

EXHIBIT NO. 1

10
4-12-03

Docket Item # 9
DEVELOPMENT SPECIAL USE PERMIT #2002-0052
DARTMOUTH PLACE

Planning Commission Meeting
April 1, 2003

ISSUE: Consideration of a request for a development special use permit amendment to construct a fence with a storage area within a conservation area.

APPLICANT: Dartmouth Place Homeowners Association
by Wallace Christner

LOCATION: 201 North Quaker Lane

ZONE: R-20/Residential

PLANNING COMMISSION ACTION, APRIL 1, 2003: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend denial of the development special use permit amendment, with deletion of condition #34. The motion carried on a vote of 5-2, with Mr. Wagner and Mr. Robinson voting against the motion to recommend denial.

Reason: A majority of the Planning Commission generally agreed with the staff analysis. Members of the Commission noted that the project was originally approved subject to the conservation area and its restrictions, and believed that it would be a very bad policy to allow residents to ignore these restrictions for their own personal reasons and that the City should be very strict generally in the enforcement of conditions enacted to protect the conservation easement. A majority of the Commission also expressed a desire to have more conservation easements included as part of development approvals. Some members of the Commission acknowledged that this was a very contentious case when it was originally approved and that the importance of having a conservation easement was part of the reason for which the Commission approved the project. In speaking against the motion, a minority of the Commission members questioned interpreting a fence as a prohibited structure, because in many instances although structures are prohibited in required yards, there is an exception for fencing. In the future, when conservation easements are proposed, the dissenting members indicated that they would recommend against conservation easements which do not allow property owners the right to enclose their private property. As an alternative, it was suggested that the Commission should not create quasi-public land that homeowners cannot fence, but rather create public space that prohibits fences and other structures.

Speakers:

Ms. Karla Gayer, 1301 Dartmouth Road, represented the application, and read into the public record a letter to the Planning Commission, dated April 1, 2003, in support of the request to amend the development special use permit to allow fencing within the conservation easement.

Mr. Wallace Christner, 1301 Dartmouth Road, represented the Home Owners Association on the application, which had voted 5 to 1 to support of the application.

Mr. Robert Koch, 201 North Quaker Lane, spoke against the application. As the adjoining property owner with contiguous ownership of land within the conservation easement, he stated that the fencing within the conservation easement has disrupted and destroyed the intended natural state of the area within the conservation easement.

Mr. James Henriksen, 151 North Quaker Lane, spoke against the application. He stated that the developer had agreed to certain conditions as part of the development special use permit approval and the preservation of the remaining natural woodland area was a very important aspect of community support for the project. To undo those agreements diminishes the value of community input and substantially changes the intended benefits of preserving the natural characteristic of the woodlands area by allowing fences within the conservation easement. He also indicated that he was speaking on behalf of Mr. Richard Hobson who was unable to attend the public hearing.

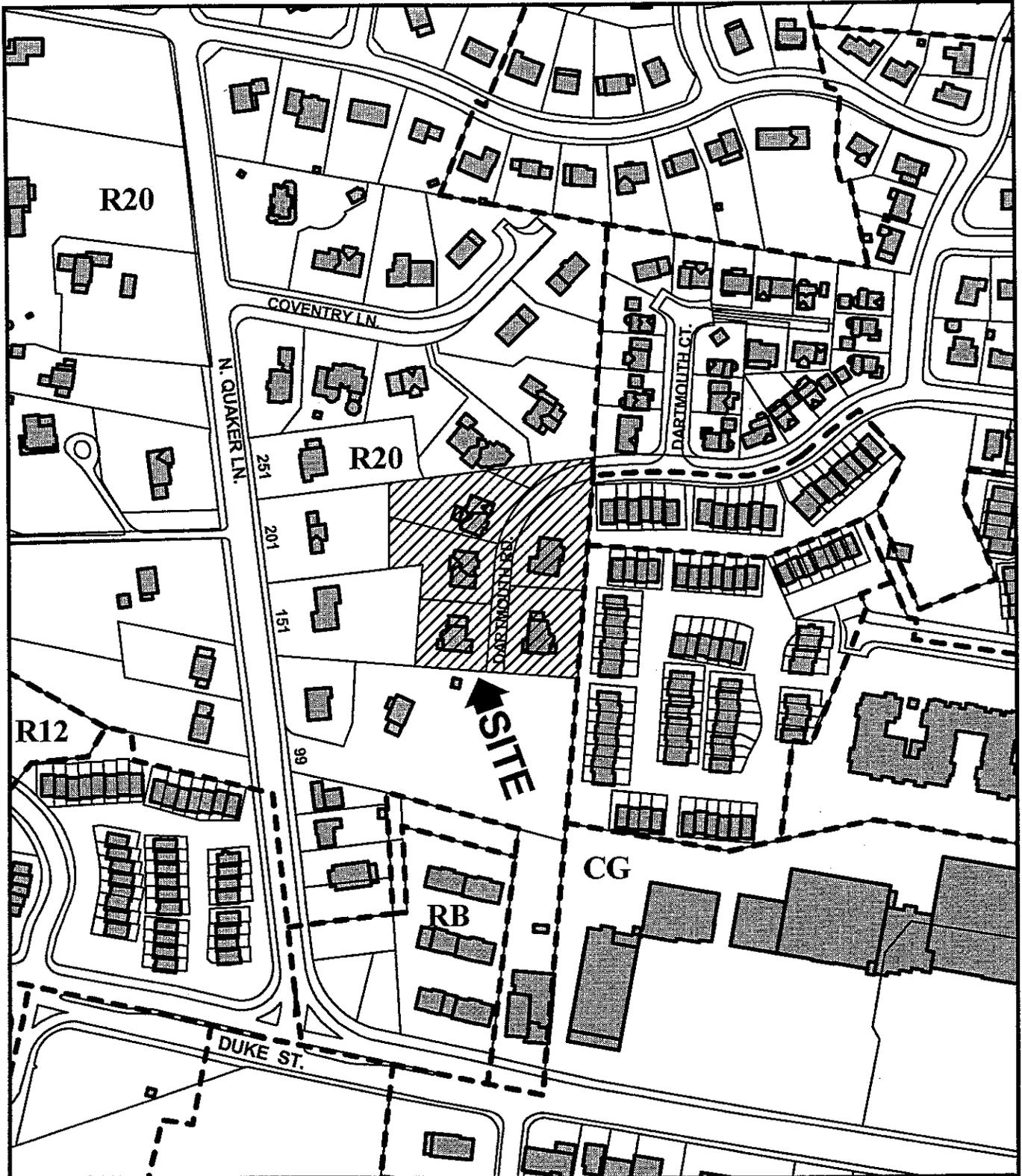
Mr. Charles McAleer, 1303 Dartmouth Road, spoke in support of the application. He agreed with the applicant's position that their young children needed the security of the fencing.

PLANNING COMMISSION ACTION, MARCH 4, 2003 : The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.

PLANNING COMMISSION ACTION, FEBRUARY 4, 2003 : The Planning Commission noted the deferral of the request.

Reason: The applicant failed to comply with the requirements for legal notice.



DSUP #2002-0052

04/01/03



STAFF RECOMMENDATION:

Staff recommends **denial** of the applicant's request to modify the special use permit amendment request. However, staff is recommending a new condition as follows:

CONDITION DELETED BY THE PLANNING COMMISSION

~~34. The new section of fence (located at the rear property line) shall be removed to the previous limits. All play equipment and amenities shall be removed from the conservation easement area. At such time that the first fence section is replaced, it shall not be permitted to be replaced within the conservation easement. (RP&CA) (P&Z)~~

NOTE: Previously approved conditions 1-33 for Dartmouth are included in the Appendix.

BACKGROUND

On December 22, 1998, City Council approved a development special use permit (DSUP#98-0015) for Equity Homes, L.P., to construct five (5) single-family homes. The project was approved as a cluster development, retaining an existing home located along North Quaker Lane and redeveloping the wooded and vacant portion of the lot which contained a number of mature trees. The subject site is zoned R-20/Single Family Residential, is situated among existing townhouses of Quaker Hill to the east, single family homes along Coventry Lane and Quaker Lane to the north, and a large lot containing a single family residence to the south. Home construction has been fully completed and the project has been occupied for approximately 14 months. The applicant's, Mr. and Mrs. Wallace Christner, owner of one of the lots within the development, 1301 Dartmouth Place, are requesting an amendment to the special use permit to allow fencing within a "Conservation Area" as designated on the approved development plan. The Dartmouth Place Home Owner Association is co-applicant on the application and requesting that placement of well-maintained woodpiles be permitted within the conservation easement.

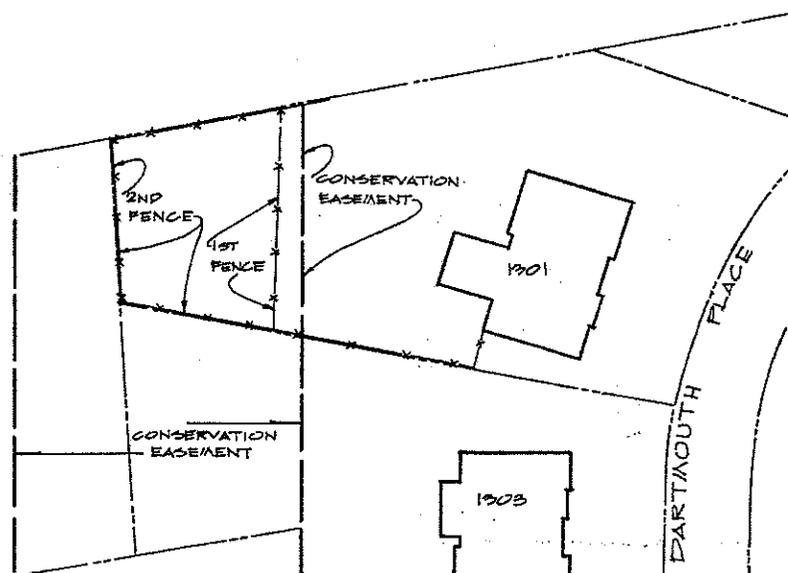
The proposal to provide fences within the conservation easement is inconsistent with condition #33 (II)(2) of the Dartmouth Place special use permit approval, which states:

- II. Tree Conservation Area ("Conservation Easement") at the rear lots of two (2), three (3) and six (6) Dartmouth Place shown on the Cluster Development Plan and Subdivision Plat shall be governed by the following:
 1. The Conservation Easement is intended to be an area maintained in its natural condition with respect to leaf litter and other ground covering vegetation, understory vegetation and shrub layer. Notwithstanding the foregoing, selective trimming, pruning and removal of invasive vegetation that does not alter the natural character of the Conservation Easement shall be permitted.
 2. *Within the Conservation Easement there shall be no construction or placing of buildings or structures, no filling, excavating or change to the natural topography of land.* Notwithstanding the foregoing, Equity shall have the right to install a sanitary sewer line connecting lot Six (6) Dartmouth Place to the public sanitary sewer in Dartmouth Place in the area designated proposed easement on the Cluster Development Plan. In addition, the owner of 251 North Quaker Lane shall have the right to install a sanitary sewer line in the proposed easement.
 3. Except as may be necessary for the prevention or treatment of disease, the removal of dead or damaged trees or other good husbandry practices and after consultation with the City of Alexandria Arborist, no mature trees shall be removed from the Conservation Easement.

This condition was from a proffer written by the developer of the project that was incorporated as a condition of the development approval by City Council at the request of the neighborhood. The language has been incorporated into the Dartmouth Place "Declaration of Covenants, Conditions, Easements and Restrictions for Dartmouth Place."

On November 7, 2000, staff received a written request from the office of Hart & Calley on behalf of the Mr. and Mrs. Christner requesting a clarification of the term "prohibition of structures" within the conservation area because "Structure" had not been clearly defined as to prohibiting "fences". Staff advised the attorney that fences are considered structures pursuant to the zoning ordinance and are not permitted within the conservation easement, and that no change to the language of the SUP condition could be approved administratively by staff but would require approval by the City Council.

In conducting a final as-built site plan inspection sometime in late 2001, staff noticed that a four foot high rear yard fence enclosure located atop a slope at 1301 Dartmouth Place appeared to be encroaching into the conservation easement. Staff later requested and received a revised as-built site plan from the Engineer of record for Dartmouth Place which in fact confirmed that the fence had been built approximately 9'-12' into the conservation easement. Prior to notifying the owners of a possible violation, a subsequent site inspection--on another matter--uncovered installation of a second four-foot fence enclosure on the remaining portion of the rear yard contained within the conservation easement. Staff issued a citation for the fence violations on October 1, 2002. The Christner's inquired about what would be needed for fencing to be located within the conservation easement. Staff informed the applicant that an amendment would have to be filed for City Council consideration to modify the condition prohibiting structures within the "Conservation Area."



The proposed amendment request by Mr. and Mrs. Christner seeks to modify the provision on restriction of "Structures" within the conservation easement as contained in condition #33 (II)(2) of the approved development plan for Dartmouth. In addition, the Home Owner Association is requesting that well maintained woodpile storage be permitted within the conservation easement.

STAFF ANALYSIS:

City Council specifically added the language of the proffer conditions to the development approval for Dartmouth Place at the request of the surrounding neighborhood, including the condition restricting structures within the conservation area. The proffer conditions, including the limitations on structures, were clearly identified and documented within the Home Owner documents and presented to each prospective purchaser who should have been aware of the restrictions. In addition, the Christner's were specifically notified that fencing was not permitted in the Conservation area under the SUP approval prior to their constructing the fencing. The applicant explains that the portion of the rear yard contained within the conservation easement is relatively flat and desirable as a safe and secure play area for their children and dogs, but a fence was necessary so that to restrict access over to Quaker Lane through the adjoining rear yard of the property at 120 North Quaker Lane (Lot 6).

Staff believes the prohibition against structures in the Conservation area, in combination with the other proffer conditions, was intended to ensure that the Conservation area be maintained as a natural area, with no disturbance to existing vegetation. In assessing whether the condition should be changed to allow fences or to allow the woodpiles requested by the Homeowner's association, staff considered whether these intrusions into the conservation area were likely to negatively impact the conservation area. Constructing fence structures within the conservation area could potentially impact trees, although if significant care were taken in the placement of the fence and its footings, it should be possible to construct a fence with little impact on the surrounding vegetation. As the Christner's have already constructed their fence, any damage that might be caused by constructing the fence has already occurred, and little is to be gained by removing the fence.

However, aside from the immediate damage that could occur from construction of fence structures, the City Arborist has indicated that long-term use of portions of the conservation area for active usable open space could have detrimental impacts on the ecosystem of the conservation area. And, to the extent the area is fenced in, staff believes there will be a natural tendency for the use of the area to be intensified over time as evidenced by the installation of play equipment within the conservation easement. Therefore, staff does not recommend approval of the applicant's request to fully enclose the conservation easement for the purpose of making it a usable open space. Staff is willing to support retention of the original fence encroachment, but with a condition that once its in need of replacement, that it not be replaced within the conservation easement, but shall be removed and replaced outside of the limits of the conservation easement.

Woodpiles

Staff has no objections to allowing the storage of woodpiles within the conservation area; we do not believe it is prohibited by the current language of the condition because woodpiles are not structures or a permanent condition. However, the woodpile must consist of trees that have been felled within the conservation easement, as authorized by the City Arborist.

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

APPENDIX

The following conditions are carried forward from DSUP#98-0015.

1. Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (DSUP 98-0015)
2. The final site plan shall include a sheet that clearly states permitted and proposed zoning requirements (net/gross floor areas, height, yard setbacks, etc.) for each individual lot. This information sheet shall be attached to all building permit and addendum request (including deck permits). (P&Z) (DSUP 98-0015)
3. Limit the proposed area of clearing to the proposed limits of grading in order to increase the number of trees to be saved on the site. It is not necessary to clear each lot to the maximum area available for the construction of houses and optional decks. On the final development site plan identify specific areas where the limits of clearing can be adjusted to preserve additional trees as identified below, to the satisfaction of the Directors of P&Z and RP&CA:
 - a) at the southwest corner of lot 1;
 - b) between lots 1 and 2 behind the houses;
 - c) at the northwest corner of lot 2;
 - d) along the north side of lot 3;
 - e) northeast corner of lot 5 between the house and the road and;
 - f) between lots 4 and 5 on the east side. (RP&CA) (P&Z) (DSUP 98-0015)
4. Adjust the ultimate build-to envelop for each lot to reflect the areas restricted from clearing and grading to preserve additional trees as identified by the City Arborist. (P&Z) (DSUP 98-0015)
5. The applicant shall provide tree protection for existing trees in areas shown as "limits of disturbance" to the satisfaction of the Director of P&Z and the City Arborist. A plan for tree protection approved by the City Arborist shall be included and approved with the final site plan. (P&Z) (DSUP 98-0015)

6. Provide additional street trees on both sides of Dartmouth Road to establish a line of trees spaced no more than forty feet on-center. (RP&CA) (DSUP 98-0015)
7. The proposed cul-de-sac hammerhead turnaround shall be relocated to within the development area to the satisfaction of the Directors of P&Z and T&ES. (T&ES) (P&Z) (DSUP 98-0015)
8. Changes to the footprints of individual units, including decks and future additions, may be approved by the Director of P&Z so long as the following criteria are met:
 - the side and rear yard setbacks (excluding decks) shall be a minimum maintained distance of 25' along the perimeter of the project site;
 - improvements do not effect designated "limit of disturbance" areas as denoted on the final site plan;
 - the width of the openings between units (combined side yards) is not decreased from that shown on the plan;
 - no decks are provided above the first floor;
 - the maximum net floor area within the development area shall not exceed 30,115 square feet;
 - no parking shown on the plan is eliminated; and
 - no trees designated for preservation shall be impacted. (P&Z) (DSUP 98-0015)
9. Show all utility structures, including transformers, on the final development plan. All utility structures (except fire hydrants) shall be clustered where possible and located so as not to be visible from a public right-of-way or private street. When such a location is not feasible, such structures shall be located and screened to the satisfaction of the Director of P&Z. (P&Z) (DSUP 98-0015)
10. All fences and walls visible from the public right-of-way or adjacent residential properties, including retaining walls, shall be designed and treated to the satisfaction of the Director of P&Z. (P&Z) (DSUP 98-0015)
11. Submit building location survey for Planning staff approval when applying for certificate of occupancy permits for each unit. Location survey shall show all improvements on the lot including landscape materials shown on the final development plan. (P&Z) (DSUP 98-0015)

12. The applicant shall submit final "as-built" plan for the development prior to applying for certificate of occupancy permit for any of the last two dwelling units. (P&Z) (DSUP 98-0015)
13. The applicant shall submit a homeowner's agreement (HOA) for approval by the City Attorney, prior to applying for the first certificate of occupancy permit. Such HOA shall include the conditions listed below, which shall be clearly expressed in a separate section of the HOA. Also, such section within the HOA shall include language which makes clear that the SUP conditions listed shall not be amended without the approval of City Council.
 - A) Exterior building improvements by future residents, including above ground decks not included on the approved plans or different from the approved plans, shall require the approval of the Director of Planning and Zoning and must be consistent with the special use permit conditions.
 - B) All required landscaping and screening, including trees and landscaping in the common areas, shall be maintained in good condition.
 - C) No ground disturbing activity shall occur within the "limits of disturbance" areas or drip-line areas of trees preserved as a condition of this special use permit.
 - D) The principal use of the individual garages shall be for passenger vehicle storage only. (P&Z) (DSUP 98-0015)
14. Submit a corrected final subdivision plat showing the following information as required by 11-1700:
 - a) surveyors certificate statement per 11-1709 (B)(3);
 - b) zoning and ownership of adjacent parcels;
 - c) space for signature approval block;
 - d) existing lot areas;
 - e) lot dimensions, and
 - f) gross area in acres.

The final subdivision plat shall be consistent with the final development plan, and shall be recorded prior to approval of any building permits. (P&Z) (DSUP 98-0015)

15. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z) (DSUP 98-0015)
16. Provide on-site B.M.P., the private pond mentioned in the plan is owned by others and is not formally recognized as a stormwater quality Best Management Practice. (T&ES) (DSUP 98-0015)
17. Show the location of the proposed B.M.P. and show all of the site's impervious area draining to the B.M.P. (T&ES) (DSUP 98-0015)
18. The storm water Best Management Practices (BMP) required by this project shall be constructed and installed under the direct supervision of the design engineer or his/her designated representative. The design engineer shall make a written certification to the City that the Best Management Practices are constructed and installed as designed and in accordance with the approved final site plan. In addition, aggregate layers and collector pipes may not be installed unless said engineer or his/her representative is present. (T&ES) (DSUP 98-0015)
19. Show an appropriate environmental site assessment statement. (T&ES) (DSUP 98-0015)
20. Provide a two phased erosion and sediment control plan and narrative. (T&ES) (DSUP 98-0015)
21. Show size, type, and class of storm and sanitary sewers. (T&ES) (DSUP 98-0015)
22. Provide a minimum 22 feet emergency vehicle easement.(T&ES) (DSUP 98-0015)
23. Provide for a permanent emergency vehicle turnaround. The preliminary development plan shows an emergency vehicle turnaround easement marked as temporary. (T&ES) (DSUP 98-0015)
24. The designated E.V.E. located outside of the property line shall be approved by the adjacent property owner. (T&ES) (DSUP 98-0015)
25. The City standard of the minimum private street wide is 26 feet. Provide 30 feet wide street on the entrance of Dartmouth Road to accommodate parking along one side of the street. (T&ES) (DSUP 98-0015)

26. Show the existing and proposed street lights and site lights. (T&ES) (DSUP 98-0015)
27. Indicate type of fixture, and show mounting height, and strength of fixture in Lumens. (T&ES) (DSUP 98-0015)
28. Provide manufacturer's specifications for fixtures. (T&ES) (DSUP 98-0015)
29. Provide lighting calculations to verify that lighting meets City standards. (T&ES) (DSUP 98-0015)
30. Consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and alarm systems for the homes. (Police) (DSUP 98-0015)
31. Consult with the Crime Prevention Unit of the Alexandria Police Department regarding a security survey for the sales and construction trailers. (Police) (P&Z) (DSUP 98-0015)
32. The applicant shall make a contribution to the Housing Trust Fund in the amount of \$0.50 per gross square foot, payable at sale to the end user. (Housing) (DSUP 98-0015)
33. REPRESENTATION MADE BY THE APPLICANT AT THE PLANNING COMMISSION MEETING: The applicant shall enter into a legally binding private agreement with the neighbors to address the proffers contained in the letter from Duncan Blair dated November 25, 1998.

The following proffers contained in the letter from Duncan Blair dated November 25, 1998 are hereby incorporated as conditions for this development project:

- I. Architectural Guidelines to govern construction and use of lots One (1) through Five (5) Dartmouth Place.
 - A. Original construction architectural guidelines.
 1. Architectural Style: All homes will be two story "traditional" or "colonial".
 2. Maximum height: Thirty-five (35') feet.
 3. Front facades: Brick, stucco or a stone.

4. Sides and rear facades: Siding, Brick, stucco or stone shale be available as purchaser options. No exposed foundation walls above grade. No completely "flat" rear facades, there must be articulation created by a bay window, chimney or "bump out" to break up the rear facade. Not less than fifty (50%) percent of the windows on the side and not less than fifty (50%) percent of the windows in the rear facade shall be detailed with shutters or architectural treatments.
 5. Chimneys: Brick or stucco chimneys only. No vinyl sided chimneys are permitted. "Bump outs" which enclose direct vent fireplaces may be vinyl siding.
 6. Roofs: Dark color architectural shingles only. Equity is currently using CertainTeed 25 year shingles of the following colors : Shadow Black, Greystone, Weathered Wood and Homestead Slate. If Equity changes brand or colors of shingles, colors similar to the above will be used. Cedar shakes are also allowed.
 7. Exterior colors: All homes to be one of Equity's standard color packages, or equivalent. These packages do change from time to time depending on availability of the components (i.e. paint, siding and brick).
 8. Siding: No siding may be narrower than 6½" and must be beaded vinyl siding, wood or products with an appearance similar to wood.
 9. On lot landscaping: Front yards will be professionally landscaped. A budget of at least \$2,000 will be provided to each home for landscaping to be planted by Equity.
- B. Architectural Guidelines lots One (1) through Five (5) Dartmouth Place to be included in the Homeowners Association Declaration of Covenants Conditions and Restrictions for Dartmouth Place ("HOA Covenants") which will be recorded prior to the first lot sale and which are to be approved by the City Attorney as accurately reflecting these conditions in a manner that runs with the land and which is enforceable by all lot owners.
1. Maximum height: Thirty-five (35') feet.
 2. Chimneys: Brick or stucco chimneys only. No vinyl sided chimneys are permitted. "Bump outs" which enclose direct vent fireplaces may be vinyl siding.
 3. Siding: No siding may be narrower than 6½" and must be beaded vinyl siding, wood or products with an appearance similar to wood.

4. Decks: restricted to rear yards only.
 5. Exterior Lighting: Exterior lights may not be directed outside of lot boundaries and will be directed downward.
 6. Fences: All fences, other than those installed by Equity, must be approved by the Homeowner's Association. No fences may be constructed to extend further forward from the rear property line than the distance from the rear property line to the rear corners of the house. All fences shall be painted or stained, maintained and replaced by and at the expense of the individual homeowner. Equity shall install at its expense one (1) foot south of the north property line of 99 North Quaker Lane a five (5') foot high chain link fence painted black as depicted on Exhibit B between points X and Y on Exhibit A, and shall make available to the owners of adjacent Lot 151 North Quaker Lane ("151 North Quaker Lane") an allowance of \$1,350 for contribution of a fence and/or screening.
- II. Tree Conservation Area ("Conservation Easement") at the rear lots of two (2), three (3) and six (6) Dartmouth Place shown on the Cluster Development Plan and Subdivision Plat shall be governed by the following:
1. The Conservation Easement is intended to be an area maintained in its natural condition with respect to leaf litter and other ground covering vegetation, understory vegetation and shrub layer. Notwithstanding the foregoing, selective trimming, pruning and removal of invasive vegetation that does not alter the natural character of the Conservation Easement shall be permitted.
 2. Within the Conservation Easement there shall be no construction or placing of buildings or structures, no filling, excavating or change to the natural topography of land. Notwithstanding the foregoing, Equity shall have the right to install a sanitary sewer line connecting lot Six (6) Dartmouth Place to the public sanitary sewer in Dartmouth Place in the area designated proposed easement on the Cluster Development Plan. In addition, the owner of 251 North Quaker Lane shall have the right to install a sanitary sewer line in the proposed easement.
 3. Except as may be necessary for the prevention or treatment of disease, the removal of dead or damaged trees or other good husbandry practices and after consultation with the City of Alexandria Arborist, no mature trees shall be removed from the Conservation Easement.

III. Landscape Buffering

1. In addition to the natural perimeter tree and wooded buffer areas, Equity will install additional landscaping to supplement the natural buffer as specified in Exhibit A shown as "TreeSave Area" on the landscape plan prepared by Design Scapes, Inc. attached as Exhibit A. Equity will observe and comply with the proposed limits of clearing and grading shown on sheet 4 of 5 (the "Landscape Plan") dated August 1998, prepared by R. C. Fields, Jr. and Associates and filed with this SUP Application. Maintenance and replacement if necessary of this additional landscaping shall be at the expense of the Homeowner's Association following a two year period of maintenance guaranteed by Equity.
2. The portions of the TreeSave Area shown on Exhibit A for which no supplemental plantings are shown are believed to contain existing natural tree growth sufficient to provide adequate screening of adjacent properties. If construction in fact alters the final border of the TreeSave Areas to reduce those areas or natural screening therein, or if such existing natural tree growth is determined to be insufficient by the Director of Planning and Zoning and the City Arborist exercising reasonable judgment and discretion, Equity shall plant additional trees as buffers to replace the natural screening destroyed, removed or damaged, or to supplement the screening determined insufficient.
3. Equity acknowledges that the proposed sanitary sewer easement to serve 201 and 251 North Quaker Lane reflects only the general location of the proposed sewer lines. Equity shall exert best efforts to minimize damage to existing trees and shrubs in the construction and placement of those sewer lines.

IV. Future Extension of Dartmouth Place (private road) for Future Development of Tax Parcel 61.01 04 06, 99 North Quaker Lane ("99 Quaker Parcel"). Equity has provided for the future extension of the Dartmouth Road private right-of-way to accommodate the future development of the 99 Quaker Parcel provided:

1. The 99 Quaker Parcel is developed by single family houses.
2. Dartmouth Place terminates in a cul-de-sac and does not provide through motorized access to North Quaker Lane or any other public or private right-of-way with such access to North Quaker Lane.

3. The owner or redeveloper of the 99 Quaker Parcel, its successors or assigns ("the 99 Quaker Owner") constructs the extension of Dartmouth Road and/or public utilities without cost to the owners, their successors and assigns of Lots One (1) through Five (5), Dartmouth Place to City standards equivalent to that of Dartmouth Road serving Lots One (1) through Five (5) and grants an ingress/egress easement to the city of Alexandria and owners of Dartmouth Place reflecting the same. Upon such extension the 99 Quaker Owner shall have rights to use Dartmouth Road on an equal status with the owners of Lots One through Five Dartmouth Place.
4. The 99 Quaker Owner agrees, if requested by the owner of either Lot One (1) or Lot Four (4) Dartmouth Place, to remove the portion of the existing hammerhead turnarounds of lots One (1) and Four (4) Dartmouth Place, and to resod and construct a standard residential driveway on the area formerly improved by the hammerhead turnaround on those two lots.
5. The 99 Quaker Owner shall indemnify and hold the owners of Dartmouth Place, their successors and assigns, harmless from any loss or damage, including damage to the paved surface of Dartmouth Place, as a result of its construction of the extension of Dartmouth Place to the 99 Quaker Parcel of the private road as specified in paragraph IV3 above.

V. Homeowners Association Documents

1. These conditions shall be embodied in covenants recorded among the land records of the City of Alexandria, executed by Equity and by the trustees under any deed of trust or other encumbrance secured by Lots One (1) through Six (6) Dartmouth Place. The HOA Covenants, together with the Homeowners Association Corporate Articles of Incorporation and By-Laws ("HOA Corp. Documents"), shall contain a method of assessment of dues and imposition of a lien on Lots One(1) through Six (6) for collection thereof, to obtain sufficient funds to maintain, and if necessary, replace the additional landscaping specified in Paragraph III and Dartmouth Road as a private street. The HOA Covenants and HOA Corp. Documents shall be approved by the City Attorney as complying with the SUP conditions before issuance of any construction permits.
2. These conditions shall be specified to be covenants real and the benefit and burden thereof shall run with the land and may be enforced at law or equity by owners of Lots One (1) through Six (6), Dartmouth Place. (Representation made by the applicant at the Planning Commission meeting of 12/01/1998) (City Council) (DSUP 98-0015)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

No comments

Code Enforcement:

No comments

Health Department:

No comments

Police Department:

Planning and Zoning staff edited this finding for clarity.

F-1 Concur with applicant's request.

Historic Alexandria (Archaeology):

No comments

Parks & Recreation (Arborist):

F1. The existing fence has been extended to the limits of the property line and the conservation easement, significantly beyond the limits of the fence that was reviewed at earlier meetings with the residents. The enclosure of the conservation easement by the fence promotes the active use of this space, which can have a detrimental effect on the area. The enclosure of this area is fundamentally opposed to the intent of establishing this area as a conservation easement.

- F-2 The conditions of the original SUP should not be changed to permit the construction of buildings, fences or other man made structures within the conservation easement.

Planning and Zoning modified this condition for clarity.

- R1. The new section of fence should be removed to the previous limits. All play equipment and amenities should be removed from the conservation easement area outside of the previous limits. At such time that the first fence section is replaced, it shall not be permitted to be replaced within the conservation easement.

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APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2002-0052

PROJECT NAME: Dartmouth Place

PROPERTY LOCATION: Dartmouth Road (201 N. QUAKER LA.)

TAX MAP REFERENCE: 61.01-04.02 & 04 ZONE: R20

APPLICANT Name: Wallace Christner / Dartmouth Place Homeowners Association

Address: _____

PROPERTY OWNER Name: Wallace Christner

Address: 1301 Dartmouth Road, Alexandria, VA 22314

SUMMARY OF PROPOSAL: Request Modification of DSUP # 98-0015

MODIFICATIONS REQUESTED: Modify DSUP to allow placement of
fence and wood piles in conservation area as approved by the
Homeowners Association

SUP's REQUESTED: _____

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of the 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 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 his knowledge and belief.

Wallace Christner / Dartmouth Place Homeowners Association
Print Name of Applicant or Agent

Wallace Christner / see attached
Signature

1301 Dartmouth Rd.
Mailing/Street Address

703 823 5122 _____
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

November 30, 2002
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

DARTMOUTH PLACE

Attachment to Application for Development Special Use Permit with Site Plan

Signatures:

Co-Applicant

DARTMOUTH PLACE HOMEOWNERS ASSOCIATION, INC.

R. Anthony Salgado
Print Name of Officer

R. Anthony Salgado
Signature

President and Director
Title

1302 Dartmouth Road
Mailing/Street Address

202-944-3000 202-944-3068
Telephone # Fax #

Alexandria, VA 22314
City and State Zip code

November 3, 2002
Date

Development Special Use Permit with Site Plan (DSUP) # 2002-0052

All applicants must complete this form.

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is the (check one):

Owner

Contract Purchaser

Lessee

Other: Home owner Association

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

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

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

N/A

Narrative Description

Summary of Request

The Co-Applicants understand that the Dartmouth Place development is subject to the terms and conditions of Development Special Use Permit No. 98-0015 (the "SUP") and that amendments to certain provisions of the Declaration of Covenants, Conditions, Easements and Restrictions for Dartmouth Place (the "Declaration") may require approval by City of Alexandria, including Article VI, Section 8 thereof. The Co-Applicants therefore hereby request that the City of Alexandria approve an amendment to the SUP and provide any necessary approval for the Dartmouth Place Homeowners Association, Inc. (the "HOA") to amend the Declaration to provide that the term "structures" as used with respect to the "conservation area" does not include (1) fences that are no greater than 4 feet high, and (2) well-maintained woodpiles, in both cases as are approved from time to time by the HOA's Board of Directors.

The City of Alexandria has advised that the SUP prohibits structures including fences and woodpiles from being placed in the conservation area described below, and the applicable portions of Article VI, Section 8, of the Declaration currently provide as follows:

"8. Conservation Area. Those portions of Lots two (2), three (3) and (6) designated as a Conservation Area on the recorded subdivision plat of the Property as shown on Exhibit B shall be subject and governed to the following:

1. The conservation area is intended to be an area maintained in its natural condition with respect to leaf letter and other ground covering vegetation, understory vegetation and shrub layer. Notwithstanding the foregoing, selective trimming, pruning and removal of invasive vegetation that does not alter the natural character of the conservation area shall be permitted.

2. Within the conservation area there shall be no construction or placing of buildings or structures, no filling, excavating or change to the natural topography of the land."

Discussion

Dartmouth Place is a small development of five new houses that was constructed at the west end of Dartmouth Road, and home construction was completed approximately 14 months ago. An older house is situated on lot 6. Certain areas of the backyards of lots 2, 3 and 6 were designated as a "conservation area," which was "intended to be an area maintained in its natural condition with respect to leaf letter and other ground covering vegetation, understory vegetation and shrub layer." With respect to the request, the Co-Applicants have noted the following:

1. The area designated as the conservation area constitutes a substantial portion of the backyards of lots 2, 3, and 6.
2. Because of the severe slope of most of the yards of lots 2 and 3, the portions of the backyards of lots 2 and 3 designated as conservation area include most of the relatively level areas of such lots.
3. Prior to the development of Dartmouth Place, the entire north side of the conservation area was and remains bordered by fence; partially by a 6-foot privacy fence and the remainder by wire fencing in poor condition and the southwest portion of the conservation area is bordered by a wire fencing in poor condition
4. The portion of the conservation area within lot 6 has been mowed as lawn by its present owner and not maintained in its natural condition except for the last year in which time such area has served primarily as a debris field and storage area for construction machinery and supplies for the substantial addition being made to the existing house on lot 6.
5. The backyard of lot 3 is within approximately 200 feet of busy Quaker Lane and presents a substantial safety hazard to children and pets that may venture west from the boundaries of lots 2 or 3, including children and pets that may reside in other parts of Dartmouth Place.
6. The felling of several trees in the conservation area created a large amount of wood and other debris, the magnitude of which required the creation of woodpiles in order to maintain the wood in a safe and presentable condition.
7. The Co-Applicants note that the owner of Lot 3 has consulted with the City Arborist and has been informed that the installation of a fence with the characteristics described above would not adversely affect the natural condition of the conservation area.
8. The owners of 1, 2, 3, 4 and 5 have requested the amendment of Article VI, Section 8(2), of the Declaration to permit the HOA's Board of Directors to approve, from time to time, fences not greater than four feet in height and woodpiles in the conservation area, and accordingly the HOA has begun the process of approving such an amendment.

Based on the above, the Co-Applicants believe that the amendments described above are in the best interests of the HOA generally and the owners of lots 2 and 3 in particular because such amendments will greatly increase the safety of all residents of the HOA generally and lots 2 and 3 specifically. The Co-Applicants further believe that such amendments will enhance the appearance of lots 2 and 3, thereby benefiting the HOA, and that such amendments do not adversely affect the stated purpose of the conservation area, which is "to be an area maintained in its natural condition with respect to leaf litter and other ground covering vegetation, understory vegetation and shrub layer."

Proposed Amendment

The Co-Applicants respectfully request the City of Alexandria to approve the amendment of the applicable provision of the SUP and to provide any necessary approval for the HOA's amendment of Article VI, Section 8(2), of the Declaration by adding a new sentence to the applicable provision of the SUP and at the end of Article VI, Section 8(2) of the Declaration as follows:

In addition, notwithstanding the foregoing, the term "structures" as used with respect to the Conservation Area shall not include (a) any fence not greater than forty-eight inches in height (excluding posts, which shall not be greater than fifty-four inches in height), and (b) well-maintained woodpiles, in both cases as approved by the Board of Directors of the Association from time to time.



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

TICKET NO. 2710

NOTICE OF VIOLATION

**YOU ARE CHARGED WITH VIOLATING THE
ALEXANDRIA, VIRGINIA ZONING ORDINANCE**

10/1/2002 TUESDAY
Date ticket served Day of Week Time AM/PM

Location of Violation: 1301 BARTMOUTH
ROAD

Ord. Section: _____

Description of Violation: ERECTING FENCES IN
DESIGNATED CONSERVATION AREA
AS CONTAINED IN ZSLP #98-0015
CONDITION # 33

Penalty \$: 50.00

1st 2nd
 3rd/MORE

IF THE VIOLATION IS NOT CORRECTED BY
NOV. 1, 2002 AN ADDITIONAL MONETARY
PENALTY WILL BE ASSESSED.

[Signature]
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:

CHRISTNER WALLACE
NAME: LAST FIRST MIDDLE

PROPERTY OWNER
 COMPANY _____
NAME

POSITION _____
 OTHER _____

1301 BARTMOUTH ROAD
ADDRESS
ALEXANDRIA, VA 22314
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

WALLACE CHRISTNER
Name of Person or Business Served

1301 BARTMOUTH RD.
Address of Service

ALEXANDRIA, VA
City/State

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

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

Signature [Signature]
Print Name GREGORY TATE
Date 10/1/02 Phone # 703-998-0866 X330

WARNING

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

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

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

2. TO REQUEST A COURT HEARING:

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

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

3. TO CONTEST THE INTERPRETATION OF THE
ORDINANCE:

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

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

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

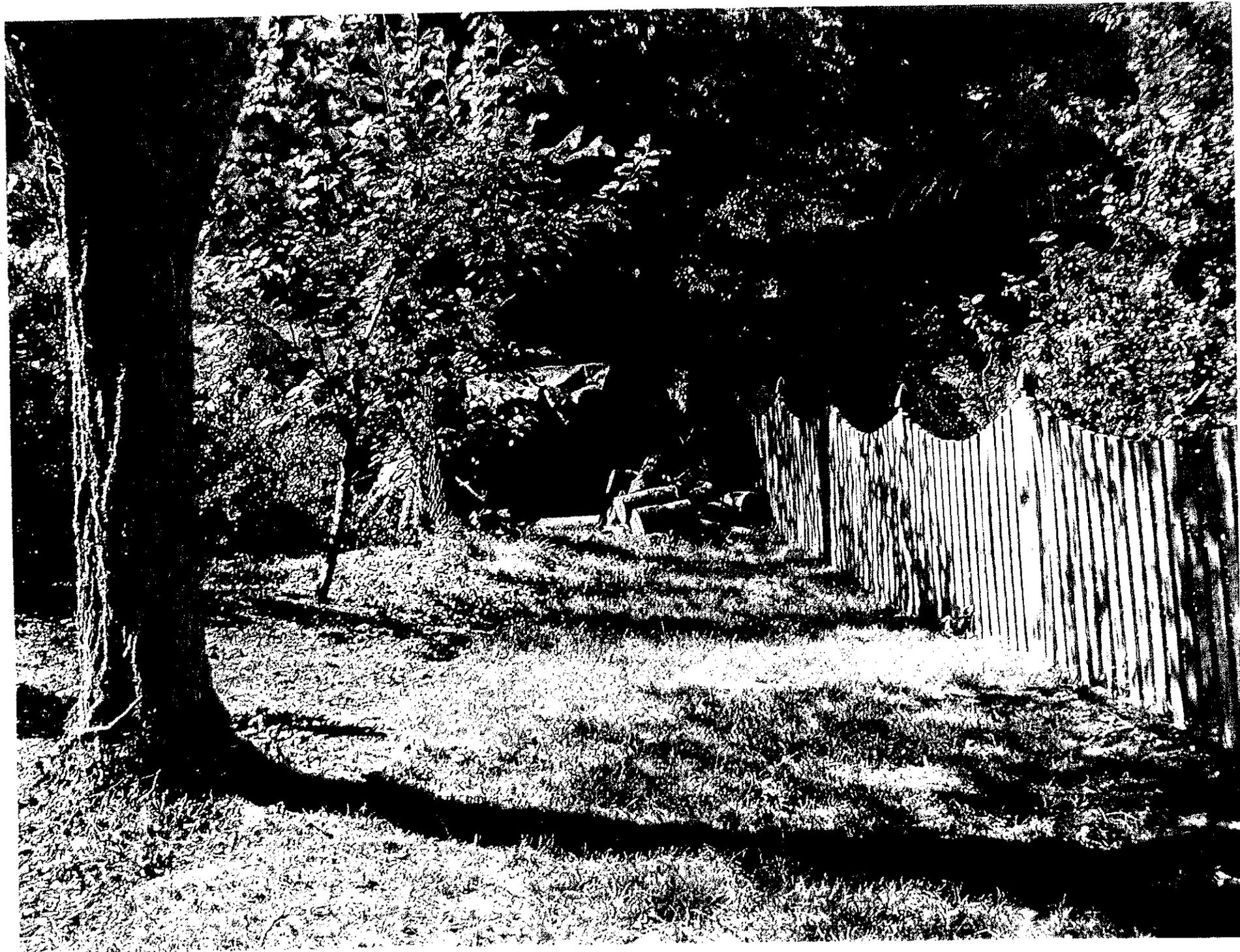
YOU MUST COMPLETE AND SIGN THIS
CERTIFICATION:

ADMIT VIOLATION NO CONTEST CONTEST IN COURT

Name (print) _____
Street Address _____
City _____ State _____ Zip _____

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

Signature _____ Date _____



25 26



2627



27 28



28 29



29 30

TRANSACTIONAL DISCLOSURE STATEMENT
UNDER STATE AND LOCAL GOVERNMENT CONFLICT OF INTERESTS ACT
for Members of Alexandria City Council
and of Other City Boards and Commissions and for
City Officers and Employees
Virginia Code § 2.2-3115(G)

1. Name: David G. Speck

2. Member of: — City Council _____ (City Office or Department)

(Board or Commission)

3. Transaction: 10 Docket/Agenda Item 4/12/03 Meeting Date

(Other)

4. Nature of Personal Interest Affected by Transaction: _____
I have a business relationship with individuals
who are directly affected by this matter

5. I declare, in light of my above-described personal interest in the identified Transaction (check one of the following):

- a. That I am required to disqualify myself from participating in the Transaction.
- b. That, although I am not required to disqualify myself, I have nonetheless elected to disqualify myself from participating in the Transaction.
- c. That I am a member of a business, a profession, an occupation or a group, all the members of which have a personal interest in the Transaction, and that I am able to participate in the Transaction fairly, objectively and in the public interest.

4/12/03
Date

DL Speck
Signature

Wallace E. Christner and
Karla D. Gayer
1301 Dartmouth Road
Alexandria, VA 22314

April 1, 2003

Alexandria Planning Commission
Alexandria City Council
Mayor of the City of Alexandria
301 King Street
Alexandria, Virginia 22314

Ladies and Gentlemen:

We are writing this letter to explain our position for installing a fence in our backyard at 1301 Dartmouth Road in an area that is designated as a conservation area (the "Conservation Area") and to identify what we believe are inaccuracies included in the report of the planning and zoning commission staff (the "Report") regarding the fence.

Before we purchased our home in November 2000, we realized that the backyard was only one house away from busy Quaker Lane. Because we were concerned about the safety of our young children and pets, we asked the builder if we would be permitted to install a fence in our backyard. We inquired about being able to install a fence because the site map showed a portion of our backyard marked as a "conservation area." The builder stated that we could install a fence because the backyard was our private property and not a public access area or easement like the common area next to our front yard. The purpose of the Conservation Area was to preserve the area in its natural state and encourage tree growth.

After this explanation, we called the City Arborist and asked him to explain the Conservation Area to us during January of 2000. He told us that a fence was allowable in the Conservation Area because a fence was not a structure. A structure such as a storage shed was not allowed as this could harm tree roots. A fence would not cause any significant damage to tree roots and therefore was allowable. We were not advised that any additional approval was required and went forward with the sales contract.

During the Summer of 2000, while our home was being built, we noticed that there had been significant trespassing in the Conservation Area part of our backyard, evidenced by large amounts of trash, beer bottles and other debris that did not seem associated with home construction. In fact, our back neighbor was in the habit of mowing the lawn in our portion of the Conservation Area as if it was his property. Additionally, because of our concern for safety being so close to Quaker Lane, we asked the builder to install the backyard fence as part of the construction process as they had done for the home across the street.

At this point (late summer of 2000) the builder was reluctant to construct the fence and suggested for the first time that we would have to check with the City to determine if a fence was allowed. We and our real estate agent made several call and inquiries with the City and began to receive conflicting advice about whether a fence would be allowed in the Conservation Area.

Ultimately, we hired the law firm of Hart & Calley to inquire about the fence. Hart & Calley identified that the Declaration of Covenants and Restrictions for our development (the "Declaration") said that the buildings and other structures were not

allowed in the Conservation Area. To clarify the issue, they prepared a letter for the City to countersign indicating that a fence would not be considered a structure. Our information from Hart & Calley was that a City representative told them that the City would consider a fence a structure and would be allowed only if the Declaration was amended. Although we did not agree with this interpretation, we noted that the Declaration allowed amendment upon affirmative vote of 75% of the members of the Homeowners Association. This meant we needed to have five of the six homeowners in agree that a fence would not be treated as a structure for purposes of the Conservation Area.

We closed on our property in November 2000 and constructed a fence that enclosed our back yard except for the Conservation Area, but with gates that led into the Conservation Area. We determined where the Conservation Area was based on survey markers then on the property. The Report refers to the part of this fence bordering the Conservation area as Fence 1.

We support the idea of the Conservation Area and began planting trees and bushes in an attempt to make a natural safety barrier for our children and dogs. We also wanted to grow more vegetation when we realized that the bulk of the Conservation Area was actually a former suburban garden and lawn that was had been overrun by invasive vines and poison ivy. Unfortunately, because the Conservation Area is shady, the planted trees and bushes have not grown significantly and have not created an effective border. We also discovered that wire fencing in poor condition already ran alongside the north border of the Conservation Area, but was not an effective barrier.

Fence 1 proved to be unsatisfactory for additional reasons. The gates were inadvertently left open potentially allowing our youngest child and dogs to wander on to Quaker Lane. In fact, our neighbors behind us to the north twice had to capture our puppy as it was wandering onto Quaker Lane and suggested we completely fence the yard. Second, we had problems with trespassers coming onto our backyard, a situation that was compounded when our neighbor directly behind us began to construct a very large addition to the back of his house and workers would dump large piles of debris and cut down trees within the Conservation Area close to our backyard. Finally, the tragic events of September 11, 2001, emphasized the need to insure the safety of our family.

By early winter of 2002, all the homeowners in our association had moved in and we inquired with them if they would agree to the fence being constructed. They all agreed with the exception of Lot 6 (our neighbor in back) and we then knew we had enough support to amend the Declaration if necessary to clarify that the term structure did not include a fence. Again, we inquired with the City concerning the fence. We were instructed to speak to Jeff Bird because he was actively involved with the development of Dartmouth Place. He confirmed that he would not consider a fence to be a structure because it would not harm the Conservation Area.

We installed a short 4 foot fence around the perimeter of the Conservation Area in late spring of 2002 (called Fence 2 in the Report). Last fall, we were notified by Planning and Zoning that we needed to submit an application for amendment to the Special Use Permit in order to retain Fence 2. With the overwhelming support of our adjacent neighbors and homeowners association, we submitted the application.

The Report recommends denying the Fence because long term use for active usable open space could have a detrimental impact on the ecosystem. We were informed verbally by Mr. Tate that he thought we would ruin the conservation area by allowing it to be part of our kids play yard. Never had this been stated as a reason not to allow the fence and we are not aware of any restrictions or ordinances saying that our children cannot play in our backyard. Nevertheless, we have not and do not intend to allow our children to play in the Conservation Area.

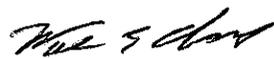
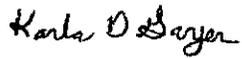
We fully support the concept of the Conservation Area and have no intention of harming it. We have planted approximately 25 additional plants including a large maple, elm, oak trees and evergreens in the Conservation Area portion of our back yard. Importantly, the area contains tall grass and weeds infested with ticks and mosquitoes which as everybody knows potentially harbor Lyme Disease and West Nile Virus. Obviously, our children would not be allowed to play in the Conservation Area. As it is one of the few relatively flat areas, we do enjoy occasionally strolling through the area, not playing in it. We also need access to the Conservation Area to water the new plants and treat any diseased or damaged trees.

We were surprised that the Report stated that children's play equipment had been installed in the Conservation Area. As our neighbors can attest, we have never installed any playground equipment in the Conservation Area. The only equipment we can imagine that could have been observed in the area was a portable baseball throwback screen that our landscaper inadvertently moved to the Conservation Area this winter. This was promptly moved out the Conservation Area when noticed.

We would like nothing better than to have the Conservation Area become a thick vegetative screen against the view and noise on the Quaker Lane side of our property, but such a screen will take some time to grow. The fence has not harmed the Conservation Area and we have no intention of harming the Conservation Area. We would even welcome official monitoring by the City and/or the homeowners association to insure that the Conservation Area is preserved.

In summary we wish to emphasize that during these troubling times of terrorists, snipers and war, the fence has only been an added means of security for our family. We shudder to think about the possible harm that may occur to our young family if we are forced to remove the fence, especially when the fence has no adverse effect on the stated purpose of the Conservation Area.

Sincerely yours,

 
Wallace E. Christner and Karla D. Gayer

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2002-0052

PROJECT NAME: Dartmouth Place

PROPERTY LOCATION: Dartmouth Road (201 N. QUAKER LA.)

TAX MAP REFERENCE: 61.01-04.02 & 04 ZONE: R20

APPLICANT Name: Wallace Christner / Dartmouth Place Homeowners Association

Address: _____

PROPERTY OWNER Name: Wallace Christner

Address: 1301 Dartmouth Road, Alexandria, VA 22314

SUMMARY OF PROPOSAL: Request Modification of DSUP # 98-0015

MODIFICATIONS REQUESTED: Modify DSUP to allow placement of
fence and wood piles in conservation area as approved by the
Homeowners Association

SUP's REQUESTED: _____

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of the 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 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 his knowledge and belief.

Wallace Christner / Dartmouth Place Homeowners Association Wallace Christner / see attached
Print Name of Applicant or Agent Association Signature

1301 Dartmouth Rd.
Mailing/Street Address

703 823 5122 _____
Telephone # Fax #

Alexandria VA 22314
City and State Zip Code

November 30, 2002
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: 4/1/03 Recommend Denial 5-2

ACTION - CITY COUNCIL: 4/12/03PH-SEE ATTACHED.

DARTMOUTH PLACE

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

10. DEVELOPMENT SPECIAL USE PERMIT #2002-0052

201 N QUAKER LA
DARTMOUTH PLACE

Public Hearing and Consideration of a request for a development special use permit amendment to construct a fence with a storage area within a conservation area; zoned R-20/Residential. Applicant: Dartmouth Place Homeowners Association, by Wallace Christner.

COMMISSION ACTION: Recommend Denial 5-2

Councilman Speck declared that he has a material, financial relationship on both sides of this issue; therefore, he disqualified himself.

City Council overturned the Planning Commission recommendation and granted the special use permit; the applicant's attorney has stipulated that there is not going to be any active recreation within the conservation district; and if there is a wood pile, the wood does not have to come just from trees in that area.

Council Action: _____

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance to adopt the Eisenhower East Small Area Plan as a chapter of the 1992 Master Plan of the City of Alexandria. [#19 4/8/03] [ROLL-CALL VOTE]

City Council finally passed the Ordinance upon its Second Reading and Final Passage. **ORD. NO. 4293**

Council Action: _____

12. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the map and text of the Zoning Ordinance of the City of Alexandria to implement the Eisenhower East Small Area Plan Chapter of the 1992 Master Plan of the City of Alexandria. [#20 4/8/03] [ROLL-CALL VOTE]

City Council finally passed the Ordinance upon its Second Reading and Final Passage. **ORD. NO. 4294**

Council Action: _____

13. (a) Public Hearing, Second Reading and Final Passage of an Ordinance to amend the fire prevention regulations in the City Code to establish a fire protection system retesting program. [#21 4/8/03] [ROLL-CALL VOTE]

City Council finally passed the Ordinance upon its Second Reading and Final Passage. **ORD. NO. 4295**

- (b) Consideration of Resolution authorizing the establishment of fees to cover the costs of the Fire Protection System Retesting Program, in the amount of \$20 per quarter hour per employee. [ROLL-CALL VOTE]

City Council adopted the Resolution.

RES. NO. 2067

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. 10

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Harry G. Hart
2. ADDRESS: 307 N. Washington St.
TELEPHONE NO. 903-836-5957 E-MAIL ADDRESS: HPH.HCGK@verizon.net
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Myself
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.):

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.