

EXHIBIT NO. 1

17
11-16-02

Docket Item # 18
SPECIAL USE PERMIT #2002-0107
CONSTRUCTION PARKING LOT

Planning Commission Meeting
November 7, 2002

ISSUE: Consideration of a request for a special use permit to install a temporary construction parking lot on a 4.0 acre site to serve contractors for the Patent and Trademark Office (PTO) project.

APPLICANT: Turner Construction Company
by Rick Bell

LOCATION: 400 Hooff's Run Drive

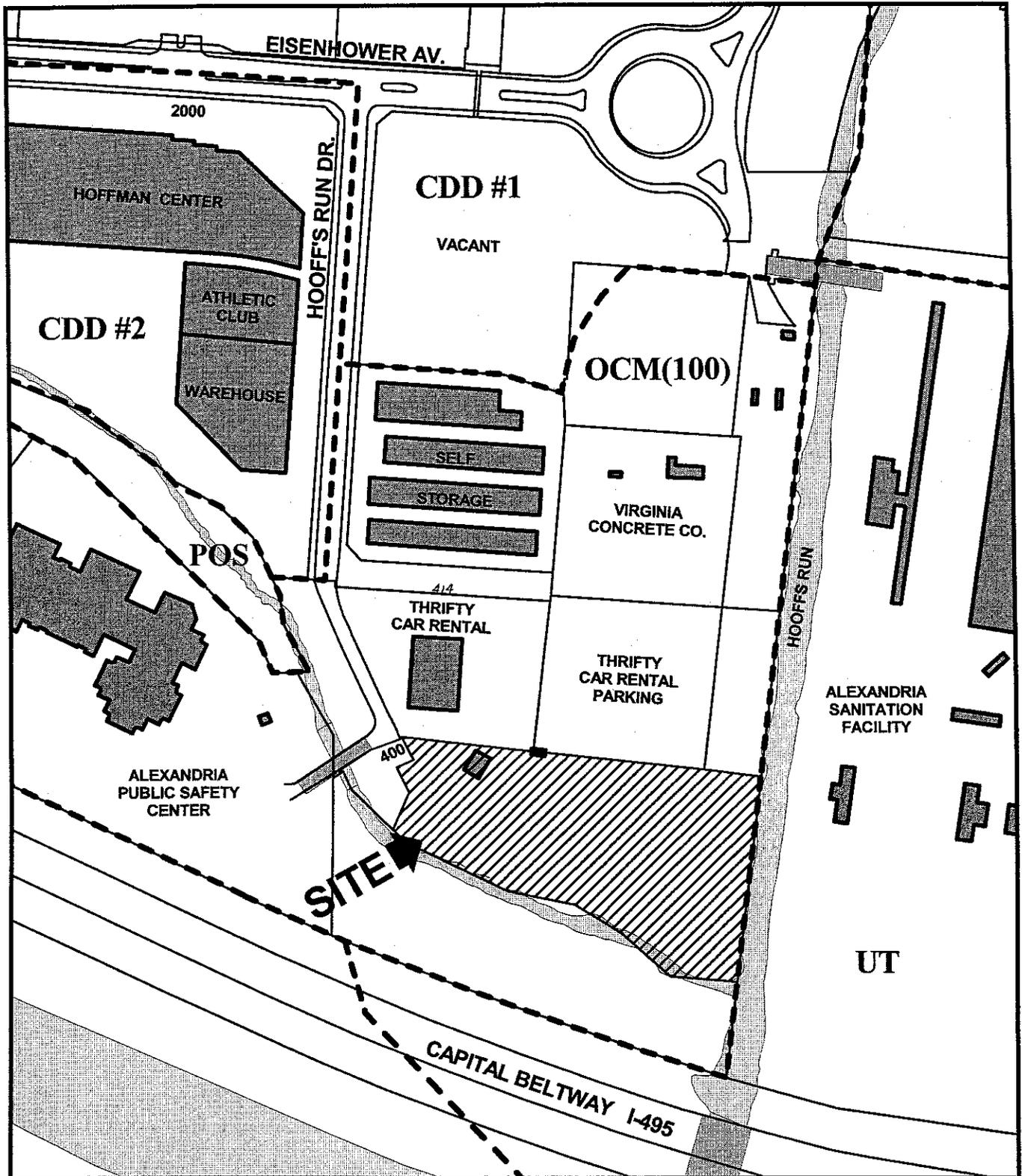
ZONE: OCM-100/Office Commercial Medium

PLANNING COMMISSION ACTION, NOVEMBER 7, 2002: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request subject to the staff recommendations and all applicable codes and ordinances. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission generally agreed with the staff analysis.

Speaker:

Jonathan Rak, representing the applicant.



SUP #2002-0107

11/07/02



STAFF RECOMMENDATION:

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

1. The temporary lot shall be permitted until October 2004. (P&Z)
2. The use of the property will be limited to parking for construction workers at the PTO/Carlyle project. (P&Z)(T&ES)
3. Parking shall be limited to the area outside the 100 foot RPA line, with a chain link fence erected along the RPA boundary to assure that vehicles do not park within the RPA. Vehicles may be stacked within the designated parking area, provided that drive aisles are maintained to provide fire access to site to the satisfaction of the Director of Code Enforcement. (P&Z) (T&ES) (Code)
4. The hours of operation will be 6:00 am to 6:00 pm. Use of the lot will be monitored in the morning during the period when workers arrive and in the afternoon when workers leave. At the end of each day the gate to the lot will be closed and locked. (P&Z)
5. No material storage or stockpiling will be allowed in the lot. (P&Z)(T&ES)
6. No vending machines or concessions providing food or beverages will be installed on the site or on the adjacent streets. (P&Z)
7. No auto repair or servicing by vehicle owners or commercial vendors will be permitted on the site. (P&Z)
8. One sign will be permitted which indicates the lot is for parking by PTO construction workers only. The sign will also indicate the hours of operation and that no unauthorized parking will be permitted and be designed and located to the satisfaction of the Directors of P&Z and T&ES. (P&Z)(T&ES)
9. The existing 3' to 4' chain link fence around the perimeter of the go-cart track area may be extended within the property boundary to include the paved area west of the existing buildings. A manually operated gate will be installed to prohibit unauthorized parking. (P&Z)

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400 HOOFF'S RUN DR

10. Litter will be controlled by the applicant by maintaining trash cans at key locations and removing the contents on a regular schedule. Litter that is not confined to the trash cans shall be collected weekly throughout the site. (P&Z)
11. A plot plan will be required for final approval. Plan must show compliance with the City's Chesapeake Bay Program and the City's Erosion and Sediment Control Program and include a lighting plan. (T&ES)
12. No excavation is expected at the site; should any excavation occur, the following conditions shall be met:
 - a) The applicant shall design and install a vapor barrier and ventilation system for the buildings and parking areas to prevent the migration or accumulation of methane or other gases under covered parking areas or into buildings, or conduct a study and provide a report signed by a professional engineer showing that such measures are not needed to the satisfaction of Directors of T&ES and Code Enforcement.
 - b) The final plan shall not be released and no construction activity shall take place until the following has been submitted and approved by the Director of T&ES:
 - Submit a Site Characterization Report/Extent of Contamination Study detailing the location, the contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the proposed site.
 - Submit a Risk Assessment indicating any risks associated with the contamination.
 - Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. "Clean" backfill shall be used to fill the utility corridors.
 - Submit a Health and Safety Plan indicating measures to be taken during any remediation and/or construction to minimize the potential risks to workers, the neighborhood, and the environment.Submit 5 copies of each of the above. The remediation plan must be included in the Final Site Plan. (T&ES)
13. Any required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. (T&ES)
14. Provide a drainage map for the area flowing to the chosen BMP, including topographic information and storm drains. (T&ES)

15. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
16. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. The design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the approved Final Site Plan. (T&ES)
17. The surface appurtenances associated with the on-site structural BMP's shall be marked to the satisfaction of the Director of T&ES to identify them as part of the structural BMP system. (T&ES)
18. For any surface-installed Best Management Practices, i.e., Bio-Retention Filters, Vegetated Swales, etc., are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
19. The Developer shall furnish the owners with an Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include an explanation of the functions and operations of each BMP and any supporting utilities, catalog cuts on any mechanical or electrical equipment, a schedule of routine maintenance for the BMP(s) and supporting equipment, and a copy of the maintenance agreement with the City. (T&ES)
20. A "Certified Land Disturber" must be named on the Erosion and Sediment Control sheets prior to release of the final Site Plan in accordance with Virginia Erosion and Sediment Control Law VAC §: 10.1-563.B. (T&ES)
21. Hydrant access shall be provided to within 300 feet travel distance of most remote area of parking lot. (Codes)
22. Use of accessory structures is prohibited without prior approval. (Codes)

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CONSTRUCTION PARKING LOT
400 HOOFF'S RUN DR

23. Use of flammable / combustible liquid storage tanks shall be prohibited without approved permits and inspections. (Codes)
24. No archaeological investigation will be required as long as no ground disturbing activities are undertaken. If any grading or excavation becomes necessary in the course of installing or operating the lot, these actions would need to be reviewed by Historic Alexandria prior to execution. (Hist. Alex.)

DISCUSSION:

The applicant, Turner Construction Company, requests special use permit approval to allow temporary parking for approximately 300 construction workers on the site at 400 Hooff's Run Drive. The subject property contains 172,818 sq.ft. and is developed with a commercial go-cart track that is no longer operating. Access to the property is from Hooff's Run Drive. The property is zoned, OCM(100), which allows motor vehicle parking with a special use permit.

The applicant has signed a lease for the property for a two year term, expiring in October 2004, in order to provide additional parking space for construction workers on the PTO project. Currently there are approximately 600 construction workers at the PTO project; these workers park primarily on Block P of Carlyle, located south of Eisenhower Avenue. Turner Construction is seeking use of the site to provide for an increase in the number of construction workers that will be reporting to the PTO project beginning in late November to fit out interiors of buildings. For a period of two years, structural, exterior and interior crews will all be working on the various PTO buildings and the total number of construction workers is anticipated to expand to include 1200 workers. Accommodation will be made for some of these workers on the PTO site, within sections of the PTO parking garages, as construction of the garages is completed, but it is anticipated that the earliest any garage spaces will be available is in the Fall of 2004, at which time this parking lot is expected to no longer be needed. Therefore, Turner seeks approval of this new lot as a temporary location for the increasing number of construction workers.

Proposed Lot

The applicant proposes to spread geofabric and approximately 6 inches of crushed stone on the area of the existing go-cart track so that the entire site can support parked vehicles. However, a portion of the site along the southern boundary lies within the Resource Protection Area (RPA) along Hooff's Run and this area cannot be "paved" with gravel without a waiver to the Chesapeake Bay requirements. The applicant has not requested such a waiver, nor would staff support such a waiver; instead, staff is recommending that the parking area be limited to the area outside of the RPA boundary, with a chain link or other fence constructed along the RPA boundary to ensure that vehicles are not parked on the sensitive portion of the site. Staff estimates this will reduce the amount of parking available on the site by approximately 25%, from 300 spaces to roughly 225 spaces.

The area will be lit by reactivating the existing system of go-cart track lights and by replacing or adding new fixtures to the existing poles. An 8-foot high chain link fence will be installed around the western portion of the site which is currently open. A gate will be installed and locked at night.

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CONSTRUCTION PARKING LOT
400 HOOFF'S RUN DR

The applicant intends to leave the site as is at the end of their lease or to remove the stone and fabric, whichever option the land owner prefers at that time.

Recommendation

Staff has no objection to the proposed temporary construction workers' parking lot provided the parking is limited to the area outside of the RPA. Providing parking will help to alleviate potential impacts in the surrounding area caused by workers attempting to park on streets or illegally in other locations. Staff recommends approval with the appropriate conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Plan will disturb an area greater than 2500 square feet; thus, it must comply with Chesapeake Bay Program and Erosion and Sediment Control Program.
- F-2 Plan shows expansion of impervious footprint within a Resource Protection Area (RPA). Although the existing impervious areas are "grandfathered" no expansion of these areas is allowed.
- F-3 Plan does not indicate whether or not there are any know soil and groundwater contamination as required with all preliminary submissions. Should any unanticipated contamination or underground storage tanks, drums and containers are encountered at the site the applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Division of Environmental Quality.

Code Enforcement:

- C-1 Hydrant access shall be provided to within 300 feet travel distance of most remote area of parking lot.
- C-2 Use of accessory structures is prohibited without prior approval.
- C-3 Use of flammable / combustible liquid storage tanks shall be prohibited with approved permits and inspections.
- C-4 Drive aisles shall be maintained to provide fire access to site. Submit a parking plan for review and approval.

Police Department:

- F-1 The parking lot should be lit at night.

Historic Alexandria (Archaeology):

No archaeological investigation will be required as long as no ground disturbing activities are undertaken. If any grading or excavation becomes necessary in the course of installing or operating the lot, these actions would need to be reviewed by Historic Alexandria prior to execution.

Recreation, Parks & Cultural Activities (Arborist):

No comments were received from this department.

APPLICATION for SPECIAL USE PERMIT # 2002-0107

[must use black ink or type]

PROPERTY LOCATION: 400 Hooffs Run Drive

TAX MAP REFERENCE: 079.00-01-17

ZONE: OCM (100)

APPLICANT Name: Turner Construction Company

Address: 4601 N. Fairfax, Drive, Arlington, VA 22203

PROPERTY OWNER Name: Hooff Fagelson Tract LLC

1707 Duke Street, Alexandria, VA 22314

Address: Attention: Charles R. Hooff

PROPOSED USE: Temporary Parking Area for Construction Worker Vehicles

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.

Jonathan P. Rak, Esquire, Agent

Print Name of Applicant or Agent

McGuireWoods LLP

Suite 1800

Mailing/Street Address

1750 Tysons Boulevard

McLean, VA 22102

City and State

Zip Code

Jonathan P. Rak
Signature

703-712-5411

Telephone #

703-712-5231

Fax #

OCT 23 2002

Date

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

Application Received: 10-23-2002

Date & Fee Paid: _____

\$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

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 (check one) the Owner Contract Purchaser

Lessee or Other: _____ of the subject property.

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.

Hochtief AG

Opernplatz 2

45128 Essen, Germany

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.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

The Applicant requests approval of a temporary parking area
of ± 300 spaces on the subject property (as shown on the
attached plan) for use by construction and worker vehicles
associated with construction activities within the Carlyle
development.

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*

- a new use requiring a special use permit,
- a development special use permit,
- an expansion or change to an existing use without a special use permit,
- expansion or change to an existing use with a special use permit,
- other. Please describe: _____

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

N/A

B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

N/A

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Consistent with conditions
of approval of PTO SUPs

7. Please describe any potential noise emanating from the proposed use:

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Noise levels will be consistent with normal operation
of vehicles and equipment.

B. How will the noise from patrons be controlled?

N/A

8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

N/A

B. How much trash and garbage will be generated by the use?

N/A

C. How often will trash be collected?

N/A

D. How will you prevent littering on the property, streets and nearby properties?

N/A

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

Proposed parking area will be fenced.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

N/A

B. How many parking spaces of each type are provided for the proposed use:

N/A Standard spaces

 Compact spaces

 Handicapped accessible spaces.

 Other.

C. Where is required parking located? on-site off-site (check one)

If the required parking will be located off-site, where will it be located:

N/A

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A

B. How many loading spaces are available for the use? N/A

C. Where are off-street loading facilities located? N/A

D. During what hours of the day do you expect loading/unloading operations to occur?

N/A

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Access is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

0 sq. ft. (existing) + 2.1 acres ~~sq. ft.~~ (addition if any) = 2.1 acres (total)

19. The proposed use is located in: (check one)

a stand alone building a house located in a residential zone a warehouse

a shopping center. Please provide name of the center: _____

an office building. Please provide name of the building: _____

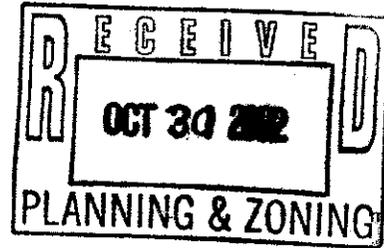
other, please describe: Vacant go-cart operation

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Mary (Missy) B. Schukraft
Direct: 1.703.712.5389

McGUIREWOODS

#18. SUP 2002-0107



BR
RM
KJ

mschukraft@mcguirewoods.com
Direct Fax: 1.703.712.5050

October 28, 2002

Linda Ritter, Senior Planning Technician
Department of Planning and Zoning
City of Alexandria
301 King Street, City Hall, Room 2100
Alexandria, Virginia 22314

By Facsimile: (703) 838-6393

RE: Application for Special Use Permit for Turner Construction Company

Dear Ms. Ritter:

As I mentioned in my voice mail today, I am writing to correct the following information on the SUP application filed on October 23, 2002 by McGuire Woods on behalf of Turner Construction Company for the proposed use of a temporary parking area for construction worker vehicles.

The property location and tax map reference numbers on the SUP cover sheet are incorrect and should be revised as follows:

Old (Incorrect) version
400 Hooffs Run Drive
079.00-01-17

New (Correct) Version
454 Hooffs Run Drive
079.00-01-17.L2

If you would like for us to submit a corrected SUP application cover sheet or require additional information, please don't hesitate to contact me. Thank you for your attention to this matter.

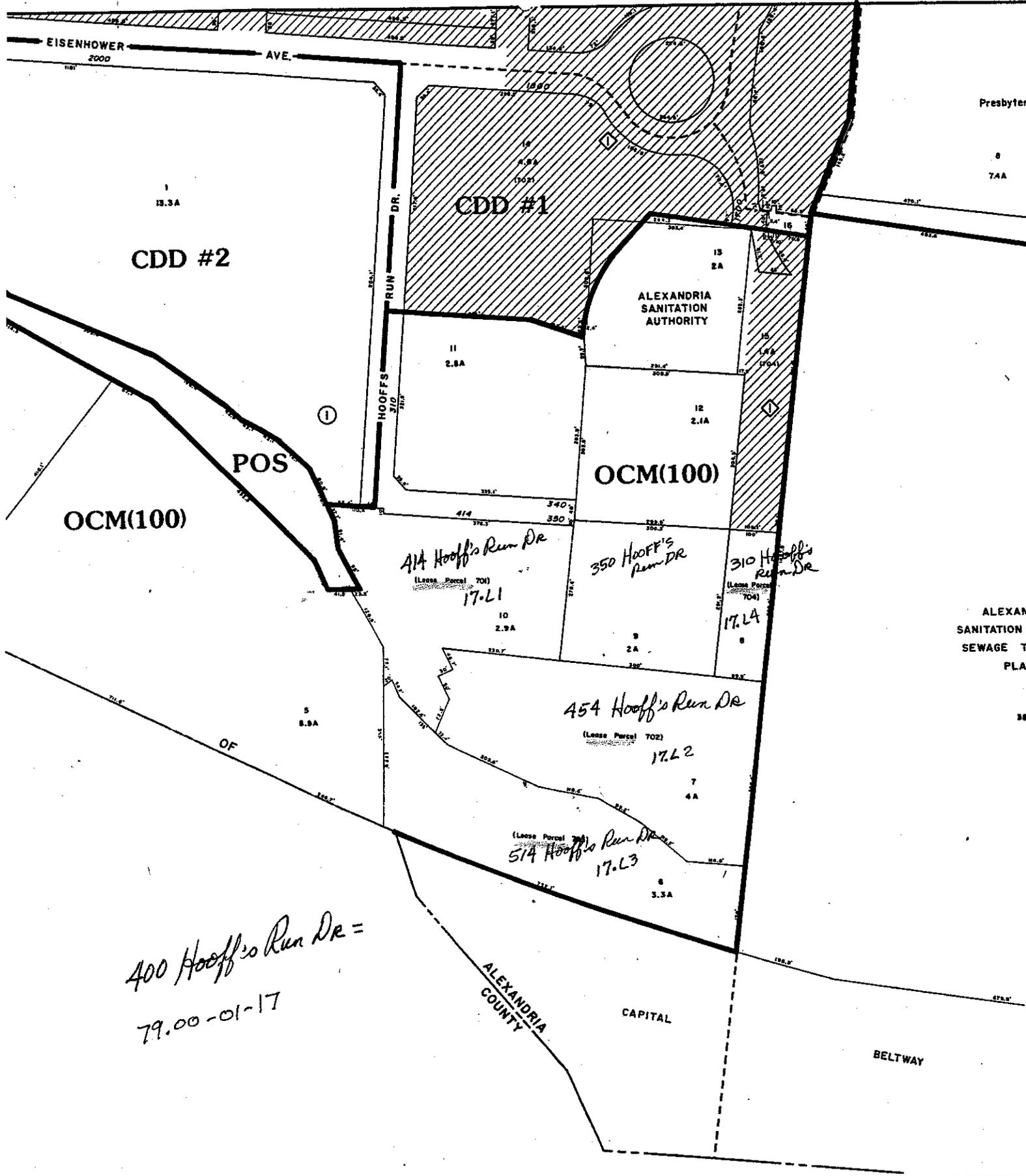
Sincerely,

A handwritten signature in cursive script, appearing to read "Mary B. Schukraft".

Mary B. Schukraft
Land Use Planner

C: Jonathan Rak, McGuire Woods
David Stewart, McGuire Woods

\\RE#133702



400 Hooff's Run Dr =
79.00-01-17

Zoning Revisions	Special Notations	Legend	Key Map	Scale									
Ord. 3880, 6-25-96	CO S.U.P. 2253 Proffer 47	Property Line ——— Sub. Lot Line - - - - City Boundary - - - - Block Line - - - -	Block No. ④ Parcel No. 7 Sub. Lot No. (10) Parcel Area 1.2A	<table border="1"> <tr> <td>73.03</td> <td>80.01</td> </tr> <tr> <td>78.00</td> <td>79.00</td> </tr> <tr> <td>75.04</td> <td>80.03</td> </tr> <tr> <td>82.00</td> <td></td> </tr> </table>	73.03	80.01	78.00	79.00	75.04	80.03	82.00		<p>SCALE IN FEET</p>
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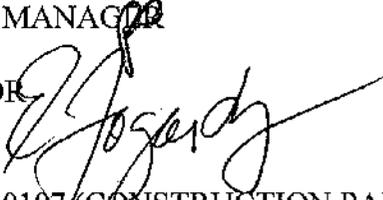
*City of Alexandria, Virginia*17
11-16-02

MEMORANDUM

DATE: NOVEMBER 14, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THRU: PHILIP SUNDERLAND, CITY MANAGER

FROM: EILEEN FOGARTY, DIRECTOR
PLANNING AND ZONING 

SUBJECT: SPECIAL USE PERMIT #2002-0107 (CONSTRUCTION PARKING LOT)

The following additional conditions were worked out between the Alexandria Police Department, the Office of Sheriff, other City agencies and the applicant to address congestion problems anticipated on Hooff's Run Drive:

1. No more than 250 vehicles per day will enter, exit or park in the temporary construction parking lot. The applicant will make reasonable effort to ensure staggered arrival times.
2. The applicant will provide a traffic control guard at the intersection of Truesdale Drive where the Public Safety Center east entrance intersects with the road connecting the temporary parking lot site entrance to Hooff's Run Dr. This guard will ensure smooth flow of traffic into and out of the parking lot and the free flow of official and private vehicles into and out of the Public Safety Center east entrance. This guard will perform these functions between 5:00 AM and 9:00 AM, Monday through Friday, major holidays excepted.
3. The applicant will provide one (or two, if needed) additional guards to control pedestrian traffic along the road that connects the temporary parking lot site entrance to Hooff's Run Dr. to ensure that workers walking from the lot to the job site do not obstruct traffic along the road. These guards will perform these functions between 5:00 AM and 9:00 AM, Monday through Friday, major holidays excepted.
4. The applicant will install a STOP sign for northbound traffic and a STOP sign for southbound traffic at the intersection of the Public Safety Center east entrance drive (Truesdale Drive) and the road connecting Hooff's Run Dr. with the site.

5. The Police Department will monitor the effectiveness of the above traffic control and safety measures and will report quarterly to the Director of Planning and Zoning any problems that have arisen. The Director of Planning and Zoning, in consultation with other City departments, will determine if changes to the above measures or additional measures are necessary.

6. The City will monitor traffic operations at the Eisenhower Ave., Hooff's Run Dr. and Carlyle St. intersections and, if problems arise, will recommend changes to signal timing, pavement markings, signage, or the addition of traffic control guard. These recommendations will be implemented by the applicant.

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Jonathan P. Rak
Direct: 703.712.5411

EXHIBIT NO. 3

McGUIREWOODS

17
11-16-02

jrak@mcguirewoods.com
Direct Fax: 703.712.5231

November 15, 2002

VIA FACSIMILE

Honorable Mayor and Members of City Council
City of Alexandria
City Hall, Room 2300
301 King Street
Alexandria, VA 22314

Re: Docket Item # 17 (11/16/02); SUP #2002-0107 PTO Construction Parking Lot

Dear Mayor Donley and Members of Council:

I am writing on behalf of the applicant to request that you revise condition number 21 of the above-referenced SUP as follows:

21. Hydrant access shall be provided to within 300 feet travel distance of most remote area of parking lot. The Director of Code Enforcement may approve an alternative fire protection plan in lieu of this requirement.

The additional language has been reviewed with the Department of Planning & Zoning and with the Director of Code of Enforcement. I understand that they have no objection to this change.

Sincerely,

Jonathan P. Rak
Jonathan P. Rak

cc: City Clerk
Rob McLeod
Art Dahlberg
Lester Carver
Greg Spivey

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Jonathan P. Rak
Direct: 703.712.5411

McGUIREWOODS

17
11-16-02

jrak@mcguirewoods.com
Direct Fax: 703.712.5231

November 15, 2002

VIA FACSIMILE

Honorable Mayor and Members of City Council
City of Alexandria
City Hall, Room 2300
301 King Street
Alexandria, VA 22314

Re: Docket Item # 17 (11/16/02); SUP #2002-0107 PTO Construction Parking Lot

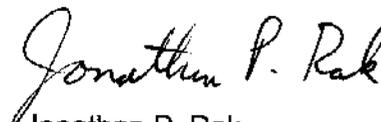
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Sincerely,


Jonathan P. Rak

cc: City Clerk
Rob McLeod
Art Dahlberg
Lester Carver
Greg Spivey

APPLICATION for SPECIAL USE PERMIT # 2002-0107

[must use black ink or type]

PROPERTY LOCATION: 400 Hooffs Run Drive

TAX MAP REFERENCE: 079.00-01-17 ZONE: OCM (100)

APPLICANT Name: Turner Construction Company

Address: 4601 N. Fairfax, Drive, Arlington, VA 22203

PROPERTY OWNER Name: Hooff Fagelson Tract LLC

Address: 1707 Duke Street, Alexandria, VA 22314
Attention: Charles R. Hooff

PROPOSED USE: Temporary Parking Area for Construction Worker Vehicles

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.

Jonathan P. Rak, Esquire, Agent
Print Name of Applicant or Agent
McGuireWoods LLP
Suite 1800
Mailing/Street Address
1750 Tysons Boulevard
McLean, VA 22102
City and State Zip Code

Jonathan P. Rak
Signature

703-712-5411 703-712-5231
Telephone # Fax #

OCT 23 2002
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: 10-23-2002 Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 11/07/02 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 11/16/02PH--See attached

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

17. SPECIAL USE PERMIT #2002-0107
400 HOOFF'S RUN DR
CONSTRUCTION PARKING LOT

Public Hearing and Consideration of a Request for a special use permit to install a temporary construction parking lot on a 4.0-acre site to serve contractors for the Patent and Trademark Office (PTO) project; zoned OCM-100/Office Commercial Medium. Applicant: Turner Construction Company, by Rick Bell.

COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation, **as amended by incorporating the change to condition no. 21 as recommended by Mr. Rak in his facsimile dated November 15, 2002, and the additional conditions contained in the memorandum dated November 14, 2002, from Planning and Zoning Director Fogarty.**

Council Action: _____

18. DEVELOPMENT SPECIAL USE PERMIT #2001-0024
5699 EISENHOWER AV
KSI - VAN DORN METRO MIXED USE

Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a mixed use development with an increase in the floor area ratio for residential units, retail and personal service space with associated parking and Metro parking spaces, and for a temporary sales trailer; zoned OCH/Office Commercial High. Applicant: Van Dorn Metro II, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

Without objection, City Council deferred this special use permit for 90 days so that the applicant can respond to issues raised by staff, the community and the Planning Commission.

Council Action: _____

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

19. SPECIAL USE PERMIT #2001-0115
5699 EISENHOWER AV
KSI - VAN DORN METRO MIXED USE

Public Hearing and Consideration of a request for a special use permit for a transportation management plan (TMP) for a proposed mixed use development; zoned OCH/Office Commercial High. Applicant: Van Dorn Metro II, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

Without objection, City Council deferred this special use permit for 90 days so that the applicant can respond to issues raised by staff, the community and the Planning Commission.

SPEAKER'S FORM

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

17
11-16-02

DOCKET ITEM NO. 17

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. NAME: Jonathan P. Rak
2. ADDRESS: 1750 Tysons Blvd, Suite 1800, McLean, VA
TELEPHONE NO. 703-712-5411 E-MAIL ADDRESS: jrak@magicalworld.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? PTO
4. WHAT IS YOUR POSITION ON THE ITEM? FOR: [checked] AGAINST: OTHER:
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.): Lobbyist
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES [checked] 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.