

EXHIBIT NO. 1

16
11-17-01

Docket Item #16
SPECIAL USE PERMIT #2001-0102

Planning Commission Meeting
November 8, 2001

ISSUE: Consideration of a review of a special use permit for a contractor's storage yard.

APPLICANT: AMT, LLC and Kathmar Construction Inc.
by M. Catharine Puskar, attorney

LOCATION: 4500 Wheeler Avenue

ZONE: I/Industrial

PLANNING COMMISSION ACTION, NOVEMBER 8, 2001: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

M. Catharine Puskar, attorney representing the applicants, stated that the applicants have submitted a plot plan which is being reviewed by the City, and that the applicants have been carefully monitoring the site for compliance with the special use permit conditions. She stated that permit does not set a deadline for providing lighting but does require the submission of a lighting plan with the plot plan which has been submitted to the City.

Jack Sullivan stated that the stream located adjacent to the applicants' property has been determined to be a perennial watercourse and should be designated as such. He suggested that the City consider creating a stream protection strategy similar to the efforts undertaken by Fairfax County.

Elizabeth Wright, co-chair of the Wakefield-Tarleton Civic Association, discussed the results of the stream sampling and the memorandum she provided to Commission members and asked that the City continue to sample the stream. She expressed concern about the impacts of water runoff from an asphalt pile on the site and inquired about the required site lighting.

STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest, but does not preclude leasing of the property consistent with this permit, one tenant of which shall be Kathmar Construction, Inc. (PC) (SUP #2000-0152)
2. **CONDITION AMENDED BY STAFF:** The proposed trailer for office use shall be removed not later than **one year 60 days** from the date of City Council approval. ~~The trailer shall be removed within 60 days of the issuance of a building permit for the proposed building, subject to the following conditions: (a) The applicant submits a plot/site plan for the building to the City within 60 days of this approval, and (b) the applicant diligently pursues building permits for the building. (CC) (SUP #2000-0152) (P&Z)~~
3. Any repair work done on the premises shall be restricted to inside a building or on a concrete/asphalt pad with a berm. (CC) (SUP #2000-0152)
4. Any vehicle parts, tires, or other materials that are not contained in a dumpster or other suitable trash receptacle or enclosure shall be removed weekly, or as soon as weather conditions permit, but never later than biweekly. (CC) (SUP #2000-0152)
5. No vehicles shall be displayed, parked, or stored on a public right-of-way. (P&Z) (SUP #98-0176)
6. The site shall be cleaned-up and kept free of debris and maintained in an orderly and clean condition. (P&Z) (T&ES) (SUP #98-0176)
7. All vehicles stored on the open lot shall be parked in a neat and orderly fashion at all times. (P&Z) (SUP #98-0176)
8. No debris or vehicle parts shall be discarded on the public right-of-way of Wheeler Avenue. (P&Z) (SUP #98-0176)
9. No vehicles shall be loaded or unloaded on the public right-of-way of Wheeler Avenue. (P&Z) (SUP #98-0176)

10. No amplified sound shall be audible at the property line. (P&Z) (SUP #98-0176)
11. The applicant shall contact the Alexandria Police Crime Prevention Unit regarding a security survey for any existing or future buildings on the site. (Police) (SUP #2000-0152)
12. Vehicle keys shall be secured in a safe location when the business is closed. (Police) (SUP #98-0176)
13. Provide minimal lighting of the trailer and parking lot and submit a lighting plan with the plot/site plan for a building to the satisfaction of the Director of Transportation and Environmental Services in consultation with the Chief of Police. (P&Z) (SUP #2000-152)
14. If required under the Zoning Ordinance, the applicant shall apply for and obtain site plan approval prior to the use of any of the site for motor vehicle parking or storage and motor vehicle storage yard uses. (CC) (SUP #2000-0152)
15. The existing gravel access road shall be paved with asphalt and all work and parking areas shall be covered with a four inch gravel base to the satisfaction of the Director of Transportation and Environmental Services. The four inch gravel base shall be installed within six months of City Council approval. The existing gravel access road shall be paved within eight months of City Council approval. (PC) (SUP #2000-0152)
16. The following special use shall be permitted: contractors' storage yard consistent with this permit. (CC) (SUP #2000-0152)
17. ~~**CONDITION DELETED BY STAFF:** The applicant shall contribute \$1,125 to the City for the installation of five trees in the Holmes Run-Tarleton Park in lieu of a crown coverage requirement for the site which shall not be applied as part of any City plan approval. (P&Z) (SUP #2000-0152) (P&Z)~~
18. As part of the plot/site plan review for the office building, the applicant shall submit a plan to the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning depicting the trees and vegetation to be removed by the applicant. The applicant shall ensure that an adequate buffer is retained between property and the Holmes Run-Tarleton Park to the satisfaction of the Directors of Parks, Recreation and Cultural Affairs and Planning and Zoning. (PC) (SUP #2000-0152)

19. The applicant shall prohibit any commercial trucks and vans associated with businesses on the land covered by this permit from utilizing South Gordon, Floyd, and Early Streets to access the site and shall direct drivers to utilize only Wheeler Avenue. (P&Z) (SUP #2000-0152)
20. **CONDITION RETAINED BY STAFF**: The Director of Planning and Zoning shall review the special use permit six months 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 received a request from any person to docket the permit for review and the applicant has not adequately responded to the satisfaction of the Director, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. ~~(PC) (SUP #2000-0152)~~ (P&Z)
21. Once the required building is on-site, no junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside. (CC) (SUP #2000-0152)
22. All waste products, including but not limited to organic compounds (solvents), motor oil, 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. (T&ES) (SUP #2000-152)
23. The applicant shall comply with those provisions of the City of Alexandria Best Management Practices Manual for Automotive Related Industries which are applicable to use of the property to the satisfaction of the Director of Transportation and Environmental Services. A copy can be obtained by contacting the Division of Environmental Quality at 703/838-4334. (T&ES) (SUP #2000-0152)
24. The applicant shall attach a copy of the special use permit to the tenants' leases. (PC) (SUP #2000-152)

DISCUSSION:

1. The applicants, AMT, LLC and Kathmar Construction Inc, by M. Catharine Puskar, attorney, are before the Planning Commission for a six month review of the existing contractor's storage yard located at 4500 Wheeler Avenue.
2. The subject property is one, irregularly-shaped lot of record with no frontage on a public street. It is located behind the rear of warehouses located at 4306-4316 Wheeler Avenue and railroad tracks. Vehicular access to the site from Wheeler Avenue is provided by an access easement across the warehouse property at 4306-4316 Wheeler Avenue.
3. On March 13, 1999, City Council granted Special Use Permit #98-0176 to the applicant for the operation of a 12,000 square foot contractor's storage yard with a temporary trailer for a contractor's office. On April 21, 2001, City Council granted Special Use Permit #2000-0152 allowing an expansion of the existing contractor's storage yard to occupy approximately 46,000 square feet. The applicants' request to operate both a motor vehicle parking for more than 20 vehicles and a motor vehicle storage yard were denied by Council at that time.
4. Condition #20 of the special use permit requires a review of the business six months after Council approval. Condition #2 of the permit requires the applicant to submit a plot/site plan to allow the construction of a new building on the subject property within 60 days of Council approval and to diligently pursue a building permit. The applicants submitted the plot plan on June 29, 2001, beyond the 60 day requirement. Staff issued a citation to the applicants for the violation and has docketed the permit for review by the Planning Commission and City Council (see attached). Staff has received a revised plot plan and is in the process reviewing it. On October 15, 2001, staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit and found no additional violations of the special use permit.
5. Planning staff is also aware that on September 17, 2001, T&ES staff took water samples from the stream located adjacent to the applicants' property to test for material normally found in streams as well as for grease, oil, and industrial chemicals that may have entered the stream. These samples will assist T&ES in establishing a baseline against which future samples may be measured. T&ES staff have also advised us that the applicant has complied with the requirement of Condition #15 to pave the access road and cover work and parking areas with gravel.

6. Zoning: The subject property is located in the I/Industrial zone. Section 4-1203 (V) allows any other use not listed elsewhere in this ordinance (contractor's storage yard) in the I zone only with a special use permit.
7. Master Plan: The proposed use is consistent with the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan which designates the property for industrial use.

STAFF ANALYSIS:

Staff has no objection to the continued operation of the contractor's storage yard located at 4500 Wheeler Avenue. Staff continues to believe that the use is appropriately buffered from the Holmes Run-Tarleton Park and the residences to the north of the subject site by the warehouse buildings that face on Wheeler Avenue. The applicant has submitted the contribution required by Condition #17 for the installation of five trees in the adjacent park.

As to the trailer, its removal should be achieved as soon as a building is installed. Staff estimates it will take 60 days for a thorough review of the plot plan and building permit applications and for the applicant to construct this small building. Staff has therefore amended Condition #2 to require trailer's removal within 60 days. If it is not, staff will continue to issue citations.

In order to continue to monitor the applicant for compliance with the special use permit conditions and to ensure that the existing trailer is removed and a building is constructed, staff has retained Condition #20 which requires a review of the permit six months after Council approval. With these conditions, staff recommends approval of the special use permit.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

F-1 On September 13, 2001 the applicant submitted a plot plan indicating compliance with T&ES conditions of SUP #2000-0152.

Code Enforcement:

Comments not received from this department.

Health Department:

F-1 No comments.

Police Department:

F-1 Concur.

APPLICATION for SPECIAL USE PERMIT # 2001-0102

[must use black ink or type]

PROPERTY LOCATION: 4500 WHEELER AV

TAX MAP REFERENCE: 59.04-02-40 ZONE: UT

APPLICANT Name: AMT, LLC, KATHMAR CONSTRUCTION

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW OF SUP FOR CONTRACTOR'S STORAGE YARD, MOTOR VEHICLE PARKING & STORAGE.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

M. CATHARINE PUSKAR, eng.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

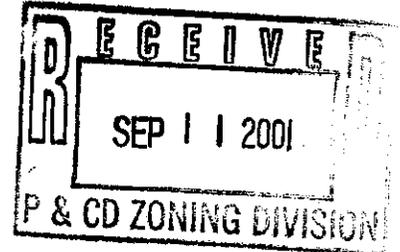
Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

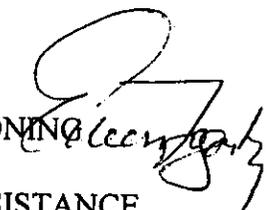
City of Alexandria, Virginia

MEMORANDUM



DATE: SEPTEMBER 10, 2001

TO: COUNCILWOMAN REDELLA S. PEPPER

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING 

THROUGH: ROSE WILLIAMS BOYD, ^{RWB}DIRECTOR OF CITIZENS ASSISTANCE

SUBJECT: TRAILER ON WHEELER AVENUE AND WATER SAMPLES
REQ. NO. 01-98P

This is in response to your request for staff follow-up on the special use permit (SUP) violations raised by Elizabeth Wright at the AMT/Kathmar site at 4500 Wheeler Avenue. Ms. Wright believes that an office trailer has been on site longer than the "approved" 120 days, and that the water sampling that is to occur in the adjacent stream should include neighborhood monitoring.

On April 21, 2001, City Council granted Special Use Permit #2000-0152 to AMT, LLC and Kathmar Construction Inc. which allows a previously approved contractor's storage yard to expand and occupy 46,000 square feet of land. Council denied the applicant's request to use the site for motor vehicle parking or storage. In a previous approval, on March 13, 1999, City Council had granted Special Use Permit #98-0176 to the same applicant for a smaller contractor's storage yard with a temporary trailer for a contractor's office.

Ms. Wright raises several issues regarding special use permit conditions related to the operation of the contractor's storage yard. As to the office trailer, Condition #2 requires that the trailer be removed not later than one year from the date of City Council approval. That condition also requires that the applicant submit a plot plan for a replacement building within 60 days of the Council approval, the applicant diligently pursue building permits for the building, and the trailer be removed within 60 days of the time the building permit is issued.

The special use permit does not require that the trailer be removed within 120 days of the Council's approval. It does, however, require that the applicant obtain a building permit for a new building and pursue the building permit with diligence. The applicant submitted a plot plan to the City on June 29, 2001. Staff reviewed the plan, asked for revisions and, according to the applicant's attorney, should receive a revised plan in the next week. Staff has issued a ticket to the applicant for failing to submit the plot plan within the required 60-day period and to diligently pursue a building permit. Furthermore, as a consequence of these violations, staff has docketed the applicant's special use permit for a review by the Planning Commission and City Council in November.

With regard to the required night light, Condition #13 of the permit requires the applicant to provide minimal lighting "of the trailer and parking lot." The special use permit does not set a deadline for the lighting but does require a lighting plan as part of the building plot plan. As part of the plot plan review, the amount, location and type of lighting will be reviewed by the Director of Transportation and Environmental Services in consultation with the Chief of Police.

Ms. Wright describes a pile of asphalt that had been left on the property in July. Condition #4 of the permit requires that material that is not stored in a dumpster or trash enclosure be removed weekly, or as soon as weather conditions permit, but never later than biweekly. If the material had remained longer than the time permitted, a zoning citation would have been issued.

As to Ms. Wright's concerns regarding taking environmental samples of the stream, William Hicks, Watershed Program Administrator with the Division of Environmental Quality of the Department of Transportation and Environmental Services, has advised us that he attempted to sample the stream this summer but was unable to access the stream due to existing brush. Recreation, Parks and Cultural Affairs staff have since cleared a path to provide access to the stream, and Mr. Hicks has scheduled a sampling event to occur on September 17 at 9:00 a.m. According to Mr. Hicks, he has communicated with Ms. Wright regarding the date for sampling and at least one citizen has indicated that she will attend. The environmental samples will be tested for material normally found in streams as well as for grease, oil, and industrial chemicals that may have entered the stream and will establish a baseline against which future samples may be measured. Staff will continue to monitor the site on an on-going basis.

If you have any questions, please contact Kathleen Beeton, Urban Planner, at 838-4666.

cc: The Honorable Mayor and Members of City Council
Philip Sunderland, City Manager



Joanne Pyle

08/29/2001 08:58 AM

To: Rose Boyd/Alex@Alex

cc:

Subject: Trailer on Wheeler Avenue and Water Samples

Hi Rose,

The following is an e-mail Del received from Elizabeth Wright. She is concerned that the AMT trailer has been there longer than the approved 120 days. Also, she is concerned about the water samples to be taken from the neighborhood stream. Can you help her out on these issues? Ms. Wright's e-mail address is elizabeth.wright@baesystems.com

Thank you, in advance, for your assistance.

Joanne

Good Morning Joanne.

This is the trailer, from the AMT/Kathmar SUP, on Wheeler, not Eisenhower. The SUP was approved in April, w/ the understanding, that the trailer would be removed in 120 days, and a site plan, for the permanent bldg, would be submitted. These folks have continuously violated their SUPs, & as far as I know, the night light, has never been operational. The lighting was a requirement from the police department survey.

In July, a pile of asphalt, was left onsite, & that's against the SUP as well. We photographed the asphalt pile, but it has since been removed. And, approximately 26 "No Trespassing" signs went up about 2 weeks ago. Guess they don't like being monitored.

The city, was supposed to take water samples, from that little stream, too. I politely reminded Bill Skrabak's office, & Bill Hicks (I think I have the name right, the new environmentalist who's specialty is water quality) called me back. The day he went to take the sample, it was evident, a site survey had not been done. The undergrowth was too thick. Last word I heard, Parks & Rec declared they needed to contract out, whacking a path to this little stream. I've emphasized, retired neighbors, are ready & willing, to witness this sampling. I haven't heard back any status, & neighbors haven't reported back, either. I understand the waiting for warm weather, but if they don't make a move, summer is going to be over! (Warmer weather, supports more active bacteria activity, which depletes the oxygen levels. Lower oxygen levels, show true levels of how bad, is bad.) If the sampling has been taken, w/out citizen participation, I'll loose faith in the environmental arm of T&ES. First, they went out, to take samples w/out us. I practically went berserk, but the undergrowth impeded their plans.

BTW, I've been told off sides, that the reason AMT strongly rejected taking soil & water samples, to establish a baseline, is because they are concerned, if toxic residues are found, they are required by EPA, to clean it up, as current owner. They never expected anyone to request environmental testing. If there is nothing to be concerned about, it would have been nothing, to agree to testing. I'm not saying there's a toxic dump

2001 AUG 29 P 2:41

CITY OF DENVER
CITIZEN ASSISTANCE

out there, but God only knows what they inherited from the railroad property. And there's the stuff, they have dumped back there, over the last three summers. I wish citizens didn't have to be the bulldog in this picture.



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

TICKET NO. **2268**

NOTICE OF VIOLATION

YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE

09-06-01 Thursday 4:50
Date ticket served Day of Week Time AM/PM

Location of Violation: 4500 Wheeler Ave,
AMT, LLC + Kathmar Construction

Ord. Section: 11-505

Description of Violation: violation of
SUP# 2000-0152 Condition #2
Failure to provide plot plan
within 60 days of approval and
failure to diligently pursue
a building permit.

Penalty \$: 5000
 1st 2nd
 3rd/MORE

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

Kathleen Beaton
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

OTHER
POSITION

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

M. Catharine Pustar, Esq.
Name of Person or Business Served
Wilson, Colwell, Stachurski & Co
2200 Clarendon Blvd, 13th Fl.
Address of Service
Arlington, VA 22201
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.

09-06-01 Signature Kathleen Beaton
Date Print Name
Phone # (703) 538-3806, X 333

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

111A CERTIFIED MAIL

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 2001-0102 F.P.N.0071 (7/00)

APPLICATION for SPECIAL USE PERMIT # 2001-0102

[must use black ink or type]

PROPERTY LOCATION: 4500 WHEELER AV

TAX MAP REFERENCE: 59.04-02-40 ZONE: UT

APPLICANT Name: AMT, LLC, KATHMAR CONSTRUCTION

Address: _____

PROPERTY OWNER Name: _____

Address: _____

PROPOSED USE: REVIEW OF SUP FOR CONTRACTOR'S STORAGE YARD, MOTOR VEHICLE PARKING & STORAGE.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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M. CATHARINE PUSKAR, esq.
Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone # Fax #

City and State Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

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

ACTION - PLANNING COMMISSION: 11/08/01 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 11/17/01PH--See attached.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Planning Commission (continued)**

- ✓ 16. SPECIAL USE PERMIT #2001-0102
4500 WHEELER AV
Public Hearing and Consideration of a review of a special use permit for a contractor's storage yard; zoned I/Industrial. Applicant: AMT, LLC, and Kathmar Construction, Inc., by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

Mayor Donley highlighted condition no. 19 to Attorney Puskar emphasizing that she discuss this particular condition with her client.

City Council approved the Planning Commission recommendation, **with an amendment to include the standard language for condition no. 20 (b) which should read: "(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"**

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Board of Architectural Review
Old and Historic District**

17. CASE BAR-2000-0081
619 SOUTH SAINT ASAPH STREET
Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on March 21, 2001, denying a portion and deferring a portion for restudy, of a request for approval of driveway gates at 619 South Saint Asaph Street, zoned RM Residential, will be heard. APPLICANT AND APPELLANT: Linda White. (#30 5/12/01)

BOARD ACTION: Denied portion, deferred portion for restudy 4-1

City Council denied the appeal.

Council Action: _____

ORDINANCES AND RESOLUTIONS

18. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Title 5, Chapter 7 of the City Code to establish specific regulations for dogs in public parks and playgrounds, and to amend Section 1-1-11 to clarify the civil penalty enforcement authority of City officers and employees. (#14 11/13/01)
[ROLL-CALL VOTE]

City Council closed the public hearing and scheduled final passage of the ordinance for the December 11, 2001 legislative meeting which includes instructions to staff to simplify the fine structure and to tighten up the language relative to defining enforcement personnel.

Council Action: _____

SPEAKER'S FORM

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

16
11-17-01

DOCKET ITEM NO. 16

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Cathy Puskas
2. ADDRESS: 3422 Old Dominion Blvd
TELEPHONE NO. 528-4700 E-MAIL ADDRESS: mcpus@arl.wcsl.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? _____
AMT LLC + Kathmar Construction Inc
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES X NO _____

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

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

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

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

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

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or 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.