

EXHIBIT NO. 1

8
11-17-01

Docket Item # 9
ENCROACHMENT #2001-0008

Planning Commission Meeting
November 8, 2001

ISSUE: Consideration of a request for encroachment into the public sidewalk right-of-way to construct a display window.

APPLICANT: Michele L. Richardson

LOCATION: 1102 King Street

ZONE: CD/Commercial Downtown

PLANNING COMMISSION ACTION, NOVEMBER 8, 2001: By unanimous consent, the Planning Commission approved the request.

Reason: The Planning Commission agreed with the staff analysis.



ENC #2001-0008

11/08/01



STAFF RECOMMENDATION:

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

1. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
3. The applicant shall obtain, at their expense, one Model SD-42 Ironsides series trash container to replace the existing public trash can standing on the southwest corner of King and Henry Streets. The applicant shall contact T&ES Solid Waste Division at 703-751-5130 for information. (P&Z)

Staff Note: For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

DISCUSSION:

1. The applicant, Michele L. Richardson, requests approval for an encroachment at 1102 King Street.
2. The subject property consists of one lot of record with 25 feet of frontage on King Street, 140 feet of depth and a lot area of 3,500 square feet. The site is developed with a vacant three story, frame building that stands adjacent to a parking lot at the rear (southern) elevation. The property is located in the Old and Historic Alexandria District.

The surrounding land uses include offices, retail shopping and restaurants to the east and west along King Street, residential to the north of King Street, and residential with some retail uses along Henry Street to the south.

3. On October 19, 1985, the City Council granted Special Use Permit #1833 to permit a restaurant. The restaurant is no longer in operation.
4. The applicant intends to open a retail store in this location and has filed an encroachment application to replace and expand an existing shop window at the front of the property. The existing shop window encroaches into the public right-of-way, and is approximately 11 feet wide and 1.75 feet deep. The proposed shop window will also encroach into the public right-of-way, and is 14.5 feet wide and 2.33 feet deep (see attached plans). The proposed window is approximately 3.5 feet wider and a half foot deeper than the existing window.

If the proposed encroachment is granted, twelve feet of sidewalk will remain for pedestrians. At its narrowest point, the width of the sidewalk between the proposed window and an existing light standard will be approximately 9.5 feet.

5. Master Plan/Zoning: The subject property is zoned CD/Commercial Downtown, and is located in the Old Town Small Area Plan.
6. The applicant received a certificate of appropriateness for the proposed window from the Old and Historic Alexandria Board of Architectural Review on August 1, 2001.

STAFF ANALYSIS:

Staff recommends approval of the subject encroachment application because the proposed shop window will not significantly obstruct pedestrian use of the public sidewalk, and replaces, albeit slightly longer and wider, an existing display window. Approximately 12 feet of sidewalk space will remain after the proposed shop window is built. In addition, staff notes that there is an existing pattern of and context for such embellishments along King Street. For instance, the adjacent building at 1100 King Street features a display window which encroaches into the public right-of-way.

Staff also notes that the proposed display window is part of a larger rehabilitation of the building currently undertaken by the applicant. The plans for the rehabilitation are depicted in the attached plans that show the subject shop window. Staff commends the applicant for striving to renovate and occupy a long-standing vacant building on King Street.

Staff recommends approval of the encroachment application subject to staff's recommended conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment .

F-1 No objections.

Code Enforcement:

F-1 No comments.

Health Department:

No comments were received from this department.

Police Department:

F-1 No objections.

APPLICATION for ENCROACHMENT

ENC # 2001-0008

[must use black ink or type]

PROPERTY LOCATION: 1102 KING STREET ALEXANDRIA, VA

TAX MAP REFERENCE: 74.01-04-11 ZONE: CD

APPLICANT'S NAME: MICHELE L. RICHARDSON

ADDRESS: 113 KING STREET ALEXANDRIA VA 22314

PROPERTY OWNER NAME: MICHELE L. RICHARDSON

ADDRESS: 113 KING STREET ALEXANDRIA VA 22314

ENCROACHMENT DESCRIPTION: REBUILD CURBSET DISPLAY WINDOW ON EXISTING FOOTPRINT - PROVIDES DISPLAY ACCESS TO RETAIL STORE

INSURANCE CARRIER (copy attached) _____ POLICY # _____

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code 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 also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

MICHELE L. RICHARDSON
Print Name of Applicant or Agent

Michele L. Richardson
Signature

113 KING STREET
Mailing/Street Address

703 683 1521 703 683 1331
Telephone # Fax #

ALEXANDRIA VA 22314
City and State Zip Code

28 Aug 2001
Date

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

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

APPLICATION for ENCROACHMENT

ENC # 2001-0008

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28 Aug 2001
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ACTION - PLANNING COMMISSION: 11/08/01 RECOMMEND APPROVAL UC

ACTION - CITY COUNCIL: 11/17/01PH -- CC approved the Planning Commission recommendation.