

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

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

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

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Urban Planner Beeton; Mr. Baier, Director of Transportation and Environmental Services; Mr. Neckel, Director of Finance; and Lieutenant Butler, Police Department.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

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

The Mayor called for a moment of silence for the victims and the families of those victims relative to the acts of terrorism that have befallen this country.

After the moment of silence, a Piper played "Amazing Grace."

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, at 9:35 a.m., the meeting was recessed until the conclusion of the Special Legislative Meeting of this date. The voting was as follows:

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

THEREUPON, upon motion by Councilman Euille, seconded by Councilman Speck and carried unanimously, at 2:05 p.m., City Council reconvened the meeting. The voting was as follows:

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

2. Public Discussion Period.

There were no speakers during the public discussion period.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3 - 15)

Planning Commission

Without Objection, City Council removed docket item nos. 4 and 6 which were considered under separate motions.

3. DEVELOPMENT SPECIAL USE PERMIT #2001-0006 -- 1225 -1229 KING ST -- OFFICE BUILDING -- Public Hearing and Consideration of a request for a development special use permit extension of time for the construction of a mixed use office and retail building; zoned CD/Commercial Downtown. Applicant: 1225-1227-1229 King Street Associates, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 9/15/01, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2001-0037 -- 3821 MT VERNON AV -- ARLANDRIA SHOPPING CENTER -- SUBWAY SANDWICH SHOP -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CDD-6/Coordinated Development District, Arlandria Center-Berkey Photo. Applicant: Subway Real Estate Corporation, by Christopher Decre.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 9/15/01, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2001-0058 -- 683 N WASHINGTON ST -- STARBUCKS -- Public Hearing and Consideration of a special use permit review of restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Starbucks Coffee Company, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 9/15/01, and is incorporated herewith as part of this record by reference.)

8. SPECIAL USE PERMIT #2001-0062 -- 1302 MT VERNON AV -- SOUTH CHINA RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to change the ownership of a restaurant; zoned CL/Commercial Low. Applicant: Ewe Swee Goh.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/15/01, and is incorporated herewith as part of this record by reference.)

9. SPECIAL USE PERMIT #2001-0070 -- 829 S WASHINGTON ST -- PERK-UP COFFEE SHOP -- Public Hearing and Consideration of a request for a special use permit to add outdoor seating for the existing restaurant; zoned CRMU-L/Commercial Residential Mixed Use. Applicant: Thomas Lally.

COMMISSION ACTION: Recommend Approval 7-0

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

10. ENCROACHMENT #2001-0005 -- 829 S WASHINGTON ST -- PERK-UP COFFEE SHOP -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for outdoor seating for the existing restaurant; zoned CRMU-L/Commercial Residential Mixed Use. Applicant: Thomas Lally.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/15/01, and is incorporated herewith as part of this record by reference.)

11. SPECIAL USE PERMIT #2001-0073 -- 5312 EISENHOWER AV -- PORSHA PITSTOP -- Public Hearing and Consideration of a request for a special use permit to expand the existing light automobile repair garage; zoned OCH/Office Commercial High. Applicant: BNK Corporation, by William C. Thomas, Jr., attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/15/01, and is incorporated herewith as part of this record by reference.)

12. ENCROACHMENT #2001-0006 -- 307 WOLFE ST -- Public Hearing and Consideration of a request for encroachment into the public sidewalk right-of-way for window wells; zoned RM/Residential. Applicant: Elizabeth and Robert Blue.

COMMISSION ACTION: Recommend Approval 7-0

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

13. SPECIAL USE PERMIT #2001-0064 -- 5800 EDSALL RD -- KOONS COLLISION REPAIR -- Public Hearing and Consideration of a special use permit review for an automobile repair garage; zoned CG/Commercial General. Applicant: Koons Collision Repair Center, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 9/15/01, and is incorporated herewith as part of this record by reference.)

14. SPECIAL USE PERMIT #2001-0074 -- 2303 MT VERNON AV -- CLAY QUEEN POTTERY -- Public Hearing and Consideration of a request for a special use permit for a commercial school for pottery craft with a reduction of off-street parking; zoned CL/Commercial Low. Applicant: Clay Queen Pottery, Renee Altman.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 9/15/01, and is incorporated herewith as part of this record by reference.)

15. CITY CHARTER, SECTION 9.06; CASE #2001-0003 -- BLIGHTING INFLUENCES PROGRAM -- Public Hearing, Consideration and recommendations of amendments to the Office of Housing's Blighting Influences Program, including recommendation pursuant to the provisions of Section 9.06 of the Charter of the City of Alexandria and the possible acquisition and subsequent resale of the following properties. Staff: City of Alexandria, Office of Housing.

1733 Cameron Street
622 1/2 North Alfred Street
2930 Hickory Street

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated September 4, 2001, together with the City Manager's memorandum dated August 14, 2001, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 15; 9/15/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Euille, seconded by Councilman Speck and carried unanimously, City Council approved the Action Consent Calendar with the exception of docket item nos. 4 and 6 which were considered under separate motions. The Planning Commission recommendations are as follows:

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

9. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation.
11. City Council approved the Planning Commission recommendation.
12. City Council approved the Planning Commission recommendation.
13. City Council approved the Planning Commission recommendation.
14. City Council approved the Planning Commission recommendation.

15. City Council approved the Planning Commission recommendation, and approved the City Manager's recommendation as follows: That the City Council (1) approve the addition and deletion of the properties listed on page three of the City Manager's memorandum to the currently approved List of Blighting Influences in Potomac East and Potomac West; (2) approve, pursuant to the provisions of Section 9.06 of the City Charter, the possible acquisition for rehabilitation/redevelopment and resale to low- and moderate-income persons or for resale "As Is" to the private market for rehabilitation/redevelopment of the Potomac East and Potomac West properties to be added to the List; and (3) authorize the City Manager to enter into contracts for the purchase of properties on the Blighting Influences List if it becomes necessary to acquire such properties because of the failure of the owners to comply with the program's guidelines.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

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

4. DEVELOPMENT SPECIAL USE PERMIT #2001-0012 -- 1200 N QUAKER LA -- EPISCOPAL HIGH SCHOOL -- Public Hearing and Consideration of a request for a development special use permit amendment to relocate the proposed alumni cottage; zoned R-20/Residential. Applicant: Episcopal High School, by R. J. Keller, R. C. Fields, Jr. Associates.

COMMISSION ACTION: Recommend Approval 7-0

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

Councilman Speck spoke to the significant amount of land that is used by Episcopal High School and the Seminary which, of course, is not on the tax rolls, and they're receiving services from the City in a variety of ways. He queried what, if any, opportunities exist for the City to be more involved in the use of that land, the services the City provides, and the availability of any land that they are not using for City services.

Councilwoman Pepper noted the various developments on this site and expressed concern that the City is losing open space. She questioned if the City gets any kind of input with respect to open space and reported that this concern was raised at the Open Space Summit.

City Manager Sunderland stated that the Open Space Study Group is generally focusing on the Episcopal land but suggested that the Open Space Study Group focus a little more specifically on it.

Mayor Donley stated he'd be happy to have the Open Space Study group take a look at it; however, to Episcopal's defense, he noted several instances where they do permit use of their facilities for community events, students' use for sport activities, and as part of their community service requirement at Episcopal High School, students each year spend a day out in the community doing park cleanups, river cleanups, painting, etc. He stated that he thinks the real question is can the City maximize that or get a little bit bigger play for that request.

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

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

6. SPECIAL USE PERMIT #2001-0055 -- 1707 MT VERNON AV -- ALEXANDRIA HYUNDAI -- Public Hearing and Consideration of request for a special use permit amendment to add Sunday hours for the existing noncomplying automobile sales and service facility; zoned CL/Commercial Low. Applicant: Alexandria Hyundai, LLC and John E. Taylor, Jr., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/15/01, and is incorporated herewith as part of this record by reference.

A copy of Mr. Hart's memorandum dated September 14, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6; 9/15/01, and is incorporated herewith as part of this record by reference.

A copy of the Del Ray Citizens Association memorandum dated September 14, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 6; 9/15/01, and is incorporated herewith as part of this record by reference.)

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

Harry P. Hart, 307 North Washington Street, attorney representing the applicant, spoke in support of this special use permit and to suggested amendments to condition nos. 2 and 26.

Planning and Zoning Deputy Director Ross had no objections to Mr. Hart's proposed language.

Members of City Council posed questions to Attorney Hart and Applicant Reilly.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **with the following amendments: condition no. 2 was amended to read: "2. The hours of operation of the automobile sales business shall be limited to between 9:00 a.m. and 9:00 p.m., Monday through Saturday, and from Noon to 5:00 p.m. on Sundays. Repair operations may take place from 7:00 a.m. until 6:00 p.m., Monday through Saturday; and amended condition no. 26 "to include a \$10,000 limitation for expenses for the additional brickwork."** The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

16. Public Hearing and Consideration of submission of a renewal grant application to the U.S. Department of Justice for the Local Law Enforcement Block Grant (LEBG) Program for FY 2002.

(A copy of the City Manager's memorandum dated September 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 9/15/01, and is incorporated herewith as part of this record by reference.)

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

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council (1) approved the submission of the City's on-line grant application, in the amount of \$161,261, of which 90 percent, or \$145,135, will be federal funds, and 10 percent, or \$16,126, will be provided from the FY 2002 Police Department operating budget for the local match; and (2) authorized the City Manager to execute any documents that may be required to receive the grant and release the grant funds to the City for expenditure. The voting was as follows:

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

17. Public Hearing on Report of the Community Partnership Fund for Human Services Recommended Priorities for the FY 2003 Competitive Grant Cycle.

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

(A copy of the City Manager's memorandum dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 9/15/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council held the public hearing. Final action on the FY 2003 priorities will be at Council's Tuesday, September 25 legislative meeting. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review Old and Historic Alexandria District

18. CASE BAR-2000-0217 -- 311 COMMERCE STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review. Old and Historic Alexandria District, denying a request for approval of a permit to demolish a dwelling at 311 Commerce Street, zoned CD/COMMERCIAL. Applicant and Appellant: Heffner Architects by William C. Thomas, Attorney. (#27 3/17/01; #19 1/13/01)

BOARD ACTION: Denied 7-0

Note: The applicant has requested City Council to vacate the appeal and remand it to the Board of Architectural Review to be considered with an application for the development of the subject and adjacent property (Lotto Office Building).

(A copy of William C. Thomas, Jr.'s letter dated August 22, 2001, together with the appeal, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 18; 9/15/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council [vacated the appeal] and remanded it to the Board of Architectural Review. The voting was as follows:

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

Planning Commission (continued)

19. TEXT AMENDMENT #2001-0001 -- EXPANDED SPECIAL EXCEPTION PROCEDURES -- FOR BOARD OF ZONING APPEALS -- Public Hearing and Consideration of an amendment to Section 11-1302 of the Zoning Ordinance to expand the type of cases the Board of Zoning Appeals may hear as special exceptions.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 9/15/01, and is incorporated herewith as part of this record by reference.)

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

Poul Hertel, 1217 Michigan Court, spoke against this proposal.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-1, City Council approved the Planning Commission recommendation. The voting was as follows:

Eberwein	"aye"	Euille	"aye"
Cleveland	"aye"	Pepper	"no"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

20. SPECIAL USE PERMIT #2000-0138 -- 3901 MT VERNON AV -- LILLIAN'S RESTAURANT -- Public Hearing and Consideration of a request for a special use permit amendment to a restaurant to (1) add live entertainment, (2) increase the hours of operation, (3) add outdoor seating, and (4) hold an outdoor community event; zoned CL/Commercial Low. Applicant: Oavars Inc., by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 9/15/01, and is incorporated herewith as part of this record by reference.)

A copy of Cameron Barron's letter dated September 13, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20; 9/15/01, and is incorporated herewith as part of this record by reference.)

The following person participated in the public hearing meeting on this item:

Harry P. Hart, 307 North Washington Street, attorney for the applicant, spoke in support of the application, requested condition no. 5 be amended to permit the restaurant to be open one additional hour on Friday and Saturday nights to 1:00 a.m.; amend condition no. 4 by striking the last sentence to permit weddings and receptions in the basement; and add a condition no. 24 which would read "live entertainment/dancing in the basement shall be limited to weddings."

Members of City Council posed questions to Attorney Hart, Planning and Zoning Deputy Director Ross, Police Lieutenant Butler, and the applicant.

WHEREUPON, a motion was made by Councilman Speck to approve the special use permit with the following changes: condition no. 17 be amended to require that security must be provided to the satisfaction of the Police Department and the Director of Planning; add new condition no. 24 that live entertainment may be provided and shall be limited to a three or four piece instrumental/singing group which will allow the applicant to have an event in the basement to a maximum of two weddings per month, that live entertainment can be provided there but not upstairs at the same time, it's one or the other on those particular occasions; and permit them to stay open until 1:00 a.m. Friday and Saturday nights; which motion DIED for lack of a second.

THEREUPON, a motion was made by Councilman Euille, seconded by Vice Mayor Cleveland that City Council approve the Planning Commission recommendation.

There was discussion on the motion by Councilwoman Woodson and Councilman Speck.

WHEREUPON, Council returned to the motion made by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a vote of 4-to-3, City Council approved the Planning Commission recommendation. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"no"
Donley	"aye"	Speck	"no"
		Woodson	"no"

21. SPECIAL USE PERMIT #2001-0071 -- 1601 MT VERNON AV -- EXXON STATION -- Public Hearing and Consideration of a request for a special use permit to continue a nonconforming automobile service station use; zoned CL/Commercial Low. Applicant: Mount Vernon Service Center Inc., by Erik J. Dorn.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 4, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 9/15/01, and is incorporated herewith as part of this record by reference.)

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

Erik Dorn, 104 West Alexandria Avenue, applicant, spoke in support and requested that the maturity date be increased; and

Bill Hendrickson, 304 East Spring Street, president, Del Ray Citizen Association, indicated that the proposed use for this site is not consistent with the small area plan, and the continued operation of a gas station should not be permitted beyond 2008. He expressed concern about the curb cuts and asked that staff take a look at them to see if all are necessary.

WHEREUPON, a motion was made by Councilwoman Eberwein, seconded by Councilwoman Woodson that City Council approve the Planning Commission recommendation **with a condition that staff (Planning and Zoning, and Transportation and Environmental Services) work with the applicant to examine the number of curb cuts with a goal towards improving pedestrian and vehicular safety relative to ingress and egress to the gas station.**

There was discussion on the motion. Members of Council posed questions to the applicant.

Councilman Speck asked if the maker and seconder would be willing to agree to a true ten-year life and change the date to November 2011?

The maker of the motion did not accept Councilman Speck's friendly amendment to change the expiration to November 2011.

WHEREUPON, Council returned to the motion made by Councilwoman Eberwein, seconded by Councilwoman Woodson and carried unanimously, City Council approve the Planning Commission recommendation **with a condition that staff (Planning and Zoning, and Transportation and Environmental Services) work with the applicant to examine the number of curb cuts with a goal towards improving pedestrian and vehicular safety relative to ingress and egress to the gas station.** The voting was as follows:

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

ORDINANCES AND RESOLUTIONS

22. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to amend Section 12-12-2 of the City Code to adopt an amendment to conform to the comprehensive services act regarding private provider membership on the Alexandria community policy and management team. (#24 9/11/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated August 31, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 9/15/01, and is incorporated herewith as part of this record by reference.

A copy of an Informal Memorandum explaining ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 9/15/01, and is incorporated herewith as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council present received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 22; 9/15/01, and is incorporated herewith as part of this record by reference.)

Without objection, the Public Hearing, Second Reading and Final Passage was deferred to the Tuesday, September 25, 2001 Regular Meeting.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (23 - 33)

Planning Commission (continued)

23. SPECIAL USE PERMIT #2001-0054 -- 416 E RAYMOND AV -- Public Hearing and Consideration of a request for a special use permit for automobile sales in conjunction with the existing automobile repair business; zoned CSL/Commercial Service Low. Applicant: Grant K. Randall, Round Motors Limited Partnership.

COMMISSION ACTION: Deferred (Applicant's request)

24. SPECIAL USE PERMIT #2001-0051 -- 4603 DUKE ST -- FOXCHASE CENTER -- PINES OF FLORENCE RESTAURANT -- Public Hearing and Consideration of staff's recommendation that the special use permit be revoked and the applicant's request to add live entertainment, to increase the number of indoor seats, and to expand the hours of operation of the existing restaurant; zoned CG/Commercial General. Applicant: Sami U. Khan, GFAInc.

COMMISSION ACTION: Deferred (Improper Notice)

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

COMMISSION ACTION: Deferred (Improper Notice)

26. SPECIAL USE PERMIT #2001-0063 -- 410 S VAN DORN ST -- EL PASO OF LANDMARK -- Public Hearing and Consideration of a request for a special use permit to offer on-premise alcohol sales and live entertainment at an existing restaurant; zoned CG/Commercial General. Applicant: El Paso of Landmark, by Rigoberto Gomez.

COMMISSION ACTION: Deferred (Improper Notice)

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

COMMISSION ACTION: Deferred 7-0

28. SPECIAL USE PERMIT #2001-0066 -- 518 E HOWELL AV --Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking to allow tandem parking spaces and modifications of the side yard setback requirements in conjunction with the construction of a single family dwelling; zoned RB/Residential. Applicant: Eric Peterson and Joan Peterson.

COMMISSION ACTION: Deferred 7-0

29. SPECIAL USE PERMIT #2001-0069 -- 315 MADISON ST --
FLATBREADS

Public Hearing and Consideration of a request for a special use permit to increase the indoor seating, to add outdoor seating, and to expand the hours of operation of an existing restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Ahmad Amarlooi.

COMMISSION ACTION: Deferred (Improper Notice)

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

COMMISSION ACTION: Deferred (Improper Notice)

31. SPECIAL USE PERMIT #2001-0075 -- 200-206 N WASHINGTON ST --
Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking requirements to allow tandem parking for office use; zoned CD/Commercial Downtown. Applicant: 206 Wash LLC, by Rajai Zumot.

COMMISSION ACTION: Deferred (By Staff)

32. SPECIAL USE PERMIT #2001-0076 -- 112 S WASHINGTON ST --
BLIMPIE SUBS -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Blimpie Subs and Salads, by Patrick G. Meglio.

COMMISSION ACTION: Deferred 7-0

33. SPECIAL USE PERMIT #2001-0077 -- 100 KING ST; 101 S UNION ST --
FIVE GUYS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: G.G., LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Deferred (Applicant's Request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, at 3:45 p.m., the Public Hearing Meeting of Saturday, September 15, 2001, was adjourned. The voting was as follows:

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

* * * * *

APPROVED BY:

KERRY J. DONLEY **MAYOR**

ATTEST:

Beverly I. Jett, CMC City Clerk