

EXHIBIT NO. 1

3  
10-16-04

Docket Item #2  
DEVELOPMENT SPECIAL USE PERMIT #2004-0027  
CAMERON STATION - PHASE I

Planning Commission Meeting  
October 5, 2004

**ISSUE:** Consideration of a request for a development special use permit amendment to expand the definition of permitted commercial uses to include day care centers and other uses.

**APPLICANT:** Main Street Retail, L.C.  
by Duncan Blair, attorney

**LOCATION:** 4951 Brenman Park Drive (Cameron Station - Phase I)

**ZONE:** CDD/Coordinated Development District

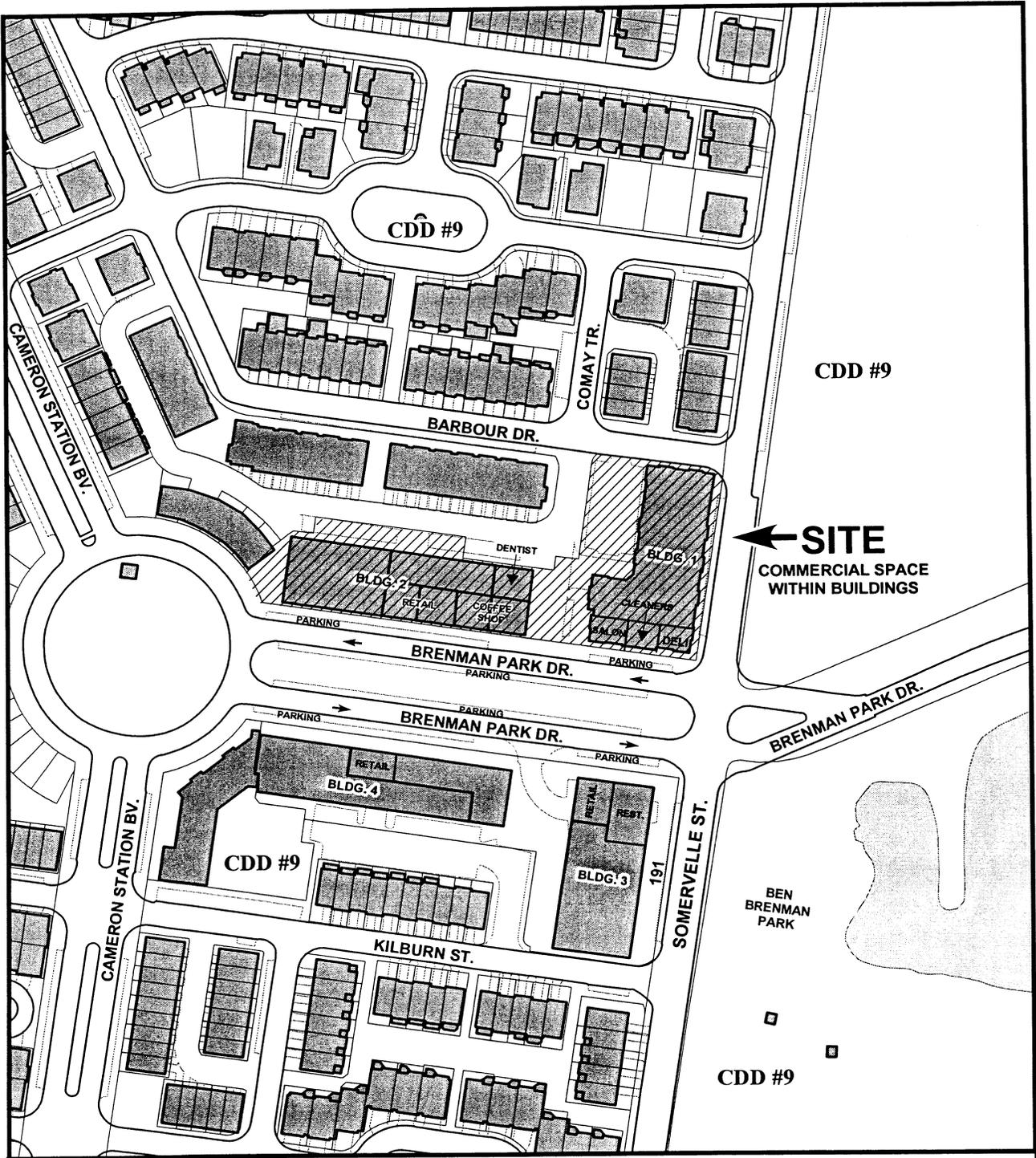
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**PLANNING COMMISSION ACTION, OCTOBER 5, 2004:** By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.

**PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004:** The Planning Commission noted the deferral of the request.

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



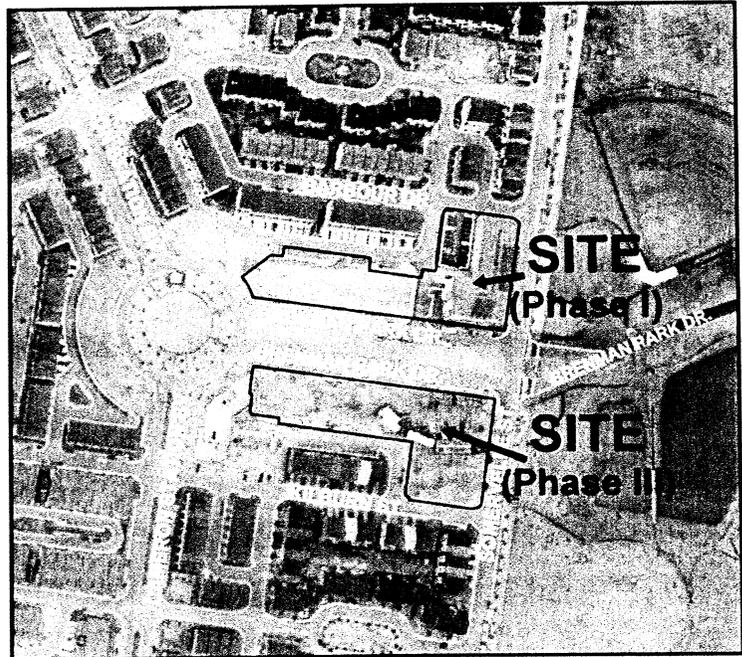
**DSUP #2004-0027**

**10/05/04**



**I. OVERVIEW:**

As part of the original Cameron Station approval retail and personal service uses were permitted and restaurants were permitted with a special use permit. These commercial uses were intended to be pedestrian-oriented commercial uses that could provide services for the community and adjoining neighborhoods. On November 15, 2003, City Council approved an amendment to the permitted uses to enable professional business offices and medical offices (such as insurance agents, dentists etc.) as long as these uses did not occupy more than 30% of the total commercial space. In addition, as part of this amendment uses such as pawnshops and laundromats were removed from uses permitted within Cameron Station.



Since the approval of the amendment, the City has been approached several times in the past year about the possibility of operating a day care facility within the commercial space of Cameron Station. Staff believes a day-care use is consistent with the goal of the commercial uses in Cameron Station of providing pedestrian-oriented uses that will serve the community. For these reasons staff recommends approval of a proposed amendment to the permitted uses to permit a day care facility with a special use permit. The accompanying special use permit (SUP#2004-0069) was the impetus for this proposed amendment. The proposed day care use has been positively received by the community, the Cameron Station Homeowners Association and Cameron Station Civic Association have both voted to support the proposed use.

In addition to the day care use, there are three similar uses that include a nursery school, commercial private school and health establishment (ex. Yoga Studios) that staff believes would also be appropriate within Cameron Station. Therefore, staff is recommending that the definition of permitted commercial uses be revised to include day care facilities, private schools and health establishments, with a special use permit. While these uses may be appropriate, the size, impact, parking etc, needs to be evaluated on a case-by-case basis, which is the reason that staff is recommending that these uses require special use permit approval.

## II. **BACKGROUND - HISTORY:**

Cameron Station has approximately 24,000 square feet of commercial floor area located on approximately two blocks on each side of Brenman Park Drive, within the Main Street condominium buildings, which currently permit the following uses.

***Personal Service Uses:*** Personal service uses are permitted but limited to arts and crafts studio, bank, savings and loans, and credit unions, bicycle repair, barbershop and beauty shops, dressmaker and tailor, dry-cleaning (pick-up only, does not include a plant), musical instrument repair, optical center, professional photographers studios, furniture upholstery, and printing photocopying.

***Retail Uses:*** Retail uses are permitted but limited to antiques, appliances, commercial art galleries, art supplies, bakeries, books, candy, clothing, clothing accessories, dry goods, department stores, drugstores, floor coverings, florists furniture, groceries, hardware, paint and wallpaper, household goods, jewelry, leather goods, luggage, lawn and garden supplies, musical instruments, photographic equipment and supplies, sporting goods, tobacco, toys and variety goods and video rental and sales.

***Professional and Business Offices:*** Professional and business offices are permitted as long as they do not occupy more than 30% of the gross floor area of the total commercial space within Phase I and Phase III. However, if the retail space/personal service space remains vacant for a period of two-years from the certificate of occupancy for the building, or subsequently one year after the closing of a retail/personal service tenant, the use may be permitted to be converted to business or professional office use for a maximum 40% of the total commercial space within Phase I and Phase III.

***Professional and Medical Offices:*** Professional and medical offices are permitted but limited to any use in which the primary use is the conduct of business of accounting, correspondence, research editing, sales representative, manufacturers representative, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, landscape architects, dentistry, chiropractic, psychiatry, and clinical psychology offices. The medical offices are limited to uses as defined by the Zoning Ordinance and that are for the occupant's own patients and not for patients of unrelated outside practitioners.

***Restaurant Uses:*** Restaurants are permitted within the ground-floor commercial space provided that a separate special use permit is granted.

The rationale for permitting retail, personal service uses and restaurants (with a special use permit) and limiting office uses to a certain percentage of the commercial floor area was to encourage the establishment of active and vibrant pedestrian-oriented uses along Brenman Park Drive, which would serve as Cameron Station's Main Street.

The commercial space is currently occupied by a wide range of uses, including a main street market, dry cleaners, day-spa salon, an ATM, coffee shop, a pets retail store, dentist office and a flower shop. With the addition of the restaurant and day care center, approximately 2800 sq. ft. or 12% of the commercial space remains for future tenants.

### III. STAFF ANALYSIS:

The applicant requests approval to amend the proposed uses to permit a day care center in the commercial area within Cameron Station, a use that is currently excluded from the list of permitted commercial uses. In addition to the proposed day-care use, staff believes there are several related (nursery school, private school, and health establishment) uses that should be included as part of the proposed amendment. These are uses that are similar to the proposed day care use that would meet the goal of the existing Cameron Station CDD Concept plan, which is to provide a broad range of community serving, pedestrian oriented commercial activities as defined below.

***Day Care Center.*** The Zoning Ordinance defines a day care center as a facility other than a private family dwelling which receives children for care, protection and supervision during part of a 24 hour day unattended by a parent or guardian.

***Nursery School.*** The Zoning Ordinance defines a nursery school as a place operated primarily for educational instruction for six or more children from two through six years of age away from their home for up to three hours per day, whether or not for compensation.

***Private School, Commercial.*** The Zoning Ordinance defines a private commercial school as a school devoted to giving instruction in vocational, professional, musical, dramatic, artistic, athletic or other special subjects and typically operated for commercial gain.

***Health Establishments (incl. Yoga Studios & Massage Establishments).*** Staff defines a health establishment as business devoted to improving health by offering instruction and consultation in exercise and relaxation, including but not limited to yoga and massage.

Staff supports the proposed addition of day care centers, nursery schools, private schools, and health establishments, within the ground floor commercial area with approval of a special use permit. Day care centers and nursery schools and private schools experience an ever increasing demand among families and could provide a service to the community. Staff recommends that all of the proposed

commercial uses require separate special use permit approval to ensure that the respective uses and size are appropriate for the proposed location and will be operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity. Through the special use permit process it can be determined if these uses are appropriate for a given location and whether issues such as operating hours, loading, trash and services can be adequately addressed.

**IV. STAFF RECOMMENDATION:**

Staff recommends **approval** of the request to permit day care centers, nursery schools, private schools and health establishments, with conditions and separate special use permits.

**STAFF:** Eileen Fogarty, Director, Department of Planning and Zoning;  
Jeffrey Farner, Chief, Development;  
Bettina Irps, Urban Planner.

**V. CONDITIONS:**

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

**Conditions brought forward from SUP #95-0188, as amended by SUP #95-0188, SUP #96-0099, SUP #98-0075, and DSUP #2003-0031:**

**Condition 94 is the only revised condition.**

1. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning (P&Z) and Transportation and Environmental Services (T&ES). (P&Z)
2. Reduce the height of the front stoops for the E type units, where feasible. (P&Z)
3. Improve the usability of small "remnant" common open space areas by consolidating such areas, where possible, with abutting lots, to the satisfaction of the Director of P&Z. (P&Z)
4. Provide landscaping and other amenities, such as seating, fountains, activity areas, etc., as appropriate, within the public traffic circle park and median strip areas, to the satisfaction of the City Landscape Architect and the Director of P&Z. (Recreation)
5. Provide landscaping and other amenities within the oval neighborhood park and other common areas to encourage use of these open space areas by future residents, to the satisfaction of the Director of P&Z and the City Landscape Architect. (Recreation)
6. The streetscape of the public road along the western edge of the eastern park shall include curb, gutter, lighting, and street-trees and shall be designed to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
7. Street trees shall be a minimum 4" caliper along all major entrance roads, including the traffic circle, entrances from Duke Street, and adjacent to the proposed park land. All street trees shall generally be no more than 40 feet on center. (P&Z)
8. Provide pedestrian connections between the traffic circle park, the landscaped median area to the east, and the proposed City park, to integrate these open space areas and to encourage their active use, to the satisfaction of the City Landscape Architect. (Recreation)
9. Condition deleted. (P&Z)

10. Provide a pedestrian crossing along Duke Street and bicycle paths within or adjacent to the proposed public streets in Phase I, to encourage pedestrian and bicycle access to the proposed City library site across Duke Street and to the proposed pedestrian path along Backlick Run, to the satisfaction of the City Landscape Architect and the Director of T&ES. (P&Z)(Recreation)
11. Provide detailed drawing(s) showing all proposed fences, walls, as well as all streetscape improvements, identifying all materials and dimensions, to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
12. The minimum distance between rear facing units with bump-out additions and decks shall be 20 feet. (P&Z)
13. Provided a minimum clear 4-foot emergency access, unobstructed by fencing, to the rear of all units which are not sprinklered. (City Council)
14. Provide elevation drawings of typical bump-out addition (with and without deck) in the final development plan, to the satisfaction of the Director of P&Z. (P&Z)
15. 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 property. 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) (T&ES)
16. Place underground utilities and utility structures under proposed streets or away from proposed landscaped areas to the extent feasible, to minimize any impact on the root systems of the proposed landscaping, to the satisfaction of the Director of T&ES and the City Arborist. Conduits may be located off-site on park adjoining Phase I of Cameron Station, as shown on the plan submitted with this amendment (SUP #98-0008). The utilities may be placed in the park adjacent to Phase I only; adjacent to Phase III, the utilities must be placed under Somerville Street. (T&ES) (P&Z) (RP&CA)
17. Show the location of trash and recycling containers storage areas on the plan. If dumpsters or other permanent trash storage bins are proposed, identify their location on the plan. Dumpsters and other permanent storage bins shall be screened to the satisfaction of the Director of P&Z. (P&Z)
18. Private solid waste and recycling services shall be provided for the development. (T&ES)

19. The final design treatment of the project along Duke Street shall be handled in a manner which creates open views into the project and minimizes the potential "fortress-effect" of a perimeter wall or fence along Duke Street, to the satisfaction of the Director of P&Z. The proposed entrance wall on the City's Park property shall be built by the developer to mirror the wall on the private property to the City's satisfaction or the wall on the applicant's parcel shall be redesigned. (P&Z)
20. Design of the streetscape along Duke Street shall be coordinated with design for the library across the street, including the tree plan and street lighting to the satisfaction of the Director of P&Z. Special street lights shall be provided along Duke Street if approved by the Directors of T&ES and P&Z. (P&Z)
21. The proposed bus stop along Duke Street shall provide seating and shelter integrated with the design of proposed wall and pedestrian entrance gate, to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
22. The total number of parking spaces required by the zoning ordinance shall be provided. Where other aspects of the required parking does not comply with the requirements in the zoning ordinance (including compact and tandem parking), the developer shall notify prospective buyers of the affected units, in its sales and marketing materials, the reason that the parking provided for such units does not comply with the City's parking requirements. (P&Z)
23. Provide in condominium agreement for the H type units a statement indicating the extent to which parking spaces are compact sized measuring 8' X 16', to the satisfaction of the City Attorney. (P&Z)
24. All parked vehicles shall be prohibited from encroaching upon the proposed streets, pedestrian walkways or emergency vehicle easements, and all purchasers shall be notified of this prohibition to the satisfaction of the Director of P&Z. (P&Z) (T&ES)
25. All private driveways serving individual garages shall have a minimum length of 18.5 feet (measured from garage door to edge of sidewalk in front of unit or the inside edge of curb if no sidewalk is planned in front of unit). Where that is not feasible, and where the driveway space is not required parking, the maximum depth of the front driveway shall be 10.5 feet. Where sidewalks are proposed in front of units, the driveway materials, color or texture will be distinguishable from the sidewalk materials, color or texture. Parking in these areas shall be prohibited as identified in the Homeowner's Agreement (HOA) and consistent with Condition #42. The HOA will also provide for enforcement of this condition. (City Council)

26. Taper driveways serving units with double garages, if possible, to allow for increased landscaping in front of such units. The landscape areas in front of units shall be well landscaped, to include street trees where possible, to the satisfaction of the Director of P&Z. (P&Z)
27. No parking spaces shall be provided along the proposed traffic circle. (T&ES)
28. Provide a minimum of 15 percent visitor parking. (P&Z)
29. Provide a pedestrian walkway from the main entrance street at the traffic circle to the interior private street (the diagonal street parallel to the main entrance street), running between Units 278 and 279 and between Units 224/225 and 226/227, to improve pedestrian access from the visitor parking spaces along the proposed main entrance street to the interior of the site, to the satisfaction of the Director of P&Z. (P&Z)
30. Install "Visitor Parking Only" signs along the visitor parking spaces on the private streets and "Resident Only" signs along the required spaces on the private streets. (P&Z)
31. Sidewalks and handicap access ramps must be continuous on one side of private streets throughout the development and on both sides of the public streets, to the satisfaction of the Director of T&ES. (T&ES) (PC)
32. Define the location (metes and bounds) of the street along the east side of Phase I to the satisfaction of the Director of T&ES. (T&ES)
33. Show proposed improvements on Duke Street, including turning lanes and stacking lengths consistent with the traffic report, to the satisfaction of the Director of T&ES. The developer shall pay for all modifications to the roadway and traffic signal equipment. (T&ES)
34. Show proposed street entrances as City standard entrances (CSES-1A). (T&ES)
35. Identify curb and gutter inlets on the plan. City standard is required within the public right-of-way and public easements. (T&ES) (PC)
36. Show all existing and proposed public and private easements, including emergency vehicle easements. (T&ES)
37. All emergency vehicle easements must be designed and constructed in accordance with City standards (CSAP-1A). Provide a detail of pavement structure. (T&ES)

38. Provide City standard signs for "Handicap Parking" and "No Parking--Emergency Vehicle Easement." Acquisition and installation of such signs shall be to the approval of the Department of T&ES. (T&ES)
39. Provide a detail of the parking bay and parking lot pavement structure. (T&ES)
40. Provide lay-down or other curb treatment along the frontage of the front-loading townhouse units where such units include a front sidewalk and are located on a private street, where approved by the Directors of T&ES and P&Z. With that exception, all private streets and alleys must be designed and constructed in accordance with the City's minimum standards for same as specified in the City Design and Construction Standards. Label each street with the appropriate private street standard. (T&ES) (P&Z)
41. The developer and/or future homeowners' association(s) shall be responsible for maintenance of landscaped median and traffic circle areas, to the satisfaction of the Director of T&ES. (P&Z)
42. The applicant shall submit 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. The principal use of the individual garages shall be for passenger vehicle storage only.
  - B. 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 or City Council, as determined by the Director.
  - C. Vehicles shall be prohibited from parking in the emergency access easements, and vehicles parked in unit garages or driveways shall be prohibited from encroaching upon such easements or adjacent pedestrian walkways.
  - D. No decks, balconies, bay windows, or any other improvements shall encroach into the space above an emergency vehicle easement.
  - E. Parking spaces designated for visitor parking shall be restricted to visitor parking use only.
  - F. All required landscaping and screening, including landscaping in the median and traffic circle areas in the proposed public right-of-ways, shall be maintained in good condition. (P&Z)

43. Temporary structures for construction or sales personnel, as well as sales/marketing signs, shall be permitted, and the period such temporary structures are to remain on site, as well as the size and site design for such structures, including signs, shall be subject to the approval of the Director of P&Z. (P&Z)
44. Developer shall arrange to have the Alexandria Police Department conduct security surveys of the temporary sales trailers, prior to occupancy of such trailers. (Police)
45. Discuss specifications for all Best Management Practices with the City Engineer before finalizing the stormwater management plan. (T&ES)
46. The stormwater Best Management Practices (BMPs) 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 development plan. In addition, aggregate layers and collector pipes may not be installed unless said engineer or his/her representative is present. (T&ES)
47. Provide vehicular access to the pond for maintenance purposes, to the satisfaction of the Director of Transportation and Environmental Services. (City Council)
48. Revise the pavement structure details on sheet 13 to conform to City standard CSAP-1 and note that the actual pavement thickness shall be determined by the VDOT/Vaswani method, but shall be no less than the City standard. (T&ES)
49. Revise the connection to the existing road shown on sheet 14 to align with the proposed boulevard. (T&ES)
50. City standard parallel parking spaces are 8'x22' and compact spaces are 7.5' x 20'. Revise the plan accordingly. (T&ES)
51. The minimum radius for curb returns for private streets is 25 feet, except for alleys, which may be 15 feet. The minimum width for private streets is 26 feet. Correct the width if shown otherwise. (T&ES)
52. Street names shall be labeled on the final site plan. Private street names shall be determined in conjunction with the Department of P&Z. Public street names shall be approved by the Planning Commission. (P&Z) (T&ES)

53. Provide information (drainage area and computations) on which the proposed 36-inch pipe that will replace the existing 18-inch pipe in Duke Street, is based (see sheet 17). Also, provide a valve in this vicinity, but on-site, that can be used to regulate flow to the pond. (T&ES)
54. Show all public sewers in easements and identify private sewers as such. (T&ES)
55. Provide stormwater drainage computations and show drainage divides. (T&ES)
56. Pick up street water on the high side of returns and at intervals sufficient to prevent ponding of water in the street. Maximum spread not to exceed 6 feet on the boulevard and 10 feet on the private streets. (T&ES)
57. Show size, type, and class of pipe for sewers. The minimum size and class for sewers within the public right-of-way or easement, including the emergency vehicle easements, are as follows:
  - Sanitary Sewer: PVC SDR-35 or approved equal, a minimum of 10 inches in diameter. ASTM C-76, CL.IV RCCP may also be used for sizes not manufactured in PVC.
  - Storm Sewer: ASTM C-76 CL.IV RCCP or approved equal, a minimum of 18 inches in diameter, except that curb inlet leads may be 15 inches in diameter. (T&ES)
58. Show a definite shape for the swale or a ditch that will pick up the overland flow at the westerly side of the site and include the slope, velocity, capacity, etc., in the drainage computations. (T&ES)
59. Submit a site lighting plan and calculations on a separate sheet (include photometric data) in accordance with City standards, with the exception that lighting of on-street parking areas, parking lots, and all walkways/bike paths shall be provided at a minimum level of two foot candles or as approved by the Director of T&ES and the Alexandria Police Department. (T&ES) (Police)
60. Show all existing and proposed street lights and indicate the type of fixture, strength of light in lumens, and mounting height. (T&ES)
61. Furnish manufacturer's specifications for site lighting fixtures, showing type of fixture, strength of light in lumens, and mounting height. (T&ES)

62. Describe in the development narrative on the cover sheet how existing utilities which run through Phase I to buildings which are to remain occupied (temporarily) are to be maintained. (T&ES)
63. Add "recyclable materials" to note 3 on sheet 1 and revise note 4 on sheet 1 to indicate that the Water Company is private. (T&ES)
64. Show the grade on the garage ramps (maximum 10%), location of columns and width of parking spaces. (T&ES)
65. Condition deleted. (City Council)
66. Provide adequate back-up aisle for units #132 to #135 to the satisfaction of the Director of T&ES. (T&ES)
67. Paint interior walls and ceiling of Building H parking garage white, provide controlled access to the garage, and provide a minimum of two foot candles of lighting in the garage and "help-buttons," to the satisfaction of the Alexandria Police Department. (Police)
68. Consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and security systems. (Police)
69. Provide house numbers on the front and rear of all units, except H type units, to the satisfaction of the Alexandria Police Department. (Police)
70. All shrubs, hedges and similar landscaping shall be set back a minimum of five feet from all proposed walkways and bike paths or to the satisfaction of the Director of T&ES. (Police)
71. Describe in the development narrative on the cover sheet how existing utilities which run through Phase I to buildings which are to remain occupied (temporarily) will be maintained. (T&ES)
72. Use of any portion of the Cameron Station site for staging operations, or for the recycling of building materials (brick, concrete and asphalt) or storage of nursery stock, shall be to the satisfaction of the Directors of P&Z, T&ES, and Health. (Health)
73. The developer or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the Cameron Station site, including previous environmental conditions and on-going remediation, to the satisfaction of the Directors of Health and P&Z.

74. If any fireplaces are provided in the development, the applicant shall install gas fireplaces to reduce air pollution. (Health)
75. The developer shall require that its building contractor(s), prior to commencing any construction, meet with a representative of the Office of Employment Training to describe what kinds of construction employees will be hired and to learn about employment services offered by OET. The applicant shall require its contractor(s) to give good faith consideration to applicants for employment who are referred by OET. (Human Services)
76. The applicant shall be permitted to make minor adjustments to lot lines and/or building foot prints to accommodate the final design of buildings, to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z)
77. The final subdivision plat shall be consistent with the Phase I final development plan, and shall be recorded after the Phase I final development plan has been approved by the Directors of P&Z and T&ES. (P&Z)
78. Submit a development phasing plan prior to the release of the final development plan for Phase I of Cameron Station to the satisfaction of the Directors of T&ES and P&Z. The phasing plan would address interim site conditions and infrastructure improvements and the timing of improvements located outside the boundaries of Phase I, including improvements to the pond area, Backlick Run, location of the shelter and--to the extent approved by Council--improvements within the park area. (P&Z)
79. The applicant shall attach a copy of the released final development plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the released final development plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)
80. Submit building location survey or partial as-built plan for Planning staff approval when applying for certificate of occupancy permits for the A thru F type units. For the G and H type units, such survey shall apply to the entire site of building in which the unit is located. (P&Z)
81. The applicant shall submit final "as-built" plan for Phase I prior to applying for certificate of occupancy permit for any of the last five dwelling units in Phase I. (P&Z)
82. The applicant shall provide a contribution of \$0.50/gross square foot of building to the City's Housing Trust Fund, with a credit given to the Developer for the net cost of relocating Carpenter's Shelter and the Food Bank (net cost = total cost - value to developer of the land freed for development).

Alternatively, at least 10% of the housing constructed shall be affordable, subject to the following provisions:

- A. the developer shall provide 10% of the total units as affordable set-aside units for households with incomes not exceeding the Virginia Housing Development Authority (VHDA) income guidelines through purchase price discounts, if necessary. Sales prices must not exceed the maximum sales prices under VHDA's Single Family First Mortgage Program. Some of the units shall be affordable to households with incomes at or below the limit for two or fewer persons.
- B. Whatever incentives are offered to any potential homebuyers will also be offered to households that meet VHDA income guidelines;
- C. Long-term affordability shall be provided either through deed restrictions or by repayment by the purchaser to the City of an amount equal to the reduction in sales prices, as determined by the City Manager;
- D. These units must be affordable to and sold to households that meet the VHDA income guidelines.

If some portion of the 10% units are provided, the applicant shall contribute a prorated share of the \$.50 per gross square foot amount to the Housing Trust Fund (with the developer given the Carpenter's Shelter and Food Bank credit). (Office of Housing) (P&Z)

- 83. All fire hydrants shall be located so as not to block the roadway with hose, (Move hydrants to interior side of development.) (Code Enforcement)
- 84. ALL conduits located in the park and in the streets shall be encased with concrete to minimize future maintenance requirement. (P&Z) (T&ES)
- 85.
  - A. The applicant shall be responsible, until the release of the Phase 1 maintenance bond, for all costs of restoration or reconstruction of park facilities and landscaping reasonably attributable to the maintenance, repair or replacement of the utility conduits located in the parkland;
  - B. Such restoration or reconstruction shall be performed to the reasonable satisfaction of the Directors of Transportation and Environmental Services and Parks and Recreation. In the event of damage to any existing tree or other landscaping, the replacement stock shall, to the maximum extent feasible, be of equivalent size and maturity and shall be of the same species, and in no event shall any replacement tree be less than 4 inches in caliper; and

- C. The applicant shall, prior to completion of the utility conduits, post with the City a bond with corporate surety satisfaction to the City Attorney, in the penalty of \$165,446.00, to secure the obligations imposed by this condition, such bond to continue in force and effect until the maintenance bond for Phase 1 shall have been released by the City. (City Council)
86. In exchange for allowing utilities to be located within the City Park, the applicant shall:
- A. Install the second row of trees along the asphalt trail along the entire length of Somerville Street, at no cost to the City, in addition to the trail and single row of trees already required to be installed by the applicant in the park east of Somerville Street. The variety of tree installed along the trail shall be Willow Oaks. (P&Z) (T&ES) (RP&CA) (PC)
  - B. Install all utilities required for the park headquarters building, including electric service, telephone service, cable TV service, and water and sewer service. The electric and water service shall, in addition, be sufficient to support street lights and the park irrigation system. (PC)
87. The applicant may substitute up to five "R" type units for the seven "F" type units located on the curve of the traffic circle, with the final siting to the satisfaction of the Director of P&Z and T&ES. (P&Z)
88. Provide additional landscaping and pedestrian amenities to compensate for the elimination of the pedestrian path through the center of the project, as generally shown on sheets 22A, 22B and 22C of the revised Cameron Station Phase I site plan, dated July 30, 1998, to the satisfaction of the Director of P&Z and the City Landscape Architect. (P&Z) (PC)
89. Retail and personal service uses shall be permitted uses. The square footage of these uses shall be limited to the amount depicted in the approved final site plans for Phase I and Phase III. (P&Z)
90. Personal service uses shall be limited to arts and crafts studio, bank, savings and loans, and credit unions, bicycle repair, barbershop and beauty shops, dressmaker and tailor, dry-cleaning (pick-up only does not include a plant), musical instrument repair, optical center, professional photographers studios, furniture upholstery, and printing photocopying. (P&Z)

91. Retail uses shall be limited to antiques, appliances, commercial art galleries, art supplies, bakeries, books, candy, clothing, clothing accessories, dry goods, department stores, drugstores, floor coverings, florists furniture, groceries, hardware, paint and wallpaper, household goods, jewelry, leather goods, luggage, lawn and garden supplies, musical instruments, photographic equipment and supplies, sporting goods, tobacco, toys and variety goods and video rental and sales. (P&Z)
92. Professional and business offices shall also be permitted as long as they do not occupy more than 30% of the gross floor area of the total commercial space within Phase I and Phase III. However, if the retail space/personal service space remains vacant for a period of two-years from the certificate of occupancy for the building, or subsequently one year after the closing of a retail/personal service tenant, the use may be permitted to be converted to business or professional office use for a maximum 40% of the total commercial space within Phase I and Phase III. (P&Z)
93. Professional and medical offices shall be limited to any use in which the primary use is the conduct of business of accounting, correspondence, research editing, sales representative, manufacturers representative, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, landscape architects, dentistry, chiropractic, psychiatry, and clinical psychology offices. The medical offices shall be limited to uses as defined by the Zoning Ordinance and that are for the occupant's own patients and not for patients of unrelated outside practitioners. (P&Z)
94. **CONDITION REVISED BY STAFF:** Restaurant, day care, nursery schools, private schools and health establishment uses within the ground-floor commercial space shall require a separate special use permit. (P&Z)
95. The colors and materials of the retail tenant signs shall be designed of high quality materials and shall be designed as an integral part of the building that shall relate in materials, color and scale to the building to the satisfaction of the Director of Planning and Zoning.
  - a. The sign area for each wall sign shall be limited to a maximum of one square foot of sign for every one linear foot of tenant frontage. Sign messages shall be limited to logos, names and street address information.
  - b. Illuminated or non-illuminated parapet signs or wall signs above the first level for retail uses are prohibited.
  - c. Signs applied to storefront windows shall cover no more than twenty percent of the glass.
  - d. Box signs shall be prohibited.
  - e. Any exterior decorative exterior banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.

- f. Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located adjacent to the retail windows. Tables and other active uses adjacent to the window are encouraged.
- g. No permanent freestanding signs, with the exception of traffic/directional signage, shall be permitted. (P&Z)

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has no objections or additional recommendations related to the proposed amendment. Applicant shall comply with all previous T&ES staff conditions and the approved development plan.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 A Certified Food Manager must be on duty during all hours of operation.
- C-3 Permits must be obtained prior to operation.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction.
- C-5 This facility must meet state and city Social Services requirements for air and floor space, toilet facilities, separate isolation room for sick children, lighting, temperature, storage for cots, clothing. Other items may be required by state or city codes.
- C-6 If food preparation or food handling is done on the premises, five sets of plans of the food handling areas are to be submitted to the Health department for approval.
- C-7 This facility must meet commercial standards (13 or more). Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. A \$135.00 fee is required for review of plans for food facilities.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for each business prior to opening.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

Historic Alexandria (Archaeology):

- F-1 No comments.

Parks & Recreation (Arborist):

- F-1 No comments.

APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2004-0027

PROJECT NAME: Main Street Condominium Commercial Units (Building I and III, Phase I Cameron Station); and (Buildings II and IV, Phase 3 Cameron Station)

PROPERTY LOCATION: **Ben Brenman Park Drive and Somerville Street**

TAX MAP REFERENCE: **58.02 1E & 2E and 54.04 OC** ZONE: **CDD-9**

APPLICANT Name: **Main Street Retail, L.C., a Virginia limited liability company**

Address: **8614 Westwood Center Drive, Suite 900  
Vienna, Virginia 22182**

PROPERTY OWNER Name: **Main Street Retail, L.C., a Virginia limited liability company**

Address: **8614 Westwood Center Drive, Suite 900  
Vienna, Virginia 22182**

SUMMARY OF PROPOSAL: Amendment to ~~DSUP 2003-0028~~ and DSUP 2003-0031 to expand definition of "retail uses" permitted in commercial condominium units to include Day Care Center and such other uses that the Director of Planning and Zoning determines appropriate for the Cameron Station Town Center.

MODIFICATIONS REQUESTED: **None.**

SUP's REQUESTED: **None.**

**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.

**Duncan W. Blair, Esquire**

**Land, Clark, Carroll, Mendelson & Blair, P.C.**

*Print Name of Applicant or Agent*

*Signature*

524 King Street

*Mailing/Street Address*

703 836-1000

*Telephone #*

703 549-3335

*Fax #*

Alexandria, Virginia 22314

*City and State Zip Code*

June 29, 2004

*Date*

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

Application Received: \_\_\_\_\_

Received Plans for Completeness: \_\_\_\_\_

Fee Paid & Date: \$ \_\_\_\_\_

Received Plans for Preliminary: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

Development Special Use Permit with Site Plan (DSUP) # 2004-0027

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: \_\_\_\_\_

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.

**Main Street Retail, L.C. is a Virginia limited liability company ("Company"). Christina Sanders is the manager of the Company. Jeffrey Sneider and Ahmed Abdul-Baki are the only persons or entity owning an interest in the Company in excess of ten percent (10%).**

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.

## NARRATIVE DESCRIPTION

2. 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. If not appropriate to the request, delete pages 4-7.  
(*Attach additional sheets if necessary*)

**The ground floor commercial condominium unit in the Main Street Condominiums have frontage on Ben Brenman Park Drive and Sommerville Street. The commercial units in the Main Street Condominium, with the adjacent Cameron Club, the traffic circle park, and Ben Brenman Park, form the "Town Center" of Cameron Station. As the Town Center, the area provides commercial amenities and uses for the residents of Cameron Station as well as creating a node of pedestrian activity. It is anticipated that the tenants of the commercial units will not be destination tenants, but will provide services for the Cameron Station residents.**

Development Special Use Permit with Site Plan (DSUP) # 2004-0027

The Department of Planning & Zoning has established that the uses permitted in the commercial unit under the existing Cameron Station CDD Concept Plan DSUP 2003-0028 and DSUP 2003-0031 are those uses which provide a "broader range of pedestrian-intensive commercial activities than the defined term of retail shopping establishment. As Main Street Retail, L.C. continues its marketing efforts of the commercial space in the Town Center, it has become apparent that a broad range of neighborhood serving commercial uses are excluded by the current restrictions, in particular a Day Care Center, that would provide a needed and beneficial services to the Cameron Station community. Main Street Retail, L.P. is requesting that the definition of business and professional offices, as defined in Section 2(126) of the Code, including permitted commercial uses, be expanded to include day care centers and such other specific uses as deemed appropriate by the Director of Planning and Zoning.

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

5. Describe the proposed hours and days of operation of the proposed use:

Day	Hours	Day	Hours
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**No change from DSUP 2003-0028 and DSUP 2003-0031.**

6. Describe any potential noise emanating from the proposed use:

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

- B. How will the noise from patrons be controlled?

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

Development Special Use Permit with Site Plan (DSUP) # 2004-0027

8. Provide information regarding trash and litter generated by the use:
- A. What type of trash and garbage will be generated by the use?  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**
  - B. How much trash and garbage will be generated by the use?  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**
  - C. How often will trash be collected?  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**
  - D. How will you prevent littering on the property, streets and nearby properties?  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**
9. 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:  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**
10. 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:  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**
11. What methods are proposed to ensure the safety of residents, employees and patrons?  
**No change from DSUP 2003-0028 and DSUP 2003-0031.**

**ALCOHOL SALES**

12. Will the proposed use include the sale of beer, wine, or mixed drinks?
- Yes.       No.

Development Special Use Permit with Site Plan (DSUP) # 2004-0027

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.

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

**PARKING AND ACCESS REQUIREMENTS**

13. 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?

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

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

\_\_\_\_\_ Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

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

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

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.

14. 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? **No change from DSUP 2003-0028 and DSUP 2003-0031.**

Development Special Use Permit with Site Plan (DSUP) # 2004-0027

B. How many loading spaces are available for the use? **No change from DSUP 2003-0028 and DSUP 2003-0031.**

C. Where are off-street loading facilities located? **No change from DSUP 2003-0028 and DSUP 2003-0031.**

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

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

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

15. 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?

**No change from DSUP 2003-0028 and DSUP 2003-0031.**

cameron station civic association, inc.

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5022B Barbour Drive  
Alexandria, VA 22304  
Phone (703) 567-0153  
jb900@yahoo.com

August 24,2004

Department of Planning and Zoning  
301 King Street  
Alexandria, VA 22314

Attention: Bettina Irps

Dear Ms. Irps:

We support the SUP application of the BRIGHT START LEARNING CENTER. Others and I have had several productive meetings with Kerri Chase, the applicant, to discuss her plans and community needs. She gave a presentation to our Civic Association on May 24. Following that presentation, we voted to support her application.

Ms. Chase has also met with other groups in Cameron Station and has participated in several events here where residents had the opportunity individually to discuss her plans and to express views of their own. In each instance Ms. Chase was open to ideas and her plans received strong support.

We in Cameron Station have long wanted a day care center and encouraged the developer to seek a tenant that would provide this service. We believe the BRIGHT START LEARNING CENTER will provide a much-needed service for our community and for the rest of Alexandria.

Sincerely,

/s/

Joseph S. Bennett  
President

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APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2004-0027

PROJECT NAME: Main Street Condominium Commercial Units (Building I and III, Phase I Cameron Station); and (Buildings II and IV, Phase 3 Cameron Station)

PROPERTY LOCATION: Ben Brenman Park Drive and Somerville Street

TAX MAP REFERENCE: 58.02 1E & 2E and 54.04 OC                      ZONE: CDD-9

APPLICANT Name: Main Street Retail, L.C., a Virginia limited liability company

Address: 8614 Westwood Center Drive, Suite 900  
Vienna, Virginia 22182

PROPERTY OWNER Name: Main Street Retail, L.C., a Virginia limited liability company  
Address: 8614 Westwood Center Drive, Suite 900  
Vienna, Virginia 22182

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MODIFICATIONS REQUESTED: None.

SUP's REQUESTED: None.

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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.

Duncan W. Blair, Esquire

Land, Clark, Carroll, Mendelson & Blair, P.C.

Print Name of Applicant or Agent

Signature

524 King Street  
Mailing/Street Address

703 836-1000  
Telephone #

703 549-3335  
Fax #

Alexandria, Virginia 22314  
City and State                      Zip Code

June 29, 2004  
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: 10/5/2004                      RECOMMENDED APPROVAL                      UC

ACTION - CITY COUNCIL: 10/16/04 CC approved Planning Commission recommendation. 7-0

# SPEAKER'S FORM

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

**DOCKET ITEM NO. 3**

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

1. **NAME:** Duncan W. Blair, Esquire
2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314  
**TELEPHONE NO.** 703 836-1000 **E-MAIL:** dblair@landclark.com
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
Main Street Retail, L.C.
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
For
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,  
LOBBYIST, CIVIC INTEREST, ETC.):**  
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE  
COUNCIL?**  
Yes

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 three 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 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 legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative 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 at a legislative meeting 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. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for 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 legislative 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**

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- (b) No speaker will be allowed more than three minutes.
- (c) 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.
- (d) 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 on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) 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.