoa responded that Council has ample discretion to defer or deny the request for a vacation.

Members of Council, the City Manager, the City Attorney and Transportation and Environmental Services Director Baier participated in the discussion on this matter and were joined by VDOT Project Manager Nicholson, Mr. Fadoul representing Saint Mary's School, and Mrs. Dolan, Saint Mary's principal.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the temporary closure of South Street and South Royal Street, effective on or about January 14; the City will complete a turnaround at Jones Point Park Drive; after the temporary closure, VDOT will conduct actual traffic counts to assess the effects on Saint Mary's and on a.m. and p.m. commuter traffic prior to the formal vacation; Yates Gardens will be included in the turnaround discussions; and good-faith negotiations will occur between the representatives of Saint Mary's School, Virginia Department of Transportation, the Woodrow Wilson Bridge Design Center and City staff, on mitigating traffic impacts. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

11. Public Hearing on and Consideration of Staff Recommendation Regarding the Installation of a Traffic Signal at the Intersection of North Patrick Street and Oronoco Street. (#13 12/11/01)

(A copy of the City Manager's memorandum dated December 5, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/15/01, and is incorporated herewith as part of this record by reference.

A telephone message from Charlotte Landis, 928 Oronoco Street, in support of the traffic light, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 12/15/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Camille Leverett, 1306 Princess Street, president of the Inner City Civic Association, spoke in support;

Hope Berschler, 927 Oronoco Street, spoke in opposition;

Kevin DeBell, 923 Oronoco Street, spoke in opposition; and

J.T. Burns, 925 Oronoco Street, spoke in opposition, but requested that if the light is placed there, she would prefer that the installation of the light pole fixture itself is not on the northeast corner.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council authorized staff to install a traffic signal located at the intersection of North Patrick Street and Oronoco Street. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

Without Objection, City Council considered docket item nos. 12 and 13 together and under one motion.

12. SPECIAL USE PERMIT #2001-0069 -- 315 MADISON ST -- FLATBREADS -- Public Hearing and Consideration of a request for a special use permit to increase the indoor seating, to add outdoor seating, and to expand the hours of operation of an existing restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Ahmad Amarlooi.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/15/01, and is incorporated herewith as part of this record by reference.

13. ENCROACHMENT #2001-0007 -- 315 MADISON ST -- FLATBREADS -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for restaurant seating; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Ahmad Amarlooi.

COMMISSION ACTION: Recommend denial 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.13; 12/15/01, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated December 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 12 and 13; 12/15/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on these items:

Ahmad Amarlooi, 315 Madison Street, the applicant, spoke in support, and stated that he is in agreement with the staff recommendation regarding the outdoor seating plan and the encroachment; and

Roger Machanic, 430 South Fairfax Street, the property owner, was in attendance in support of the applicant.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council upheld the Planning Commission with regard to SUP #2001-0069, deleting Condition #3, and with regard to the encroachment 2001-0007, upheld the staff's new recommendation as outlined in the December 12, 2001 memorandum. Those new conditions read as follows: "**1. Outdoor seating is permitted which generally complies with the attached plan proposed by the applicant, which includes eight seats at four tables and plantings to include a large evergreen bush against the building plus planters, a low fence, and plantings at the perimeter of the outdoor dining area, all to the satisfaction of the Director of Planning and Zoning.**"; and "**2. Must at all times keep at least four feet of the public sidewalk clear for pedestrian access.**" The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

14. SPECIAL USE PERMIT #2001-0061 -- 4111 DUKE ST -- DANCING PEPPERS -- Public Hearing and Consideration of a special use permit review of restaurant; zoned CC/Commercial Community. Applicant: Grupo Dos Chiles, LLC, by Alfred W. Shriver, III.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.14; 12/15/01, and is incorporated herewith as part of this record by reference.

A letter dated December 14, 2001, from applicant A. W. Shriver, III, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No.14; 12/15/01, and is incorporated herewith as part of this record by reference.)

Applicant Shriver responded to questions from Members of Council, and Fire Chief Hawkins, and Planning and Zoning Deputy Director participated in the discussion on the outstanding code violations.

Councilwoman Pepper directed questions to Planning and Zoning Deputy Director Ross about the two landscaping alternatives proposed by staff, and Mayor Donley participated in the discussion with the applicant.

Mayor Donley and Councilman Speck discussed with the applicant the requirement that the height of the sign be lowered, and its timing. Planning and Zoning Deputy Director Ross noted that the original conditions were imposed 14 months ago and not complied with.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **as amended by changing the date in Condition #20 back to May 4, 2002, and on Condition #19, that negotiations will continue on the landscaping, but that it will include four trees.** The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

15. SPECIAL USE PERMIT #2001-0065 -- 2700 JEFFERSON DAVIS HY -- AFGHAN RESTAURANT -- Public Hearing and Consideration of a special use permit review and request to change the ownership and to increase the hours of operation of the restaurant; zoned I/Industrial. Applicant: Afghan Restaurant, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.15; 12/15/01, and is incorporated herewith as part of this record by reference.

A copy of a letter dated December 14, 2001, from Harry P. Hart, attorney for the applicant, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No.15; 12/15/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No.15; 12/15/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Harry P. Hart, 307 North Washington Street, attorney for the applicant, was available to answer questions. He clarified that the applicant is no longer requesting expansion of its closing time but will return with that request at the time of its six-month review; and

For the record, Mayor Donley commended Mr. Hart for working with the applicant in improving what was a tenuous situation for them six or seven months ago.

Bill Hendrickson, 304 East Spring Street, on behalf of the Del Ray Citizens Association, stated its support of the Planning Commission recommendation, its support of the restaurant and willingness to reconsider longer hours at a later date.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Speck	"aye"

16. SPECIAL USE PERMIT #2001-0068 -- 3100 JEFFERSON DAVIS HY -- MARINO'S RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to extend the hours of operation and add outdoor seating to the existing restaurant; zoned CSL/Commercial Service Low. Applicant: Ather Subzwari.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/15/01, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Ather Subzwari, 3100 Jefferson Davis Highway, applicant, disagreed with the staff requirement on Condition #20 because of the expense, but agreed to take up the asphalt and install five trees and shrubs as requested. There was discussion among the applicant, Councilman Euille and Planning and Zoning Deputy Director Ross about the sidewalk installation; and

Councilwoman Pepper directed questions to Planning and Zoning Deputy Director Ross about the timing for these repairs to be completed and about the hours of operation. Ms. Ross indicated that this issue was discussed extensively at Planning Commission and that they were rather sympathetic to this particular business because after 10 p.m. it will not cater to customers inside, service is take-out only and there are no seats inside, there have been no complaints, no alcohol is served, the applicant has an extensive petition showing support of the neighborhood, and there is a one-year review.

Bill Hendrickson, 304 East Spring Street, on behalf of Del Ray Citizens Association, reported that its land use and executive committee did not support expansion of the outdoor seating and would prefer to have the restaurant close at 1 a.m. instead of 2 a.m.; however, they are very supportive of the rest of the staff recommendation.

The applicant shared his concern about condition #22 which requires the removal of two pay telephones because early cancellation of the contract he has on them will result in a \$1,000 fine. He did agree to provide staff with a copy of this contract and will remove the phones upon the contract's expiration.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, as amended, with a one-year review for the sidewalk, asphalt and landscaping improvements, 2005 will be the date for the reduction of the sign's height [Condition #23], and removal of the pay phones will be required upon expiration of the contract [Condition #22]. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

Without Objection, City Council heard docket item nos. 17, 18 and 19 together but under separate motions.

17. MASTER PLAN AMENDMENT #2001-0002 -- REZONING #2001-0002 -- 1407-1499 W BRADDOCK RD -- [East of Fern Street, a portion of Blessed Sacrament Church property] -- LINDSAY MOTOR CAR SERVICE -- Public Hearing and Consideration of a request for amendment to the Fairlington/Bradlee Small Area Plan Chapter of the 1992 Master Plan to (1) change the land use designation from Institutional to CSL/Commercial Service Low, and (2) change the zoning from R-8/Residential to CSL/Commercial Service Low. Applicant: Lindsay Motor Car, Inc., by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.17; 12/15/01, and is incorporated herewith as part of this record by reference.)

18. MASTER PLAN AMENDMENT #2001-0003 -- REZONING #2001-0003 -- 1601-1608 OSAGE ST & 1601-1609 PEACH ST -- [Block bounded by Kenwood Avenue, Peach Street, Osage Street, Fern Street (vacated) and Blessed Sacrament Church property] -- LINDSAY MOTOR CAR SERVICE -- Public Hearing and Consideration of a request for amendment to the Fairlington/Bradlee Small Area Plan Chapter of the 1992 Master Plan to (1) change the land use designation from OC/Office Commercial to CSL/Commercial Service Low, and (2) change the zoning from RB/Residential and OC/Office Commercial to CSL/Commercial Service Low. Applicant: Lindsay Motor Car, Inc., by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No.18; 12/15/01, and is incorporated herewith as part of this record by reference.)

A copy of a memorandum dated December 5, 2001, from J. Howard Middleton is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No.18; 12/15/01, and is incorporated herewith as part of this record by reference.)

19. DEVELOPMENT SPECIAL USE PERMIT #2001-0007 -- 1407-1499 W BRADDOCK RD; 1525-1725 KENWOOD AV; -- 1605 FERN ST; 1602-1608 OSAGE ST; 1601-1609 PEACH ST. [Area bounded by Kenwood Avenue, Peach Street, Osage Street and Fern Street (vacated)] -- LINDSAY MOTOR CAR SERVICE -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct and operate an automobile sales and service facility, to include a parking deck and request for modifications; zoned R-8/Residential, with CSL/Commercial Service Low pending. Applicant: Lindsay Motor Car, Inc., by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Recommend approval 7-0

(A copy of the Planning Commission report dated December 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/15/01, and is incorporated herewith as part of this record by reference.

A copy of a memorandum dated December 14, 2001, from J. Howard Middleton is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 12/15/01, and is incorporated herewith as part of this record by reference.

A copy of staff's PowerPoint presentation, entitled Lindsay Lexus Service Facility/Parking Deck, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 19; 12/15/01, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 4 of Item Nos. 17, 18 and 19; 12/15/01, and is incorporated herewith as part of this record by reference.)

Without objection, Planning and Zoning Director Fogarty did not make the proposed staff presentation as there were no issues of difference to address.

The following persons participated in the public hearing on this item:

Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney for the applicant, stated that they agree with all the conditions, including the amended condition A1, to item no. 19;

Councilwoman Pepper suggested the addition of the language "**and the City's Planning Department**" at the end of condition A1, and Mr. Middleton concurred with that addition.

Councilman Speck spoke to recognize the commitment made by Lindsay to remain here in Alexandria for its expansion, and how nice it was to see this process go as constructively as it has.

Fran Vogel, 1725 Kingsgate Court, Unit 304, president of Kingsgate Condominium Association, spoke in support of the Planning Commission recommendation. Kingsgate does have a concern about the increase of traffic in that area and just wanted to make sure Council understands that is a big concern for them. She brought to Council's attention, although it is not part of this application, Kingsgate's opposition to opening Peach Street for traffic other than allowing the trash trucks to exit from the Lindsay property and for the residents who live on that street;

Jack Taylor, 3750 Jefferson Davis Highway, spoke in support of the Lindsay application;

Dave Brown, 503 Woodland Terrace, chairman of the zoning committee at North Ridge Citizens Association, spoke in support of the Planning Commission recommendation, including all of the recommended conditions. He asked Lindsay for the following oral promises, although they are not conditions to the permit: (1) to put the parking management program into effect right away, and (2) to remove the body and paint shop as quickly as possible. Attorney Middleton agreed to these issues;

Steve Colantuoni, an Alexandria resident and employee of Lindsay Cadillac for 35 years, described some of the ongoing programs they provide; and

Carlyle C. Ring, Jr., 308 Monticello Boulevard, spoke in support.

Following are the individual motions made on docket item nos. 17, 18 and 19:

17. **WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

18. **WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **as amended by the addition of the applicant's proffer "to develop the site to be rezoned in accordance with the development plan for the site approved with Development Special Use Permit No. 2001-0007."** The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

19. **WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation with the change in condition no. 1 as outlined in Mr. Middleton's memorandum of December 14, 2001, and **the addition of the language "and the City's Planning Department" at the end of condition A1.** The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS

20. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the composition of the Sister Cities Committee to permit the School Board to designate either a board member or another representative to serve on the committee. (#17 12/11/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 12/15/01, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a **ROLL-CALL** vote of 6-to-0, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	out of room
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4229

AN ORDINANCE to amend and reordain Section 1-2-3 (SAME -- MEMBERSHIP; APPOINTMENT; COMPENSATION; STRUCTURE), of Chapter 2 (SISTER CITIES), Title 1 (GENERAL PROVISIONS) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 1-2-3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 1-2-3 Same--membership; appointment; compensation; structure.

(a) The committee shall consist of 17 members, of which 13 shall be voting members and two shall be nonvoting members, appointed by the city council from the organizations and citizenry listed below. The members shall serve without compensation and at the will of the council.

(1) City council, one nonvoting member;

(2) Representative of the School Board of the City of Alexandria, one nonvoting member;

(3) Board of directors of the Alexandria Convention and Visitors Association, one voting member;

(4) Citizens, 10 voting members;

(5) Alexandria-Gyumri Sister City Committee, two voting members;

(b) In addition, there shall be one nonvoting member designated by the chief of police and one nonvoting member designated by the fire chief.

(c) The 12 voting members referenced in subsections (a)(4) and (a)(5), shall serve two-year terms, which terms shall be staggered so that six members appointed from these designations shall be appointed annually; provided, that one of the initial appointments pursuant to subsection (a)(5) shall be for a two-year term, and the other shall be for a one-year term. In the event of a vacancy on the committee, council shall appoint a new member to serve for the duration of the unexpired term. From and after June 15, 1990, voting members appointed to the committee pursuant to subsections (a)(4) and (a)(5), shall express on their applications for appointment a primary interest in one of the four sister cities, it being the intent of this chapter to achieve, among committee members, a balance in interest and support for each of the sister cities.

(d) The committee shall establish and maintain the following standing subcommittees:

(1) Helsingborg subcommittee;

(2) Dundee subcommittee;

(3) Caen subcommittee;

(4) Gyumri subcommittee.

The committee may establish other subcommittees from time to time.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction:	12/11/01
First Reading:	12/11/01
Publication:	12/13/01
Public Hearing:	12/15/01
Second Reading:	12/15/01
Final Passage:	12/15/01

21. Public Hearing, Second Reading and Final Passage of an Ordinance to provide for the assessment in adult criminal and juvenile traffic cases in the Alexandria Juvenile and Domestic Relations District Court of a \$2.00 fee for the support of the courthouse and jail. (#18 12/11/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated December 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 12/15/01, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	out of room
		Woodson	"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4230

AN ORDINANCE to amend and reordain Section 3-2-52 (ASSESSMENT OF FEE FOR COURTHOUSE AND JAIL) of Article E (ASSESSMENT OF COURT COSTS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-52 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-52 **Assessment of fee for courthouse and jail.**

In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$2, for the support of the courthouse and jail, as part of the fees taxed as costs in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is charged with a violation of any statute or ordinance.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction:	12/11/01
First Reading:	12/11/01
Publication:	12/13/01
Public Hearing:	12/15/01
Second Reading:	12/15/01
Final Passage:	12/15/01

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

None

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Cleveland, seconded by Councilman Euille and carried on a vote of 6-to-0, at 1:28 p.m., the Public Hearing Meeting of Saturday, December 15, 2001, was adjourned. The voting was as follows:

Cleveland	"aye"	Eberwein	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	out of room
		Woodson	"aye"

* * * * *

APPROVED BY:

KERRY J. DONLEY **MAYOR**

ATTEST:

Susan K. Seagroves, Deputy City Clerk