

EXHIBIT NO. 1

9
2-23-02

Docket Item # 5-A
REZONING #2001-0005
ALEXANDRIA HOSPITAL

Planning Commission Meeting
February 5, 2002

ISSUE: Consideration of a request to change the zoning designation of the subject property from R-12/Residential and R-8/Residential to R-8/Residential with proffers.

APPLICANT: INOVA Alexandria Hospital
J. Howard Middleton, Jr., attorney

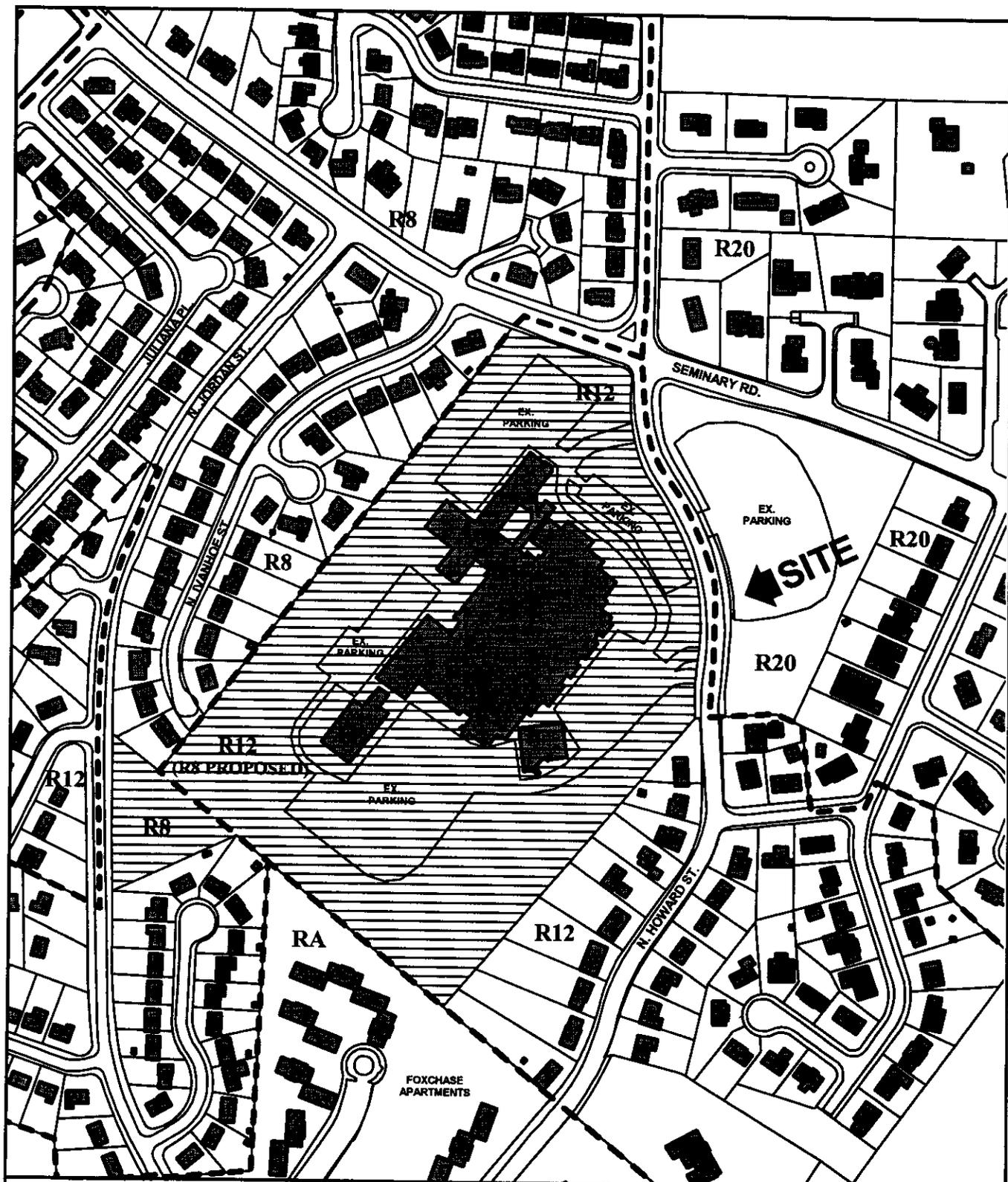
LOCATION: 4320 Seminary Road
Alexandria Hospital

ZONE: R-12/Residential, R-8/Residential (R-8/Residential proposed)

PLANNING COMMISSION ACTION, FEBRUARY 5, 2002: On a motion by Mr. Komoroske, seconded by Mr. Leibach, the Planning Commission voted to approve the request, subject to all applicable codes and ordinances and conditions. The motion carried on a vote of 7 to 0.

PLANNING COMMISSION ACTION, JANUARY 3, 2002: By unanimous consent, the Planning Commission deferred the request.

Reason: Staff requested the deferral.



REZ #2001-0005

02/05/02



STAFF RECOMMENDATION:

Staff recommends **approval** of the proposed rezoning of the site from R-12/Residential and R-8/Residential to R-8/Residential, with the proffers and conditions below:

1. The applicant shall not apply for a rezoning of the subject property (Tax Map 30.00-04-11) to the RA zone or other less restrictive zone for a period of twenty-five years from the date this application is approved by City Council.
2. The applicant shall not apply for a rezoning of property it also owns on the east side of Howard Street (Tax Map 31.00-01-16) to R-12 or other less restrictive zone for a period of twenty-five years from the date this application is approved by City Council.
3. The approval of the rezoning shall be contingent upon approval of the development special use permit with site plan. (P&Z)

BACKGROUND:

The applicant, Inova Alexandria Hospital, is requesting approval to change the zoning category for the entire 27.65 acre site at 4320 Seminary Road from R-8/Residential and R-12/Residential to R-8/Residential, with a zoning proffer restricting future applications for rezoning of the site (Tax Map 30.00-04-11) to RA zone or other less restrictive zone for a period of twenty-five years and not to apply for a rezoning of property it also owns on the east side of Howard Street (Tax Map 31.01-16) to R-12 or other less restrictive zone for a period of twenty-five years.

The zoning for the subject property has been residentially zoned since its annexation from Fairfax County in 1952 and has continued to be R-8 and R-12 through the comprehensive Master Plan amendments and update of the Zoning Ordinance that occurred in 1992. The site previously contained two lots of record that coincide with the current boundaries of the two zones. The two lots were consolidated in 1989 to comply with a special use permit condition, although the two zoning categories remain. The R- 8 zoning is a small (56,002 sq.ft.) triangular portion of the site adjacent to N. Jordan Street, the remaining portion of the site is zoned R-12. The applicant is requesting approval to rezone the entire 27.65 acre site to R-8/Residential.

Master Plan - Small Area Plan:

The site is located within the Seminary Hill/Strawberry Hill section of the City's Master Plan, which identifies the site as an institutional use and recommends residential zoning for the site. The Master Plan has several goals for health care facilities and services that encourage the provision of adequate health care facilities for the community with the goal of:

- encouraging a full range of private sector health care facilities within the community;
- promoting the physical and mental well being of the citizens;
- improving citizen access to health care services and resources; and
- maintaining and/or expanding health facilities to meet the needs of the City.

Zoning:

The table below summarizes the characteristics the R-12/Residential zone and the proposed R-8/Residential zone.

	<u>R-12 (Current Zone)</u>	<u>R-8 (Proposed Zone)</u>
Maximum F.A.R.	.30	.35
Maximum Height	35 ft.	35 ft.
Setbacks		
Front	35 ft.	30 ft.
Side	1:1 min 25ft.	1:1 min 25 ft.
Rear	1:1 min 25 ft.	1:1 min 25 ft.
Required Open Space	NA	NA

Staff Analysis:

Because the proposed rezoning to R-8 is consistent with the intent of the Master Plan and goals of the Seminary Hills/Strawberry Hill Small Area and the use is consistent with the institutional use identified by the Small Area Plan staff recommends approval. The proposed rezoning will not result in an “intensification” of the existing use by offering additional services. Rather the proposed addition will permit an increase in the number of single bed rooms for purposes such as isolating infectious diseases and addressing gender imbalances, as well as accommodating changing medical technologies and practices. The proposed parking structure will provide additional parking for the employees that in combination with the existing surface parking lots for visitors will address the existing parking deficit that will likely minimize the use of adjoining residential streets for parking for the hospital.

In general, the transition in zoning categories is Howard Street. Properties on the eastern portion of Howard Street are generally R-12 and R-20, while the properties on the western portion of the street are generally R-8. Therefore, staff believes the proposed R-8 zoning will be compatible with the adjoining zones that include R-8 on the western portion of the site and RA on the southern portion of the site. The proposed rezoning will result in a triangular shaped area (southeast of the site) that will be zoned R-12 with the remainder of the area west of Howard Street zoned R-8. Staff believes this area of transition between the R-12 and R-8 zone has been addressed through the landscape buffer, additional landscaping and conditions of the accompanying special use permit. In addition to the landscaping and buffers between the adjoining residential uses, the compatibility issues such as mass, height, setbacks and floor area requirements within each zone are discussed in more detail below.

Zoning Setbacks and Height:

Although the lot size requirements (density) are different within the R-8 and R-12 zone, the dimensional requirements of building height and setbacks are the same within each zone. The minimum lot size requirement within the zone is not applicable because the proposed rezoning is located on one lot of record. The proposed setback for the addition and the parking structure are both significantly more than the minimum 25 ft. setback requirement within the R-12 or R-8 zone. These increased setbacks provide a considerable physical and landscape buffer for the adjoining residences. The minimum setback requirements within each zone are similar. Therefore, the fundamental change that will result from the rezoning is the increase in floor area ratio from .30 in the R-12 zone to .35 in the R-8 zone.

Floor Area Ratio (F.A.R.)

Under the current R-12/Residential zoning there is approximately 85 sq. ft. of additional F.A.R., prohibiting any significant above-grade additions for the hospital. The F.A.R. of the proposed R-8/Residential zone permits an additional 57,725 sq.ft. building for the site. The applicant is proposing to utilize 55,234 sq.ft. or the majority of the F.A.R. permitted within the proposed zone.

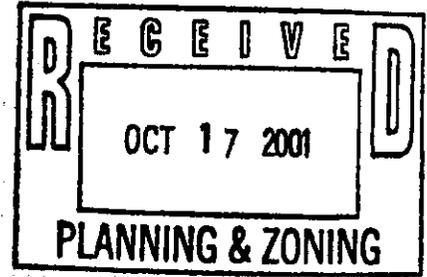
The intent of F.A.R., in combination with the height and setbacks requirements within each zone is to indicate the overall mass of buildings and locations permitted within each zone. As stated previously the proposed setbacks for the addition and the parking structure are considerably more than the minimum required within the existing or proposed zone. The increased setbacks in combination with the landscaping/screening will minimize the perceived mass of the structures from the adjoining streets and residences. Although the parking structure adds considerable mass to the site, the parking structure does not add additional F.A.R. as defined by the Zoning Ordinance. Therefore, as discussed in the accompanying special use permit staff report, it is essential that the parking structure include architectural treatment and landscaping to minimize its visual presence. The applicant is proposing to a F.A.R. of approximately 0.34 resulting in 2,491 sq.ft. remaining F.A.R. within the proposed R-8 zone. Staff supports the proposed rezoning to R-8 and the associated increase in permitted F.A.R. and believe that the proposed zone will be compatible with the adjoining zones and the Master Plan. However, as discussed in more detail in the accompanying special use permit, the impacts from the additional F.A.R., such as screening and parking, need to be resolved.

Staff Recommendation

Staff recommends approval of the proposed rezoning from R-8/Residential to R-12/Residential with proffers. The proposed use with proffers and the conditions outlined with the accompanying development special use permit will enable the use to be compatible with the adjoining residential neighborhood and enable the hospital to continue to provide an important health care role within the community. The proposed rezoning provides considerable public benefit for the adjoining neighborhood and City by the provision of additional conservation easements on the perimeter of the site, landscaping/screening, streetscape improvements and additional parking to reduce employee/visitor parking within the adjoining residential neighborhoods.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Kimberley Johnson, Chief, Development;
Jeffrey Farner, Urban Planner.

JF



AMENDED APPLICATION FOR:

- MASTER PLAN AMENDMENT
- ZONING MAP AMENDMENT

MPA #

REZ # 2001-0005

PROJECT NAME: Inova Alexandria Hospital: Building addition and parking structure

APPLICANT Name: Inova Alexandria Hospital
Address: 4320 Seminary Road
Alexandria, Virginia 22304

- Interest in property: Owner Contract Purchaser
- Developer Lessee Other

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

[X] yes: If yes, provide proof of current City business license.

[] no: If no, said agent shall obtain a business license prior to filing application.

THE UNDERSIGNED certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

J. Howard Middleton, Reed Smith Hazel & Thomas LLP

Print Name of Applicant or Agent

3110 Fairview Park Drive - 13th Floor

Mailing/Street Address

Falls Church, Virginia 22042

City and State

Zip Code

Signature: J. Howard Middleton
703-641-4225 Telephone # 703-641-4340 Fax
Revised October 17, 2001 Date

FOR CITY STAFF USE ONLY:

Date application received:

Fee Paid: \$

Date application complete:

Staff Reviewer:

ACTION - PLANNING COMMISSION:

ACTION - CITY COUNCIL:

07/26/99:\zoning\pc-app1\fbmis\app-mpa

INOVA ALEXANDRIA HOSPITAL

MPA #

REZ # 2001-0005

SUBJECT PROPERTY:

Provide the following information for each property for which an amendment is being requested.
(attach separate sheets if needed)

Address <u>Tax Map-Blk-Lot</u>	Land Use		Master Plan Designation		Zoning Designation		Front- age (feet _____)	Land Area (acres)
	<u>Existing/Proposed</u>		<u>Existing/Proposed</u>		<u>Existing</u>	<u>Proposed</u>		
1. 39.00-04-11	Inst.	Inst.	Inst.	Inst.	R-12	R-8		App. 26

2

PROPERTY OWNERSHIP: Alexandria Hospital dba Inova Alexandria Hospital, a non-stock, not for profit corporation.

Individual Owner

Corporation or Partnership Owner

Identify each person or individual with ownership interest. If corporation or partnership owner, identify each person with more than 10% interest in such corporation or partnership.

1. Name: Alexandria Health Services Corporation, a non-stock, not for profit corporation, owns Alexandria Hospital.
2. Name: Inova Health System Corporation, a non-stock, not for profit corporation, is parent company.
Address: 8110 Gatehouse Road - Suite 200
East Tower
Falls Church, Virginia 22042-1210

JUSTIFICATION FOR AMENDMENT:
(Attached separate sheets if needed)

1. Explain how and why any proposed amendment(s) to the Master Plan are desirable, beneficial to surrounding properties, in character with the applicable Small Area Plan and consistent with City policies:

The Inova Alexandria Hospital is located within the boundaries of the Seminary Hill/Strawberry Hill Small Area Plan. The current Small Area plan was adopted in 1989 and later amended in 1992, within the timeframe when the city's new comprehensive plan and rezoning were adopted by City Council. Prior to the adoption of the Small Area Plan, Inova Alexandria Hospital (the "Hospital") was located in an area designated for "institutional use". The new Small Area Plan continued the designation for "institutional use" and included the parcel of land owned by the Hospital on the east side of Howard Street (approximately 6 acres in size) also as "institutional use". In addition, although the boundaries of the various designations within the Small Area Plan are drawn somewhat ambiguously, it is our understanding that a small parcel of land, approximately 1.2 acres in size, on the southwest corner of the principal Hospital site is also designated for "institutional use". This small parcel of land was purchased by the Hospital in 1965 and has been owned by the Hospital since that time. In 1989, following adoption by City Council of the expanded Hospital plan in 1987, this parcel was consolidated into the principal Hospital site to create one lot of record.

Therefore, we are requesting continued "institutional use" for the properties owned by the Hospital at this location.

2. Explain how and why the proposed amendment to the Zoning Map(s) is consistent with the proposed amendment to the Master Plan, or, if no amendment to the Master Plan is being requested, how the proposed zoning map amendment is consistent with the existing Master Plan:

The applicant proposes to rezone the 26-acre parcel of land designated Tax Map 39.00-04-11 (site) from R-12 to R-8 zoning classification. This parcel of land is the principal property on which the Hospital facilities are located. The 1.2-acre parcel of land located to the southwest of the main Hospital site, as described in paragraph 1, above, is already zoned R-8 and would remain in that zoning classification. This parcel has now been incorporated into 39.00-04-11 on the city Tax Map. In addition, the approximately 6-acre parcel of land located east of Howard Street, designated Tax Map 31.00-01-16, and used as surface off-street parking for the Hospital, is zoned R-20, and would remain in that zoning classification.

The proposed rezoning of the site to R-8 zoning classification would remain in keeping with the existing Master Plan designation for "institutional use". The property will continue to be used as a hospital, which conforms to the "institutional use" designation, and is permitted in this residential zoned area, in accordance with Section 7-600 of the Zoning Ordinance.

The purpose of the proposed zoning amendment is to achieve a higher permitted floor area ratio for the site. The FAR for the R-12 zone is .30, while the allowed FAR for the R-8 zone is .35. This additional .05 permitted FAR, a modest increase, will be necessary to establish a new, enlarged emergency room for the Hospital, thereby also allowing reconstruction of the critical care bed area and operating rooms to improve and enhance medical services. A full explanation of these services is provided in the accompanying Application for Special Use Permit.

The proposal to rezone this parcel of land to R-8, not only conforms to the City's master plan, but also is in keeping with the existing zoning in the vicinity. The zoning of the property adjacent to the Hospital immediately to the west is and has been zoned in the R-8 classification.

Therefore, the Hospital parcels would conform and match the zoning to the west. As noted above, the small triangular parcel of land, approximately 1.2 acres in size, already owned by the Hospital is already zoned R-8. In addition, the zoning classification to the south is RA which permits higher density development. Zoning along Howard Street is R-12, but there will be a substantial buffer and berm between the Hospital site and the properties in that area. Also, the hospital property to the east of Howard Street is zoned R-20 and will remain in that zone classification, which is similar to the zoning of the residential property further to the east.

Therefore, the requested rezoning conforms to the City's Master Plan and is in keeping with the existing zoning configuration in the vicinity.

3. Explain how the property proposed for reclassification will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire, drainage structures, refuse disposal, water and sewers, and schools.

The rezoning will not alter the existing public services to the site. Primary access to the site will be by way of Seminary Road and Howard Street, which will remain an arterial and residential collector, respectively. Police and fire service, and of course, emergency services will have ready access to the site and will not be affected by the rezoning. In addition, the drainage structures, refuse disposal (which is private) and water and sewer service will not be affected by the rezoning. A significant part of the Application for Special Use Permit is to create a parking structure where the surface parking is now located to the west of the Hospital building. The new off-street parking will provide parking for employees, remove cars from street parking and service the expanded Hospital for the foreseeable future.

4. If this application is for conditional zoning approval pursuant to Section 11-804 of the Zoning Ordinance, identify all proffered conditions that are to be considered part of this application (see Zoning Ordinance Section 11-804 for restrictions on conditional zoning):

This applicant proffers that it will not apply for a rezoning of the subject property (Tax Map 39.00-04-11) to the RA zone or other less restrictive zone for a period of twenty-five years from the date this application is approved by city council.

The applicant also proffers that it will not apply for a rezoning of property it also owns on the east side of Howard Street (Tax Map 31.00-01-16) to the R-12 or other less restrictive zone for a period of twenty-five years from the date this application is approved by city council.

EXHIBIT NO. 2

*Sent to
cc 2/8/02*

9E10

2-23-02



Jere718@aol.com

02/08/02 12:15 PM

To: Beverly I Jett@Alex, Phil Sunderland@Alex, DSpeck@aol.com @
INTERNET, council-woodson@home.com @ INTERNET,
jmw@woodsongroup.com @ INTERNET, Mildrilyn Davis@Alex

cc:

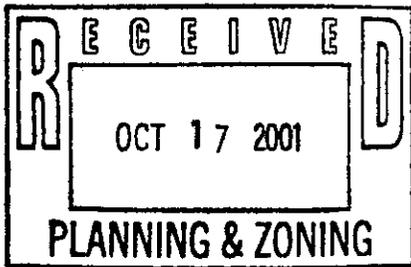
Subject: Housing Trust Fund - Alexandria Hospital

Dear Mayor Donley and Members of Council: On 2/7/02 the Affordable Housing Advisory Committee (AHAC) voted 6-2 to credit INOVA Alexandria Hospital \$43,000.00, instead of requiring the 50 cent per square foot contribution to the Housing Trust Fund. The Hospital is undergoing an expansion of its emergency room. The credit was granted in recognition of the free health care provided indigent patients at Alexandria Hospital. I voted against the credit and would like to explain my vote. The Hospital provided only information on the value of its charitable care, and that information was lacking in detail. It did not provide any information to enable AHAC to determine the overall financial health of the Hospital. A statistic of \$12 million was presented as the stated value of unreimbursed charitable care for the last year, with \$2.6 million attributable to Alexandria residents. Although these amounts are substantial, it was impossible to put these numbers in any meaningful context given the lack of other financial information. Of course I want the hospital to be successful, and that means financially healthy. But I am concerned that a financially well off institution is avoiding a HTF contribution it can readily afford. The fact that the Hospital is a "not-for-profit" organization does not mean that its revenues are not substantial. I suspect that executives at the Hospital are well paid, and deservedly so. I also suspect the expansion of the Emergency Room will generate substantial revenue. If the Hospital is financially secure, it may be in the City's interest to require the HTF contribution.

I requested a postponement of this item to allow the Hospital to provide more financials, but I was outvoted. The Hospital is a major employer in the City. Large numbers of its employees are paid only modest salaries, and are in need of affordable housing. The Hospital should be encouraged to participate in programs which provide for the common good, including housing. I urge Council to inquire further into the hospital's request for a waiver of, or credit for, its HTF contribution. What monies does the hospital receive from the City (and other sources) to offset the charitable care? Does it ever refuse care when indigents are in need? Does its overall financial health justify this request? Is the burden of compliance with the HTF requirement outweighed by the need to apply the 50 cent contribution evenly to ensure adequate funds for affordable housing? Thank you for your consideration of this matter.

Jeremy Flachs
1521 Oronoco Street
Alexandria, Virginia 22314
703-354-7700
jere718@aol.com

JF



9

AMENDED APPLICATION FOR:

[] MASTER PLAN AMENDMENT

MPA #

[X] ZONING MAP AMENDMENT

REZ # 2001-0005

PROJECT NAME: Inova Alexandria Hospital: Building addition and parking structure

APPLICANT Name: Inova Alexandria Hospital
Address: 4320 Seminary Road
Alexandria, Virginia 22304

Interest in property: [X] Owner [] Contract Purchaser
[] Developer [] Lessee [] Other

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

[X] yes: If yes, provide proof of current City business license.
[] no: If no, said agent shall obtain a business license prior to filing application.

THE UNDERSIGNED certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

J. Howard Middleton, Reed Smith Hazel & Thomas LLP
Print Name of Applicant or Agent
3110 Fairview Park Drive - 13th Floor
Mailing Street Address
Falls Church, Virginia 22042
City and State Zip Code

Signature
703-641-4225 703-641-4340
Telephone # Fax
Revised October 17, 2001
Date

FOR CITY STAFF USE ONLY:

Date application received: Fee Paid: \$
Date application complete: Staff Reviewer:

ACTION - PLANNING COMMISSION: 2/5/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 2/23/02PH--See attached.
07/26/99:\zoning\pc-app1\fbmis\app-mpa

INOVA ALEXANDRIA HOSPITAL



Received by CC

#9 2/23/02

4320 Seminary Road
Alexandria, Virginia 22304
Tel 703 504-3000

April 18, 2002

Mayor Kerry J. Donley
301 King Street
Alexandria, VA 22314

Dear Mr. Donley: *Kerry*

On behalf of everyone at Inova Alexandria Hospital, I want to express my sincere appreciation to you for supporting the Inova Alexandria Hospital 2010 plan.

We are thrilled to have received unanimous approval from the Alexandria City Council in February, which certainly would not have been possible without your support.

The project will consist of a new building providing an additional 86,000 square feet that will include the following:

- new 35 bed telemetry unit
- new emergency department with 38 treatment areas, internal decontamination room and emergency exterior decontamination showers
- new employee parking garage
- relocate the heliport to the roof of new construction with elevator access.

In addition to new construction, we will also be renovating space to add two new operating rooms. The current Emergency Department waiting room will be renovated to become the new surgery entrance with waiting and reception areas. The existing Cardiovascular and Interventional Radiology suite will be expanded to add two new procedure rooms. We will also be adding a new ultrasound suite that will be built in the space currently occupied by a lab.

We are working on final plans with the architects and hope to have an official groundbreaking ceremony in September.

Inova Alexandria Hospital is working very hard to prepare for the future health care needs of everyone in the community. We know our plans for enlarging the emergency department, increasing the number of private rooms and improving parking will benefit all of Alexandria.

Thank you again for supporting us. You were there for us when we needed you and we will be there for you as your community hospital.

Sincerely, *Kenneth Kozloff*

Kenneth Kozloff, FACHE
Administrator



REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing and Consideration of the Proposed Alexandria Spring 2002 Gypsy Moth Suppression Program. (#11 2/12/02)

There were no speakers on this item; therefore, the public hearing was closed.

Arborist Noelle and Recreation, Parks and Cultural Activities Director Whitmore responded to questions posed by Councilwoman Woodson about the spraying.

City Council approved the program as recommended by staff, with the following components:

1. Aerial application of Bacillus thuringiensis (B.t.) over one 91-acre spray block including the Virginia Theological Seminary and a small area in Seminary Hill (Attachment 1 to the City Manager's memorandum). This program will be carried out in cooperation with the Virginia Department of Agriculture and Consumer Services (VDACS);

2. Declaration that the aerial and ground spray programs are to be voluntary, that a 200-foot buffer zone will be maintained around the property of any owner who objects to aerial spraying, and that ground spraying will be provided on all properties within a buffer zone unless the owners object, and opt out of having their properties included in the ground spray program;

3. Authorization for the City to enter into an agreement with a private contractor for the ground spray application of B.t.; and

4. Implementation of other gypsy moth suppression measures to include the distribution of burlap for banding trees and educational materials in cooperation with the Virginia Department of Agriculture and Consumer Services.
Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

City Council considered item nos. 9 and 10 together and under one motion.

9. REZONING #2001-0005
4320 SEMINARY RD
ALEXANDRIA HOSPITAL
Public Hearing and Consideration of a request to change the zoning of the subject property from R-12/Residential to R-8/Residential. Applicant: Inova Alexandria Hospital, by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Recommend Approval 7-0

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

10. DEVELOPMENT SPECIAL USE PERMIT #2001-0020
4320 SEMINARY RD
ALEXANDRIA HOSPITAL
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an addition to the hospital and for a structured parking facility; zoned R-12/Residential (R-8/Residential pending). Applicant: Inova Alexandria Hospital, by J. Howard Middleton, Jr., attorney.

COMMISSION ACTION: Recommend Approval 7-0

Councilman Euille disclosed that he serves on the Board of Directors of the Inova Alexandria Hospital Foundation and of the corporate board at Inova Health System; however, he will be participating in the discussion and voting on this matter.

Councilwoman Woodson posed questions about the parking garage and Attorney Middleton responded to her inquiries

City Council approved the Planning Commission recommendation on docket item no. 9. City Council approved the Planning Commission recommendation on docket item no.10 with the amendment to condition #32 to add the standard language about off-street employee parking. Staff is to insert this language where appropriate.
Council Action: _____

City Council considered docket item nos. 11 and 12 together but under separate motions.

11. SPECIAL USE PERMIT #2001-0120
221 W GLEBE RD
Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CG/Commercial General. Applicant: Pamela Cheng.

COMMISSION ACTION: Recommend Approval 7-0

Councilman Speck asked questions of Planning and Zoning Deputy Director Ross about the SUPs for this facility, and City Attorney Pessoa explained that the City's control is in the lease termination provision at year five, which applies to both SUP uses as well as to the by-right use.

City Council approved the Planning Commission recommendation with the change in condition #11 to delete the requirement for free off-street parking for employees and replace it with the standard language relating to off-street employee parking.
Council Action: _____

SPEAKER'S FORM

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

DOCKET ITEM NO. 9+10

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: HOWARD MIDDLETON
2. ADDRESS: 3110 FAIRVIEW PARK DR, FAZES CHURCH, VA
TELEPHONE NO. 703-641-4225 E-MAIL ADDRESS: hmiddletn@redomth.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? applicant
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.