

EXHIBIT NO. 1

11
1-26-02

Docket Item # 8
SPECIAL USE PERMIT #2001-0112

Planning Commission Meeting
January 3, 2002

ISSUE: Consideration of a request for a special use permit to change the ownership of an automobile sales facility and make alterations to the existing building and site.

APPLICANT: Mercedes-Benz of Alexandria, LLC
by Lonnie C. Rich, attorney

LOCATION: 200 South Pickett Street

ZONE: CG/Commercial General

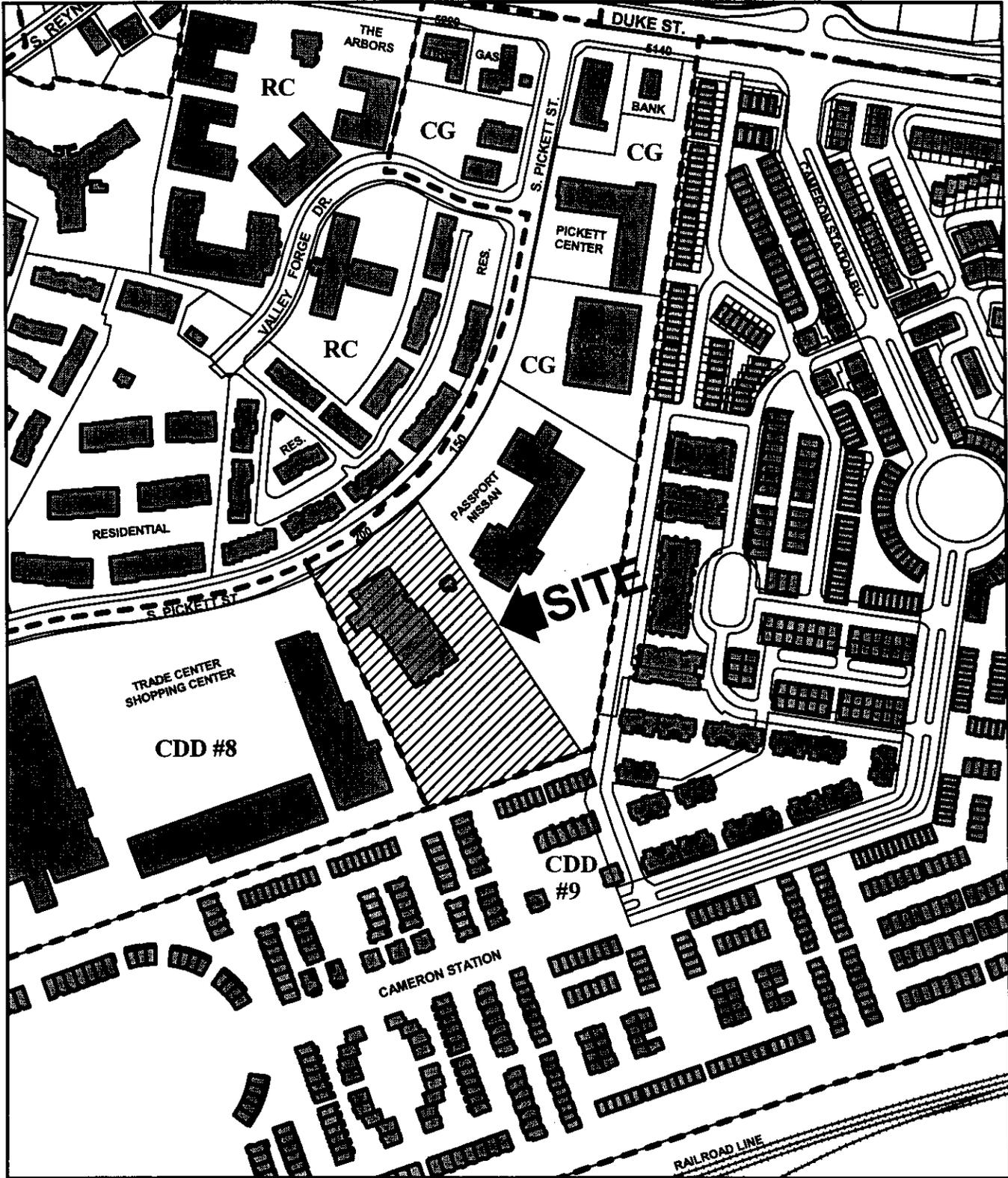
PLANNING COMMISSION ACTION, JANUARY 3, 2002: On a motion by Mr. Leibach, seconded by Mr. Gaines, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations and to amend Conditions # 14, 15, 19, and 22. The motion carried on a vote of 6 to 0. Mr. Dunn was absent.

Reason: The Planning Commission agreed with the staff analysis and supported the efforts of the applicant to upgrade the site, work with its Cameron Station neighbors and work with staff on the details of a landscaping plan. The condition changes were agreed to by staff and the applicant prior to the hearing.

Speakers:

Lonnie Rich, applicant's attorney, stated that the applicant and staff had worked together and were in agreement about the change to conditions.

Roland Gonzales, President, Cameron Station Civic Association, stated that his group supports the application and thanks the applicant and staff for working with his group during the application review process. Mr. Gonzales did voice a concern that the hours of operation approved for the site included Sunday hours. Mr. Rich responded to this concern by stating that these hours were previously approved under a prior special use permit, that unloading and loading operations do not usually occur on Sundays, and that he hoped the neighbors and the applicant could rely on the one-year review condition to address any issues that might arise over the next year. Mr. Gonzales also stated that, although he knows of no such plans, his group wants to go on record as opposed to a multi-story building built at the rear of this property any time in the future.



SUP #2001-0112

01/03/02



STAFF RECOMMENDATION:

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

1. This special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2709)
2. **CONDITION DELETED BY STAFF:** ~~The applicant shall be allowed a single temporary office trailer measuring not more than 24 feet in width by 50 feet in length by 14 feet in height, which complies with all mechanical, electrical and plumbing codes. (Such compliance will be verified by way of inspections and confirmed by the City building official.) (PC) (P&Z) (SUP#705-E)~~
3. **CONDITION DELETED BY STAFF:** ~~The office trailer shall be anchored and/or secured per manufacturer's specifications, and said anchoring shall be confirmed by a City building inspector. (P&CD) (SUP #2709)~~
4. **CONDITION AMENDED BY STAFF:** All signs shall be approved by the Director of the Department of Planning and Zoning. The applicant shall remove the two freestanding signs on the property and shall erect a maximum of two monument signs to the satisfaction of the Director of the Department of Planning and Zoning. (P&Z) (SUP-2709)
5. **CONDITION DELETED BY STAFF:** ~~The office trailer shall be removed from the site within 30 days of the release of the certificate of occupancy for the new automobile sales building or within two years of the approval of this special use permit, whichever occurs first. (P&Z) (SUP #705-E)~~
6. **CONDITION AMENDED BY STAFF:** This special use permit shall supersede all prior special use permit approvals involving the use of this property, including SUP #705 through SUP #705-D, and SUP #2709 and SUP #705-E. (P&Z) (SUP#705-E)
7. No automobile repair work or replacement of parts shall be done outside. (P&Z) (SUP#705-E)

8. No banners, streamers, flags, balloons, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with the provisions of the City Code. (P&Z) (SUP#705-E)
9. No junked, abandoned, or stripped vehicles shall be displayed, parked, or stored outside. (P&Z) (SUP#705-E)
10. No vehicle parts, tires, or other materials shall be stored or permitted to accumulate outside, except in a dumpster or other suitable trash receptacle or enclosure. All dumpsters and other similar disposal containers shall be located so as not to be visible from a public right-of-way, public property, or residential properties. Where that is not feasible, such structures shall be screened to the satisfaction of the Director of Planning and Community Development. (P&Z) (SUP#705-E)
11. No vehicles shall be displayed, parked, stored, unloaded or loaded on the public right-of-way. (P&Z) (SUP#705-E)
12. Vehicles shall be displayed, parked, or stored in an orderly fashion within the designated spaces identified on the proposed site plan. (P&Z) (SUP#705-E)
13. No vehicle auctions shall be conducted on the premises. (P&Z) (SUP#705-E)
14. **CONDITION AMENDED BY THE PLANNING COMMISSION:** ~~All tractor trailers shall unload or load vehicles~~ loading and unloading of vehicles, if any, shall take place on the existing concrete loading pads located in the middle of the north side of the property only within the fenced area at the rear of the property and during the hours of operation, as noted on the proposed site plan. Auto transporters shall not be loaded or unloaded from the public right-of-way. (P&Z)(T&ES)(SUP#705-E) (PC)
15. **CONDITION AMENDED BY THE PLANNING COMMISSION:** The applicant shall erect a sign(s) which: (1) warns tractor trailer drivers not to unload or load vehicles at the front display or parking areas of the dealership, and (2) directs them to the rear tractor trailer unloading/loading area. (P&Z)(SUP#705-E) (PC)
16. The hours of operation shall be limited to 7:00 AM to 10:00 PM, seven days a week, as requested by the applicant. (P&Z) (SUP#705-E)

17. No loudspeakers or any other amplified sound shall be permitted outside the buildings on the property. (P&Z) (T&ES)(SUP #705-E)
18. **CONDITION AMENDED BY STAFF:** ~~No glare from lights shall be cast onto residential area to the north.~~ The applicant shall provide and implement a site lighting plan to the satisfaction of the Director of the Department of Planning and Zoning. The plan shall be prepared by a lighting engineer, show the existing and proposed site lighting, indicate the type of fixture, show mounting height and strength of fixture in Lumens or Watts, and provide manufacturer's specifications for the fixtures. Additionally, the plan shall provide lighting calculations to verify that lighting meets city standards and are located and shielded to prevent excessive spillover lighting and glare to adjacent properties.(P&Z) (SUP#705-E)
19. **CONDITION AMENDED BY THE PLANNING COMMISSION:** ~~The applicant shall provide and maintain a minimum six foot wide landscape strip between the proposed auto display spaces and the landscaping along the S. Pickett Street right-of-way, and provide additional landscaping within the front and rear parking lots, and landscaping at the rear property line (western eastern property line) along the frontage of the entire property generally consistent with the attached landscaping plan proposed by staff (dated December 2001) and to the satisfaction of the Director of Planning and Zoning and the City Arborist.~~ The applicant shall provide and maintain a minimum six foot wide landscape strip between the proposed auto display spaces and the landscaping along the S. Pickett Street right-of-way, and provide additional landscaping within the front and rear parking lots, and landscaping at the rear property line (western eastern property line) along the frontage of the entire property generally consistent with the attached landscaping plan proposed by staff (dated December 2001) and to the satisfaction of the Director of Planning and Zoning and the City Arborist. (P&Z)(SUP#705-E) (PC)
20. All required improvements, including landscaping, shall be maintained in good condition. (P&Z) (SUP#705-E)
21. **CONDITION DELETED BY STAFF:** ~~Phase one and two of the proposed auto sales building shall be completed within five years of the approval of this SUP, after which time the site plan shall expire.~~ (P&Z) (SUP#705-E)
22. **CONDITION AMENDED BY THE PLANNING COMMISSION:** All required site improvements, including landscaping, signs, fencing, and lighting shall be installed and approved as acceptable prior to the issuance of the certificate of occupancy for phase one within one year of operation approval. (P&Z)(SUP#705-E) (PC)
23. **CONDITION DELETED BY STAFF:** ~~Show existing and proposed sanitary laterals.~~ (T&ES) (SUP#705-E)

24. ~~**CONDITION DELETED BY STAFF:** Show existing and proposed grade elevations. (T&ES) (SUP#705-E)~~
25. **CONDITION AMENDED BY STAFF:** The applicant shall provide an Emergency Vehicle Easement to the satisfaction of the Fire Official. The proposed vacation and rededication of the emergency vehicle easement must be to the satisfaction of Code Enforcement and recorded prior to issuance of a certificate of occupancy for the new additions. (Code) (SUP#705-E) (T&ES)
26. No paint or coatings shall be applied outside the paint spray booth. (T&ES) (SUP#705-E)
27. No odors shall be permitted to emanate from the property. (T&ES) (SUP#705-E)
28. No materials shall be disposed of by venting into the atmosphere. (T&ES) (SUP#705-E)
29. ~~**CONDITION DELETED BY STAFF:** Prior to the release of the final site plan, the applicant shall submit information pertaining to leaking underground storage tanks and/or other potential contamination on site, to the satisfaction of the Director of the Health Department. At a minimum, the Site Characterization Report required by the Virginia Department of Environmental Quality (DEQ) shall be submitted along with a report detailing the status of any current cases involving this property. (Health) (SUP#705-E)~~
30. ~~**CONDITION DELETED BY STAFF:** Applicant shall contribute \$.50 per gross square foot of the proposed building floor area (phases one and two) to the City's Housing Trust Fund prior to the release of the certificate of occupancy for phase one. (Housing) (SUP#705-E)~~
31. **CONDITION AMENDED BY STAFF:** 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. ~~This special use permit shall be reviewed after two (2) years from date of City Council approval.~~ (P&Z) (SUP#705-E)

32. **CONDITION ADDED BY STAFF:** A plot plan showing all alterations and additions to the site must be approved by staff prior to issuance of a building permit. (T&ES)
33. **CONDITION ADDED BY STAFF:** All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground. (T&ES)
34. **CONDITION ADDED BY STAFF:** The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166. (T&ES)
35. **CONDITION ADDED BY STAFF:** The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey of the business and robbery awareness program for employees. (Police)
36. **CONDITION ADDED BY STAFF:** The applicant shall screen the existing chain link fencing located on the property or replace the existing fence with new fencing that serves as a screening device to the satisfaction of the Director of Planning and Zoning. (P&Z)

DISCUSSION:

1. The applicant, Mercedes-Benz of Alexandria, represented by Lonnie Rich, attorney, requests special use permit approval for a change of ownership and for building and site alterations for the automobile sales and service business located at 200 South Picket Street.
2. The subject property is a single lot of record with 305 feet of frontage on South Pickett Street, 690 feet of depth and a total lot area of approximately five acres. The site is developed with one primary facility approximately 114 feet wide by 258 feet long, one accessory facility approximately 30 feet wide by 16 feet long, and a large parking lot containing approximately 390 parking spaces. Both buildings are one-story.

Adjacent land uses include the Nissan automobile dealership to the north, the residential Cameron Station development to the east, a shopping center to the south and more residential buildings to the west.

3. The existing Oldsmobile automobile dealership is currently approved under SUP #705-E, and the site has been used for an automobile sales business since June 1967 (SUP #705).
4. The applicant is requesting approval to change the ownership of the automobile dealership from Stohlman Automotive Group, Inc. to Mercedes-Benz of Alexandria, LLC, and to expand and alter the exterior of the existing auto dealership building.

The new operator will run a Mercedes automobile dealership, selling new and used vehicles, leasing vehicles and offering automobile repair service. In recent years the site has included a trailer leasing business, but the applicant does not intend to continue that operation. No other changes in the operation are anticipated. The automobile dealership will operate from 7:00 a.m. to 10:00 p.m. daily, which are the same operating hours used by the prior dealership.

The applicant proposes to expand the front showroom by 460 square feet, enclose the drive through service area, and enlarge the drive-through service area by adding 1,824 square feet at the rear of the building. The applicant also proposes to resurface the building in brick and add a large architectural element at the facade. This work will necessitate the relocation of some parking spaces and the emergency vehicle easement. All of this work is shown on the attached plan and in the attached color rendering.

5. The number of existing and proposed parking spaces well exceed the number of parking spaces required under the zoning ordinance. The applicant intends to retain parking at the front of the lot along South Pickett Street for customer parking.

Parking Requirements: Pursuant to Section 8-200 of the zoning ordinance, the applicant is required to provide roughly 102 parking spaces for the use once it is expanded. This total amount of parking includes 36 spaces for the retail sales and leasing, and 66 spaces for the accessory general automobile repair service.

The zoning ordinance requires 1.2 parking spaces for every 230 square feet of floor area devoted to the retail use, and requires one parking space for every 400 square feet of floor area devoted to the non-retail automobile repair use. Approximately, 6,901 square feet of building space (including both of the two buildings on-site) is devoted to automobile sales and leasing and approximately 26,381 square feet is devoted to general automobile repair service.

The plan provided by the applicant states that there are 391 existing parking spaces on the subject property. The majority of the existing parking spaces are independently accessible, and about 30% are stacked or tandem spaces. The applicant proposes to relocate 19 parking spaces and add 29 parking spaces for a total 420 parking spaces.

6. Staff visited the subject property on November 28, 2001, found violations of the special use permit relating to Conditions #9 and #10, and issued a ticket for these violations. Partially stripped vehicles were parked at the rear of the subject property. Trash and tire parts littered the ground at the rear of the subject property in the northeast corner. Staff also noted that there were two large trailers on the site that appeared to be much larger than those generally associated with the trailer leasing business. The majority of other trailers on the site were the U-Haul brand that attach to passenger cars. Staff notified the applicant that any trailers located on-site in violation of the zoning ordinance must be removed. The applicant contacted staff to say that they were working to remove the stripped cars, the trash and the trailers.
7. Zoning: The subject property is located in the Commercial General (CG) zone. Section 4-400 of the zoning ordinance allows an automobile and trailer Rental or sales area in the CG zone only with a special use permit.
8. Master Plan: The proposed use is consistent with the Landmark/Van Dorn small area plan chapter of the Master Plan which designates the property for Commercial General (CG) use.

STAFF ANALYSIS:

Staff supports the continued operation of an automobile dealership at 200 South Pickett Street, the proposed change of ownership and the proposed building and site alterations, as identified in the applicant's plans.

Staff notes that the east side of South Pickett Street has been occupied by commercial uses historically, but that the recent development of Cameron Station immediately behind the commercial land raises questions about the continued compatibility of the commercial uses with their new residential neighbors. Staff views this case as an example of how the City must, in reviewing SUP cases in this area, be sensitive to issues such as noise, hours, landscaping and aesthetics, and endeavor to find ways that the commercial uses, which staff supports in concept, can best coexist with the adjacent residential use. See attached photographs and site description prepared by staff.

As in other SUP cases throughout the City, staff is proposing several site improvements regarding landscaping, signs, lighting and fencing. As is true elsewhere, these improvements are designed to create a unified streetscape, and make the existing asphalt landscapes more attractive and pedestrian friendly. In this case, they also include essential elements to establish or strengthen buffers between the neighboring residential and the subject commercial use.

Staff has met with representatives of the Cameron Station community and staff's recommendations take their concerns into account. Staff has also met with the applicant to review staff's proposed site improvements and the applicant has indicated a strong willingness to work with staff. Staff was encouraged to find that the applicant shares many of staff's goals for attaining a buffer between it and the adjacent residential community, making the site more attractive from the street, and generally upgrading the appearance of the lot. The applicant's own building program submitted as part of the application is evidence of its intent to improve the site on its own. The site improvements staff recommends as well as the applicant's reaction regarding each recommendation are outlined in more detail below.

Proposed Site Improvements:

1. ***Landscaping and Signs:*** Staff's landscaping and signage proposal is shown in the attached plan (dated December 2001), and associated conditions are included under the Staff Recommendations section of this report. The applicant reviewed the following recommendations with staff and indicated that they were willing to work with staff on each of them.
 - ***Portion of Lot Fronting South Pickett Street*** – Staff recommends that the applicant plant trees and shrubs along South Pickett Street and within the front parking lot, and

replace the two existing freestanding signs with two monument signs. These changes will create an orderly, attractive and pedestrian scaled edge for the subject property, and are consistent with landscaping and new signs the City has required along other major corridors throughout Alexandria. The proposed landscaping will also extend the existing row of trees and shrubs running alongside South Pickett, and thereby help establish a unified presence for this important commercial corridor.

- ***Interior of Front Parking Lot*** – Staff recommends that the applicant create two planting beds within the front parking lot, on the north side of the subject property. These planting beds will include trees and shrubs. These plants will break up and soften the view pedestrians, drivers and adjacent homeowners have of the large asphalt and concrete parking lots. These plants also provide shade within the parking lot and help reduce ambient heat.
- ***Rear of Property*** – Staff’s proposed plan also shows new landscaping at the rear or western side of the subject property. This landscaping will increase the size of the existing buffer that stands between the town homes of Cameron Station and the auto dealership’s parking lot. The proposed addition of evergreens to the predominantly deciduous buffer will also make the buffer thicker and less transparent during winter months. The town homes stand roughly 40 to 50 feet from the edge of the automobile dealership, and generally surround the dealership on three sides. The plan located at the front of this document shows the subject location relative to adjacent residential properties.
- ***Interior of Rear Parking Lot*** – Staff recommends adding trees and shrubbery to the top of the rear parking lot to further buffer the residential from the commercial property. These trees are well sited to break up the adjacent homeowners’ views of the automobile dealership site. These trees will also provide shade within the parking lot and help reduce ambient heat.

2. **Lighting Study:** Representatives of Cameron Station notified staff and the applicant that residents had complained about glare from and the brightness of lighting at the automobile dealership. In a recent meeting, the applicant told staff that they were already working to address the neighborhood’s lighting concerns by conducting a lighting study. Staff commends this effort, and proposes that the applicant use the lighting study to provide and implement a lighting plan. Staff recommends that this work be done to the satisfaction of the Department of Planning and Zoning to ensure that the glare and brightness issues are addressed for the adjacent residential properties. A condition to this effect is included.

3. ***Fencing:*** Staff recommends that the applicant add screening to the existing fencing to make it opaque. This screening will help block the adjacent homeowners' view of the subject site's large black asphalt parking lots, rows of cars, and service and showroom buildings. Staff reviewed this recommendation with the applicant and the applicant stated that the fencing would likely be replaced in some areas with a higher quality wood fence. The applicant also stated that in making any changes to the fencing, it would have to consider the need for maintaining security. Staff is willing to work with the applicant to arrive at a solution that will address the need for more screening and allow for sufficient on-site security.

As to noise, Condition #17 continues to prohibit loudspeaker or amplified sound outside the building. In addition, the noise ordinance limits the maximum permissible noise levels audible at the property line. Coincidentally, the adjacent Nissan dealership on South Pickett Street will be before the Planning Commission and City Council in February 2002 with its own special use permit request, and at that time staff will make similar site recommendations.

Staff recommends several other standard conditions regarding the operation of the automobile dealership, including an annual review of the applicant one year after approval, and recommends that several conditions be deleted. Conditions #2, #3, and #5 should be deleted since the applicant has complied with them and these conditions no longer relate to any current requests or activities. Conditions #21, #23, #24, #29 and #30 should be deleted since they relate to a construction project that was approved under Special Use Permit #705-E but never built. The proposed standard conditions as well as the conditions proposed for removal are shown under the Staff Recommendations section of this report. Staff supports the proposed change of ownership and proposed building and site alterations, and recommends approval subject to the recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 A plot plan showing all alterations and additions to the site must be approved by T&ES prior to issuance of a building permit.
- R-2 The proposed vacation and rededication of the emergency vehicle easement must be to the satisfaction of Code Enforcement and recorded prior to issuance of a certificate of occupancy for the new additions.
- R-3 All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground.
- R-4 The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166.
- R-5 No material shall be disposed of by venting into the atmosphere.
- R-6 No paint or coatings shall be applied outside the paint spray booth.
- R-7 All loudspeakers shall be prohibited from the exterior of the building.
- R-8 Auto transporters shall not be loaded or unloaded from the right-of-way.

Code Enforcement:

- C-1 The changes to the emergency vehicle easement shall be recorded in the land records.
- C-2 The proposed alterations to this building require a construction permit. Plans prepared by a licensed architect shall accompany the permit application that accurately reflect the current facility as well as proposed construction.

Health Department:

- F-1 No comments.

Police Department:

- R-1 Security survey for the business.
- R-2 Robbery awareness program for all employees.
- R-3 Concur.

APPLICATION FOR SPECIAL USE PERMIT # 2001-0112

[x] Change of Ownership or [] Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 200 South Pickett Street, Alexandria, VA 22304

TAX MAP REFERENCE: 058.00-03-04 ZONE: CG

APPLICANT Name: Mercedes-Benz of Alexandria, LLC (being created)

Address: 585 N. Glebe Road, Arlington, VA 22202

PROPERTY OWNER Name: ASC Alexandria, LLC

Address: 585 N. Glebe Road, Arlington, VA 22203

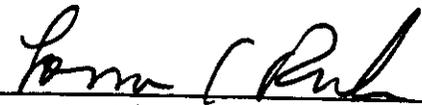
SITE USE: Automotive Sales & Service

[] THE UNDERSIGNED hereby applies for a Special Use Permit for Change in Ownership, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[] THE UNDERSIGNED hereby applies for a Special Use Permit for Minor Amendment, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Lonnie C. Rich
Print Name of Applicant or Agent


Signature

1317 King Street
Mailing/Street Address

703-836-7441 703-836-0265
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

September 28, 2001
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ADMINISTRATIVE ACTION: _____

Date

Director, Planning & Zoning

The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.

1. Please describe prior special use permit approval for the subject use.

Most recent Special Use Permit # 705E

Date approved: 02 / 01 / 1994
month day year

Name of applicant on most recent special use permit Stohlman Automotive Group, Inc.

Use Automotive Sales & Services

2. Describe below the nature of the existing operation in detail so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary)

Current existing operation involves the sales & repair of new and used Oldsmobiles. We propose to phase out the Oldsmobile operation and establish the sales and service of Mercedes-Benz automobiles. (New & Used)

At the height of its business, the Oldsmobile dealership sold approximately 2500 new vehicles and 1500 used vehicles per year.

For the proposed Mercedes-Benz dealership, the volume will be substantially less - a maximum of approximately 1200-1500 new vehicles and 700-800 used vehicles per year.

4. Is the use currently open for business? Yes No

If the use is closed, provide the date closed. _____ / _____ / _____
month day year

5. Describe any proposed changes to the conditions of the special use permit:

None

6. Are the hours of operation proposed to change? Yes No
If yes, list the current hours and proposed hours:

Current Hours:	Proposed Hours:
_____	_____
_____	_____
_____	_____
_____	_____

7. Will the number of employees remain the same? Yes No
If no, list the current number of employees and the proposed number.

Current Number of Employees:	Proposed Number of Employees:
_____	_____

8. Will there be any renovations or new equipment for the business? Yes No
If yes, describe the type of renovations and/or list any new equipment proposed.

Only modest renovations to upgrade the internal and external appearance of the building.

9. Are you proposing any change in the sales or service of alcoholic beverages? Yes No
If yes, describe proposed changes:

10. Is off-street parking provided for your employees? Yes No
If yes, how many spaces, and where are they located?

50 spaces to the rear of the lot

11. Is off-street parking provided for your customers? Yes No
If yes, how many spaces, and where are they located?

30 spaces to front and sides of building

12. Is there a proposed increase in the number of seats or patrons served? Yes No
If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:

Proposed:

None

13. Are physical changes to the structure or interior space requested? Yes No
If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

14. Is there a proposed increase in the building area devoted to the business? Yes No
If yes, describe the existing amount of building area and the proposed amount of building area.

Current:

Proposed:

15. The applicant is the (check one) Property owner Lessee

other, please describe: Contract Lessee

16. The applicant is the (check one) Current business owner Prospective business owner

other, please describe: _____

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address. For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

Please provide ownership information here:

Lenore Zinn, 5014 Warren St. N.W., Washington D.C. 20016	20%
Alvin Brooks, 10008 Sorrel Ave., Potomac, MD 20854	20%
Morton Zetlin, 9813 Woodford Rd, Potomac, MD 20854	20%
Ralph Mastantuono 8341 Rocky Spring Rd, Frederick, MD 21702	20%
Others less than 10% each.	

SUP 2001-0112

RICH GREENBERG ROSENTHAL & COSTLE, LLP

ATTORNEYS & COUNSELLORS AT LAW

1317 KING STREET

ALEXANDRIA, VIRGINIA 22314-2928

TELEPHONE (703) 836-7441

FACSIMILE (703) 836-0265

FAIRFAX OFFICE
3977 CHAIN BRIDGE ROAD
SUITE 201
FAIRFAX, VA 22030
(703) 359-5669

EDWARD S. ROSENTHAL*
LONNIE C. RICH**
CARY S. GREENBERG
CAROLINE E. COSTLE*

ANNIE KIM

* ALSO MEMBER OF THE
DISTRICT OF COLUMBIA BAR

* ALSO MEMBER OF THE
TENNESSEE BAR

WORLD WIDE WEB
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September 28, 2001

By Hand Delivery

Ms. Eileen Fogarty, Director
Department of Planning and Zoning
Room 2100
City Hall
301 King Street
Alexandria, Virginia 22314

Re: Mercedes-Benz of Alexandria, LLC
Application for Special Use Permit (Change of Ownership)

Dear Ms. Fogarty:

Our firm represents Mercedes-Benz of Alexandria, LLC (hereafter Mercedes-Benz), a new dealership leasing the property at 200 South Pickett Street in the City.

Enclosed for filing is an application for a special use permit for change the ownership. Also enclosed is a check for \$100.00 for the filing fee.

We believe that this application is appropriate for administrative approval. The approval of this SUP to the new dealership is a matter of some urgency, because of conditions in the contracts among the parties.

However, we are requesting that the effective date of the new SUP be left open because the Oldsmobile dealership may operate for several more months before the Mercedes-Benz is ready to begin operation.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lonnie C. Rich". The signature is written in a cursive style with a large, stylized initial "L".

Lonnie C. Rich

c: Morton Zetlin

RICH GREENBERG ROSENTHAL & COSTLE, LLP

ATTORNEYS & COUNSELLORS AT LAW

1317 KING STREET

ALEXANDRIA, VIRGINIA 22314-2928

TELEPHONE (703) 836-7441

FACSIMILE (703) 836-0265

FAIRFAX OFFICE
3977 CHAIN BRIDGE ROAD

SUITE 201
FAIRFAX, VA 22030
(703) 359-5669

WORLD WIDE WEB
www.RGRCLaw.com

EDWARD S. ROSENTHAL*

LONNIE C. RICH**

CARY S. GREENBERG

CAROLINE E. COSTLE*

ANNIE KIM

* ALSO MEMBER OF THE
DISTRICT OF COLUMBIA BAR

* ALSO MEMBER OF THE
TENNESSEE BAR

November 8, 2001

By Hand Delivery

Ms. Mary Hashemi
Department of Planning and Zoning
Room 2100
City Hall
301 King Street
Alexandria, Virginia 22314

Re: Mercedes-Benz of Alexandria, LLC
Application for Special Use Permit (Change of Ownership)

Dear Ms. Hashemi:

This letter is a follow-up to our meeting earlier this week in which we discussed making minor changes to expand and enhance the appearance of the building. Submitted herewith for staff review are 28 copies of the site plan and a rendering showing the desired look of the modified building.

Briefly, the changes are as follows: 1) about a four foot bump out at the front of the building to make the front wall of windows flush with the existing roof line, plus a new curved, free-standing facade for design/artistic purposes, 2) enclosure of the existing roofed, drive-through area to allow customers dropping off their cars to do so in a weather-protected

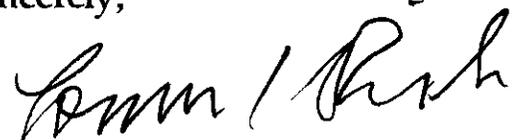
environment, 3) a small addition to expand the drive-through area at the rear so several customers can be received at the same time, and 4) adjustment in the emergency vehicle easement on two sides of the building to permit the enclosure of the drive-through area and to permit additional parking on the left side of the building as faced from Pickett.

The two additions add 2,284 square feet to the existing building for a total of 35,065 square feet. The parking is increased from 391 spaces to 420 spaces.

These changes constitute a change in our application, specifically #8, #13 and #14 related to the nature and extent of renovations and changes to the structure and modest increase in the building area. I believe that these proposed changes are minor changes that do not intensify the use and could be approved administratively. Nonetheless, since our original application is on the regular January docket, we asked that these changes be considered at the same time.

If you have any questions, please contact me.

Sincerely,



Lonnie C. Rich

c: Morton Zetlin



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

TICKET NO **2319**

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

11.29.01 THURS. 12:00
Date ticket served Day of Week Time AM/PM

Location of Violation: 200 S. PICKETT
STREET

Ord. Section: _____

Description of Violation: VIOLATION OF
#9 - stripped vehicles at
rear of lot and of #10 -
N accumulation of auto
F parts and trash outside
of a dumpster at rear of lot

Penalty \$: 20.00

1st 2nd
 3rd/MORE _____

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

Mary U. Hashemi
Inspector's Signature ID Number

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

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

NOTICE SERVED ON:

NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY

NAME

POSITION

OTHER

ADDRESS

CITY/TOWN STATE ZIP

SIGNATURE DATE

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

PERSON REFUSED TO SIGN DATE _____

CERTIFICATE OF SERVICE

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

Manager, Stahlman Automotive Group
Name of Person or Business Served

200 S. Pickett Street
Address of Service

Alexandria, VA 22304
City/State

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

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

Signature Mary U. Hashemi

11.29.01 Print Name Mary Hashemi

Date Phone # 703 938 3806

WARNING

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

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

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

2. TO REQUEST A COURT HEARING:

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

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

**3. TO CONTEST THE INTERPRETATION OF THE
ORDINANCE:**

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

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

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

YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____

Street Address _____

City _____ State _____ Zip _____

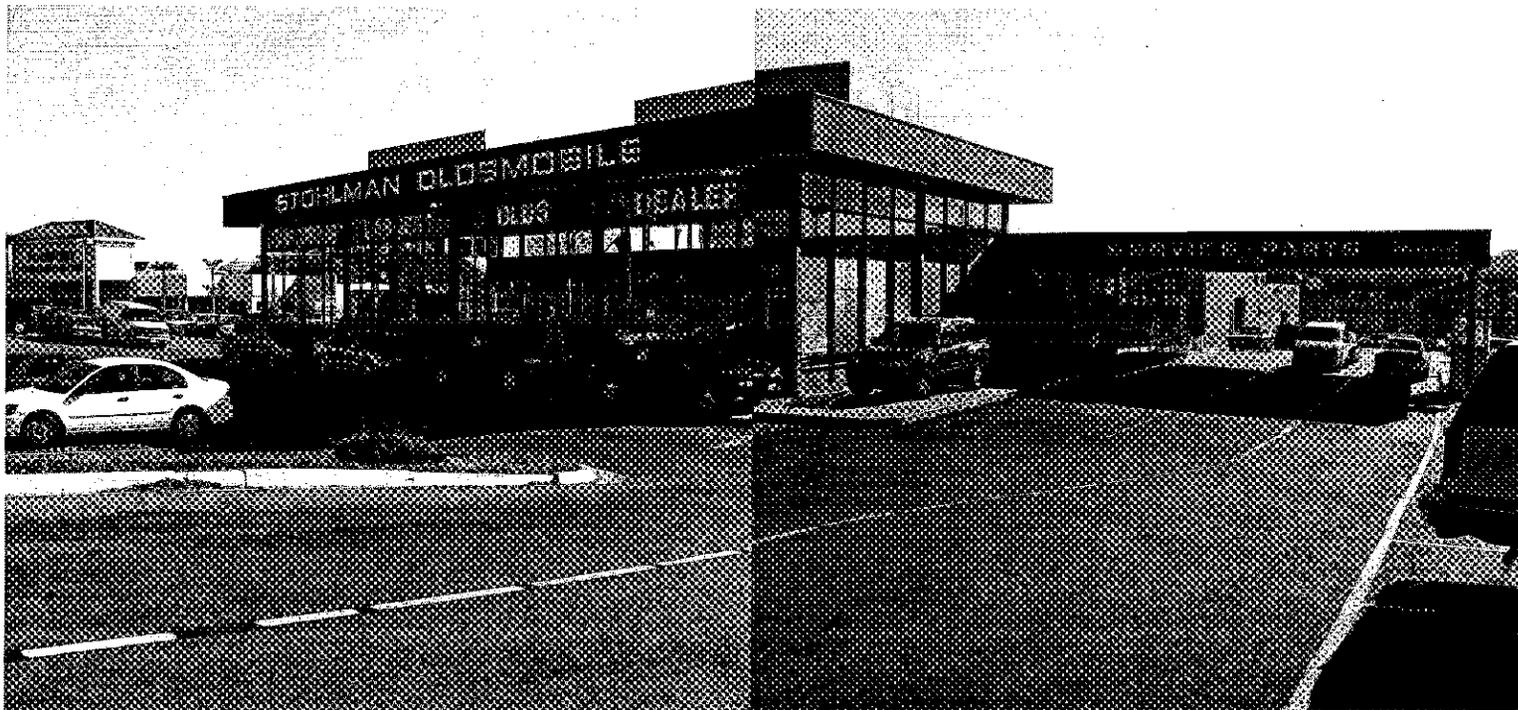
I hereby certify under penalty of law, that I have
answered as indicated above, and corrected or made
substantial efforts to correct the violation that I have
admitted or for which I have pleaded no contest.

Signature _____ Date _____

SUP 2001-0112

200 South Pickett Street, SUP #2001-0112
Views of Existing Stohlman Oldsmobile Dealership

These photographs show the existing façade of the Oldsmobile Dealership building. The applicant has proposed alterations to the façade and service entrance shown here. A rendering of the proposed changes is included with the application.



25

Prepared by the
Department of Planning and Zoning
City of Alexandria

200 South Pickett Street, SUP #2001-0112
Views of Existing Stohlman Oldsmobile Dealership

These photographs show the lot as it faces South Pickett Street, and the existing landscaping and signs. Staff proposes the addition of shrubbery and trees in the landscaping islands shown here and also recommends the replacement of the two freestanding signs with monument signs.

26



View looking north on Pickett Street. One of the two existing freestanding signs is located in the left corner of this picture, and the other sign is shown in the photograph to the right.

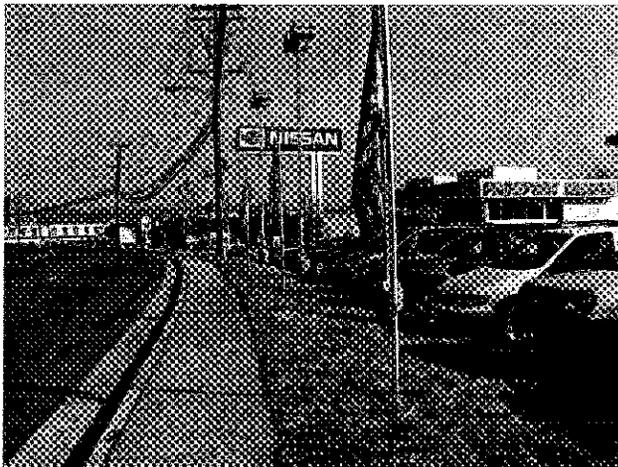


View looking south on Pickett Street.

Prepared by the
Department of Planning and Zoning
City of Alexandria

200 South Pickett Street, SUP #2001-0112
Views of Existing Roadside Landscaping Adjacent to Oldsmobile Dealership

27



East side of South Pickett Street, directly north of the Oldsmobile dealership.



East side of South Pickett Street, directly south of the Oldsmobile dealership.



West side of South Pickett Street, directly west of the Oldsmobile dealership.

Prepared by the
Department of Planning and Zoning
City of Alexandria

200 South Pickett Street, SUP #2001-0112
Views of Existing Stohlman Oldsmobile Dealership



View looking west towards South Pickett Street from interior of parking lot. Staff proposes adding landscape islands to this portion of the parking lot.



View looking east, through the front parking lot and into the rear parking lot. The buildings bordering the parking lot are part of Cameron Station. Staff proposes adding screening to the chain link fence that separates the front and rear parking lots.

Prepared by the
Department of Planning and Zoning
City of Alexandria

200 South Pickett Street, SUP #2001-0112
Views of Existing Stohlman Oldsmobile Dealership

These photographs show the existing buffer of trees and shrubs that stand between the dealership and townhouses at Cameron Station. The cars and trailers in the photographs are parked at the rear of the subject lot. Staff recommends that evergreen trees be added to this buffer.

View at rear of subject property looking southeast.



View at rear of subject property looking northeast.



View of subject property from edge of buffer, looking west.



Prepared by the
Department of Planning and Zoning
City of Alexandria

200 South Pickett Street, SUP #2001-0112
Views of Surrounding Land Uses

Rear view of the Oldsmobile dealership and surrounding land uses. Photographs taken from top floor of adjacent residential building under construction within Cameron Station.

Residential, Cameron Station

Shopping Center, Trade Center

Residential west of South Pickett Street and directly across from Oldsmobile dealership.



30

View looking east of South Pickett Street.

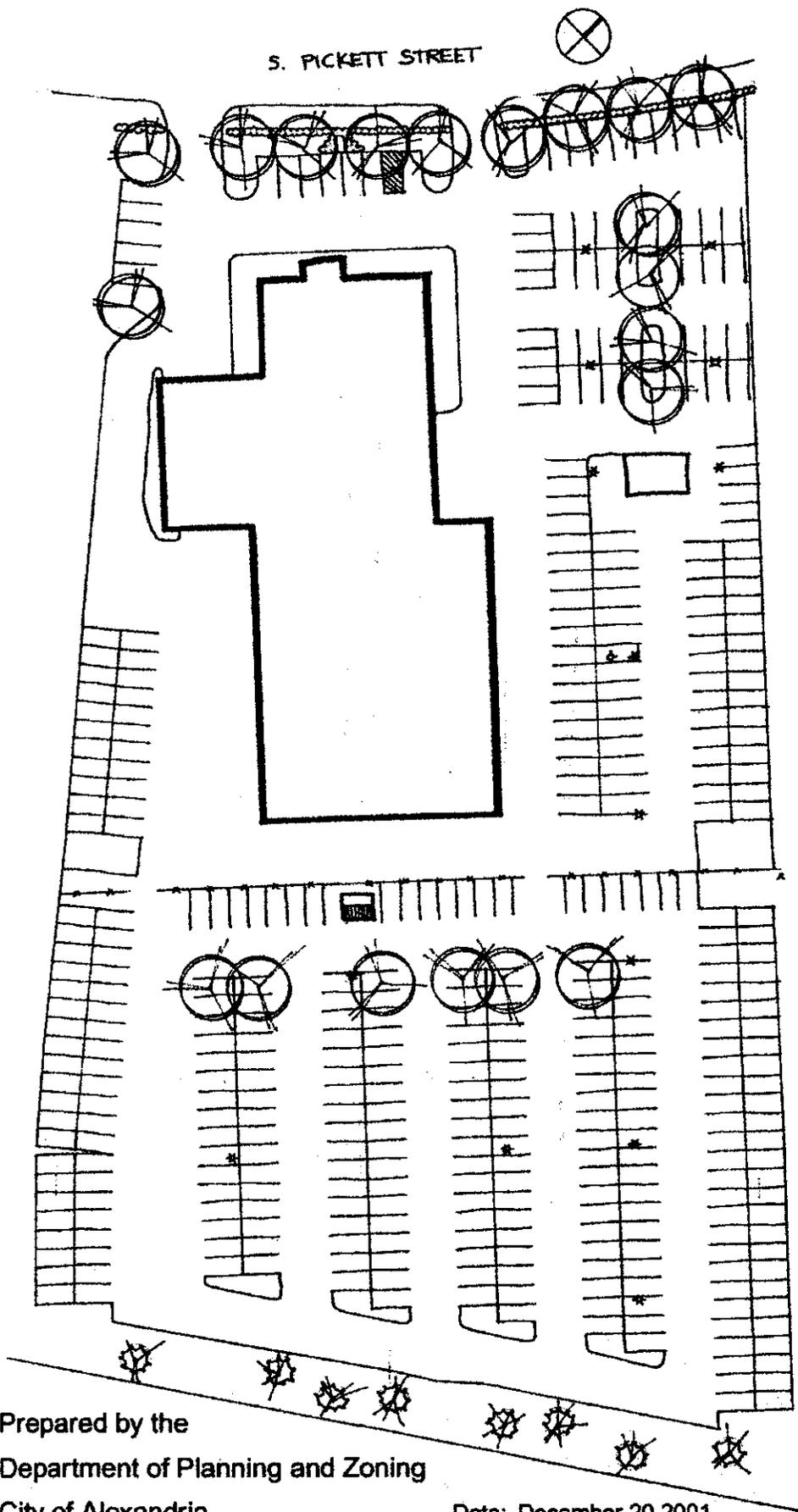
Oldsmobile Dealership Rear Parking Lot

Nissan Dealership Building Adjacent to and North of Oldsmobile Dealership

Nissan's Rear Parking Lot

View looking west towards and across South Pickett Street.

Prepared by the
Department of Planning and Zoning
City of Alexandria



Prepared by the
Department of Planning and Zoning
City of Alexandria

Date: December 20, 2001



American Service Center

Alvin J. Brooks
General Partner & Retailer Principal

Morton J. Zetlin
General Partner & Retailer Principal

Ralph Mastantuono
General Manager

Thursday, December 20, 2001

Dear Neighbor:

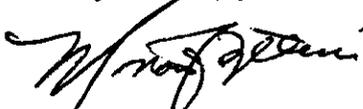
American Service Center (ASC) a family owned full service automobile dealer since 1937 is moving to your neighborhood. ASC is the first Mercedes-Benz Dealer to be appointed to open another dealership and we have purchased Stohlman Oldsmobile, located adjacent to your property. ASC is working closely with the Alexandria Planning Commission to make certain that we are going to be as good neighbors in Alexandria as we are in Arlington.

Even though the security lights have been in place for over thirty years, we want to make certain that the glare from them is minimal. Accordingly, we have had our contractor A. W. Smith redirecting these lights. Hopefully this redirection has improved the situation for you. If there are any comments you may contact Mr. Smith at his office at 703-450-8138, or you may write to us at the address at the bottom of this letter..

We are very excited about our new Mercedes Center and hope that you will notice many other improvements.

We wish you and yours a very happy and peaceful holiday season.

Very sincerely yours,


Morton J. Zetlin


Alvin J. Brooks


Ralph Mastantuono

MAILED TO 323,325,327,329,331,333,335,337,339,341,343,345 HELMUTH LN &
5170 CALIFORNIA LN

#8. SUP 2001-0112

RICH GREENBERG ROSENTHAL & COSTLE, LLP

ATTORNEYS & COUNSELLORS AT LAW

1317 KING STREET

ALEXANDRIA, VIRGINIA 22314-2928

TELEPHONE (703) 836-7441

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FAIRFAX OFFICE
3977 CHAIN BRIDGE ROAD
SUITE 201
FAIRFAX, VA 22030
(703) 359-5669

WORLD WIDE WEB
www.RGRCLaw.com

January 2, 2002

By Fax Only

Ms. Mary Hashemi
Department of Planning and Zoning
Room 2100
City Hall
301 King Street
Alexandria, Virginia 22314

Re: Mercedes-Benz of Alexandria, LLC
Proposed Conditions in SUP

Dear Ms. Hashemi:

This letter is a follow-up to our meeting this morning in which we discussed the conditions proposed by staff for approval of the Special Use Permit for the new Mercedes-Benz dealership at 200 S. Pickett Street. The purpose is confirm the changes agreed upon as well as our understanding of the meaning of other conditions.

Condition #14 will be amended to reflect that loading/unloading of cars will take place on the existing concrete loading pad located in the middle of the north side of the property, not at the rear of the property on the east side.

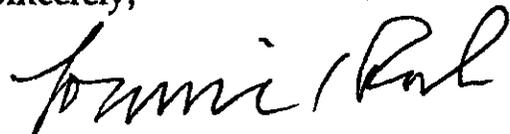
Condition #19 concerns the landscaping, and there is no general objection to the language of the condition, except to correct the reference to "western property line" to be "eastern property line." However, regarding the December 2001 staff plan, it is understood that for the short term, there will be no permanent trees in the middle of the lot behind the building, but the applicant will have trees there in planters. Also, there will be no permanent trees in the northwest middle of the lot, but there will be trees in planters to the north on or near the north property line. Applicant will work with staff over the next year in providing permanent trees in these general locations.

Condition #22 will be amended to provide that "site improvements, including landscaping, fencing, lighting and signage will be installed and approved as acceptable to staff within one year of approval."

Conditions #26, 27, and 28 may be standard conditions, but they seem overly broad. For example, the applicant does not plan to have a paint booth, but in the normal course of business will occasionally do touch-up painting to the scratched surface of a vehicle. Also, there will be tire coatings and waxings of vehicles that are not normally done in a paint booth. Finally, all automobiles emit some fumes, either gas or diesel fumes. It is our understanding that these types of activities or occurrences, as long as done in compliance with EPA and other environmental standards, are not being prohibited by these conditions.

If you have any questions, please contact me. Mercedes-Benz of Alexandria, LLC very much appreciates the staff recommendation to approve the SUP for the new dealership.

Sincerely,

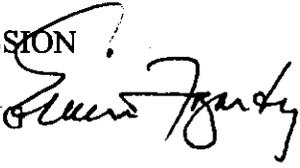


Lonnie C. Rich

c: Morton Zetlin

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 2, 2002
TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING 
SUBJECT: SUP #2001-0112
200 SOUTH PICKETT STREET
APPLICANT, MERCEDES-BENZ OF ALEXANDRIA, LLC

Staff submits this memorandum showing three minor changes to staff's report. These changes were suggested by the applicant and agreed to by staff, and are highlighted in bold below.

Condition #14: CONDITION AMENDED BY STAFF: All ~~tractor trailers shall unload or load vehicles loading and unloading of vehicles, if any, shall take place on the existing concrete loading pads located in the middle of the north side of the property only within the fenced area at the rear of the property~~ and during the hours of operation, ~~as noted on the proposed site plan.~~ **Auto transporters shall not be loaded or unloaded from the public right-of-way.** (P&Z) (T&ES) (SUP #705-E)

Condition #19: CONDITION AMENDED BY STAFF: The applicant shall provide and maintain a ~~minimum six foot wide landscape strip between the proposed auto display spaces and the landscaping along the S. Pickett Street right-of-way, and provide additional landscaping within the front and rear parking lots, and landscaping at the rear property line (western eastern property line) along the frontage of the entire property generally consistent with the attached landscaping plan proposed by staff (dated December 2001) and to the satisfaction of the Director of Planning and Zoning and the City Arborist.~~ **landscaping along the S. Pickett Street right-of-way, and provide additional landscaping within the front and rear parking lots, and landscaping at the rear property line (western eastern property line) along the frontage of the entire property generally consistent with the attached landscaping plan proposed by staff (dated December 2001) and to the satisfaction of the Director of Planning and Zoning and the City Arborist.** (P&Z) (SUP #705-E)

Condition #22: CONDITION AMENDED BY STAFF: All required site improvements, including landscaping, **signs, fencing, and lighting**, shall be installed and approved as acceptable ~~prior to the issuance of the certificate of occupancy for phase one within one year of operation approval.~~ **signs, fencing, and lighting**, shall be installed and approved as acceptable **prior to the issuance of the certificate of occupancy for phase one within one year of operation approval.** (P&Z) (SUP #705-E)

11
1-26-02



SUP #2001-0112
200 S Pickett St
Mercedes-Benz

mh

APPLICATION for SPECIAL USE PERMIT # 2001-0112

[x] Change of Ownership or [] Minor Amendment

[must use black ink or type]

PROPERTY LOCATION: 200 South Pickett Street, Alexandria, VA 22304

TAX MAP REFERENCE: 058.00-03-04 ZONE: CG

APPLICANT Name: Mercedes-Benz of Alexandria, LLC (being created)

Address: 585 N. Glebe Road, Arlington, VA 22202

PROPERTY OWNER Name: ASC Alexandria, LLC

Address: 585 N. Glebe Road, Arlington, VA 22203

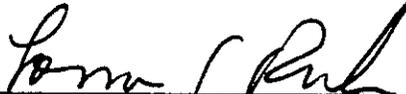
SITE USE: Automotive Sales & Service

[] THE UNDERSIGNED hereby applies for a Special Use Permit for Change in Ownership, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia. THE UNDERSIGNED, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

[] THE UNDERSIGNED hereby applies for a Special Use Permit for Minor Amendment, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief.

Lonnie C. Rich
Print Name of Applicant or Agent


Signature

1317 King Street
Mailing/Street Address

703-836-7441 703-836-0265
Telephone # Fax #

Alexandria, VA 22314
City and State Zip Code

September 28, 2001
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ADMINISTRATIVE ACTION: 01/03/02 Recommend Approval 6-0

ACTION - CITY COUNCIL: 01/26/2002PH -- CC approved the Planning Commission recommendation.

Date Director, Planning & Zoning

SPEAKER'S FORM

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

11
1-26-02

DOCKET ITEM NO. 11

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Lonnie C. Rich
2. ADDRESS: 101 W Uhler Terr, Aley VA 22301
TELEPHONE NO. 7519-7904 E-MAIL ADDRESS: lcrich@rgylaw.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
American Service Center Associates of Aley, LLC
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES NO _____

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

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

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

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

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

Guidelines for the Public Discussion Period

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