

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, January 21, 2012 - - 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia R. Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Ms. Anderson, Assistant City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Captain Ogden; Police Sgt. Bergin; Mr. Johnson, Chief of Staff; Ms. Hamer, Director, Planning and Zoning; Ms. Ross, Deputy Director, Planning and Zoning; Mr. Moritz, Planning and Zoning; Ms. Wright, Division Chief, Planning and Zoning; Ms. Williams, Planning and Zoning; Mr. Cox, Planning and Zoning; Mr. Canfield, Planning and Zoning; Mr. Wagner, Planning and Zoning; Ms. North, Planning and Zoning; Mr. Spengler, Director, Parks, Recreation and Cultural Activities; Mr. Mallamo, Director, Office of Historic Alexandria; Mr. Catlett, Director, Office of Code Administration; Mr. Castrilli, Director, Office of Communications; Ms. Blackford, Communications Officer, Office of Communications; Ms. Harris, Communications Officer, Office of Communications; Mr. Baier, Director, Transportation and Environmental Services; Mr. Daly, Transportation and Environmental Services; Ms. Marks, Transportation and Environmental Services; Mr. Melkerson, Transportation and Environmental Services; Mr. Skrabak, Office of Environmental Quality; Mr. McPike, Director, General Services; Ms. McLean, ITS; Ms. Bryan, ITS; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council.

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll. All members of Council were present.

2. Public Discussion Period.

(1) Jack Sullivan, 4300 Ivanhoe Place, spoke about the skewed planning process, in which citizens come last after the City staff, land owners and the developers, noting that the problem starts with the Office of Planning. If the Beauregard draft Plan retains the present density requirements and loss of affordable housing, Council can anticipate a storm down the road. He said that in the only vote taken by the Beauregard Stakeholders, the members voted more than 2-1 to keep the present density, and the vote has been completely ignored in City draft plans.

(2) Annabelle Fisher, 5001 Seminary Road, spoke of the need for an ombudsman for public trust, and the need for a Chief of Staff. She said she believed the City Manager should begin the process next week of appointing an independent by-partisan citizen group. She said a Chief of Staff is not needed and spending taxpayer dollars wisely should be a primary priority along with making certain that residents have a voice and representation with an ombudsman position.

(3) Nancy Jennings, 2115 Marlboro Drive, speaking as president, Seminary Hill Association, Inc., spoke of the Council's support in their efforts to preserve their neighborhoods from cut-through traffic. Council agreed a year ago to change City policy and agreed to the study of the benefits and impacts of a new ramp to Seminary Road. Next week, VDOT will hold a public hearing to explain the environmental assessment that will then go to the Federal Highway Administration. The City has the opportunity to comment on the EA's findings, and the City should return to its original position on the ramp and send a no build comment to VDOT. She said Seminary Hill asks Council to consider rescinding the 2011 resolution in support of the ramp and directing City staff to withdraw City support for the ramp, since it will not provide significant relief to either the commuters or the residents in the West End.

(4) Mindy Lyle, 5235 Tancreti Lane, vice president Cameron Station Civic Association, spoke of the 8-year old child that was killed on Duke Street near Landmark Mall last week. She said there are pedestrian hazards on Duke Street from Pickett to Beauregard and on Van Dorn from Edsall Road to Landmark Mall. She said the Landmark Small Area Plan identified the walkability on the West End as an issue and provides for the redesign of many of the streets as development occurs. She said they can't wait for development or other improvements. She said people risk their lives on a daily basis, and hundreds of people cross 395 on Duke Street every day without benefit of signals, signage or pedestrian education. Ms. Lyle said they must educate pedestrians in multi languages, provide signage and signals to guide pedestrians and drivers, and work with Fairfax County and VDOT to provide a safer West End.

(5) Carol James, 1000 N. Vail Street, thanked Mayor Euille for his initiative to seek a greater voice for their community with the VDOT at a hearing January 25 at Hammond School. She said the request by the Mayor that there be an assembly of citizens in a public hearing to listen to and respond to what VDOT is proposing in seeking to build an \$80 million expressway ramp in their community is not a simple request. It is a request with a lot of history behind it. Ms. James noted that VDOT has said that it does not like the assembly format but prefers a one-on-one conversation at

table-top exhibits where visitors can ask questions of experts and get answers person to person. If citizens want to put questions or comments on the record, they can dictate them to a court reporter or send them in writing within two weeks. She said on the only occasion where citizens can hear the implications of the mega project, her neighbors will not get to hear what she has to say, she won't get to hear what they observe, and no one will know what the experts say in response. She said calling an information fair a hearing and checking off the box that says VDOT has met a Federal Highway Administration requirement to have one doesn't pass the smell test. She said what has not been honored is their First Amendment right to assembly.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3)

Planning Commission

- 3. SPECIAL USE PERMIT #2011-0074
711 KING STREET -- YOGIBERRY
Public Hearing and Consideration of a request for a restaurant; zoned KR/King Street Retail. Applicant: Yogiberry Old Town Alexandria, Inc., by Vu Tan Huynh

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 21, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 1/21/12, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the consent calendar, as follows:

- 3. City Council approved the Planning Commission recommendation.

The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

4. MASTER PLAN AMENDMENT #2011-0001
TEXT AMENDMENT #2011-0005
WATERFRONT SMALL AREA PLAN

Public hearing and consideration of a request for A) an amendment to the City's Master Plan to include the Waterfront Small Area Plan chapter; and B) a text amendment to Section 5-500 of the Zoning Ordinance for the W-1/Waterfront mixed use zone. Staff: Department of Planning and Zoning

The Waterfront Small Area Plan boundary includes Daingerfield Island at its north end and Jones Point Park at its southern end (both national parks). In between, the plan is bounded to the east by the Potomac River and to the west by (from north to south) East Abingdon Drive beginning just north of Marina Drive to the railroad tracks, continuing southeast along the railroad tracks to a point just west of Pitt Street, continuing east along Bashford Lane to North Royal Street, continuing south along North Royal Street to Third Street, continuing east along Third Street to North Fairfax Street, continuing south along North Fairfax Street to Queen Street, continuing east along Queen Street to a point approximately 100 feet west of North Union Street, continuing south about 100 feet west of Union Street to Wolfe Street, following along the northern, western, and southern boundary of Windmill Hill Park until it meets South Union Street, continuing south on South Union Street to Jones Point Park.

PLANNING COMMISSION ACTION: MPA 2011-0001: Adopted Resolution
w/amendments to the MPA 6-1
TA 2011-0005: Recommend Approval
6-1

(A copy of the Planning Commission report dated January 21, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 1/21/12, and is incorporated as part of this record by reference.)

Councilman Fannon said he has been a member of the Old Dominion Boat Club for 17 years and he will be voting on the plan today.

Mayor Euille noted that he has no conflict of interest, other than the fact that he does read and subscribe to the *Washington Post*, and he eats and dines in restaurants on the waterfront, but that is not a conflict, so he will be participating in the discussion and voting.

Vice Mayor Donley said it has been alleged that he has a conflict as well, and he wanted to point out a couple of facts. He said the small area plan encompasses almost the entire waterfront, not a specific site. The land use designation for the site occupied by Virtue Feed and Grain, which is the proported conflict, is not proposed to be changed nor will it be changed. He said he is not the loan officer, nor does he handle the deposit relationship for this particular restaurant. Vice Mayor Donley said his employer, Virginia Commerce Bank, has a loan to this restaurant, and this obligation carries a particular term, which will be repaid at an established interest rate, which will not vary according to Council's actions and thus the financial benefit to his employer will

not change, and in fact is neutral. Vice Mayor Donley said he sought the guidance of the City Attorney and he concurs with the fact that he does not have a conflict and he will be participating in the consideration of the item.

Ms. Hamer, Director, Planning and Zoning, said the City has received a protest petition for this item, and it is her obligation to provide a determination as to the validity of the petition. She noted the petition was filed January 19, with additional signatures being filed on January 20. She said the Zoning Ordinance provides a mechanism that requires a three-quarter majority vote, 6-1, for the Council to approve an application for a zoning map amendment if a valid protest petition is filed with the City Clerk. She said the Code specifically states that the protest shall be signed by the owners of at least 20 percent of the land proposed to be rezoned by the map amendment or all land within 300 feet of the boundaries of the land to be changed by the map amendment. Ms. Hamer said the Code distinguishes between map amendments and text amendments. A map amendment is a change to the official zoning map to change the zoning of a particular property and is specific to that property. A text amendment is an amendment to the official zoning ordinance and changes the language of the zone or other section of the ordinance with a more general application within the zoning districts. The text amendment to be considered by the Council today is an amendment that revises the W-1 zone text and it applies generally to applicable properties within the W-1 zone. Ms. Hamer stated that the proposed zoning change before Council today is a text amendment and it is not a rezoning or a map amendment. She said that because Council is considering a text amendment and not a map amendment, Section 11-808 does not apply. Consequently, she said, the petition does not require a three-quarter majority vote for today's zoning text amendment. Ms. Hamer said the protest petition does not in any way apply to the plan which is before Council.

In response to a comment from Councilwoman Hughes, Mr. Banks, City Attorney, stated that he has reviewed the matter very thoroughly. What they have is a classic text amendment and it is not close to being a map amendment. He said it is a classic text amendment for a number of different reasons: first is that it does apply broadly and generally to the W-1 zone. A text amendment may be thought of as being close to being a map amendment or a zoning amendment if it applies to one single piece of property, and this does not. Upon very careful and precise analysis, this text amendment will apply to the entire W-1 zone, but more particularly, it will apply to property that is owned by four or five different property owners and anywhere from 7 to 10 discrete pieces of property. By that definition, this is not even close to that gray area between the text amendment and a map amendment. This is, by all definitions in all authority reviewed by him and his office, to fall squarely within the parameters of a classic text amendment.

Mr. Moritz, Planning and Zoning, and Ms. Hamer, Planning and Zoning, made a presentation of the staff report and they, along with Ms. Anderson, Assistant City Attorney, responded to questions of City Council.

The following persons participated in the public hearing on this item:

- (1) Van Van Fleet, 26 Wolfe Street, spoke in opposition to the plan.
- (2) Andrew MacDonald, 217 N. Columbus Street, spoke in opposition to the plan.
- (3) Bert Ely, 200 S. Pitt Street, spoke in opposition to the plan.
- (4) Katy Cannady, 20 E. Oak Street, spoke in opposition to the plan.
- (5) John Kupersmith, 214 S. Royal Street, spoke in opposition to the plan.
- (6) Val Hawkins, 625 N. Washington Street, representing the Alexandria Economic Development Partnership, spoke in support of the plan.
- (7) Mark Mueller, 414 S. Royal Street, spoke in favor of the protest petition and its validity.
- (8) Patty Sheetz, 6320 Olde Towne Court, spoke in opposition to the plan.
- (9) Al Calvaitis, 17 Franklin Street, spoke in opposition to the plan.
- (10) Elizabeth Baldwin, 428 N. Union Street, spoke in opposition to the plan.
- (11) Kathryn Papp, 504 Cameron Street, requested that Council take time to produce a final plan so everyone is on the same page.
- (12) Elizabeth Gibney, 300 S. Lee Street, spoke in opposition to the plan.
- (13) Deena deMontigny, 302 Prince Street, read a letter from the Washington Field Office for the National Historic Trust for Historic Preservation.
- (14) Linda Couture, 505 Duke Street, spoke in opposition to the plan.
- (15) Ursula Weide, 1302 Bayliss Drive, spoke in opposition to the plan.
- (16) Hugh Van Horn, 416 S. Pitt Street, spoke in opposition to the plan.
- (17) Bill Reagan, 400 Madison Street, Apt. 608, spoke in support of the plan.
- (18) Dennis Kux, 125 Duke Street, spoke in opposition to the plan.
- (19) Daniel Bernstein, 121 Princess Street, spoke about private source funding to help pay for improvements for the waterfront, in particular millionaires in Virginia.
- (20) Christine Bernstein, 121 Princess Street, asked for a delay in the vote

until traffic studies are complete.

(21) Boyd Walker, 1307 King Street, with Citizens for an Alternative Alexandria Waterfront Plan, spoke in opposition to the plan.

(22) Robert Pringle, 216 Wolfe Street, spoke in opposition to the plan.

(23) Patricia Ticer, 512 Prince Street, spoke in opposition to the plan.

(24) John Gosling, 208 S. Fayette Street, president, Old Town Civic Association, spoke in opposition to the plan.

(25) Catherine Moore, 1306 Michigan Avenue, spoke in opposition to the text amendment.

(26) Andrew Palmieri, 1919 Pennsylvania Avenue, Washington, D.C., speaking as chair, Alexandria Chamber of Commerce, and as a citizen, spoke in support of the plan.

(27) Skip Maginnis, 209 Commerce Street, vice chair, government relations, Alexandria Chamber of Commerce, spoke in support of the plan.

(28) Mike Anderson, 4580 Duke Street, past chair, Alexandria Chamber of Commerce, spoke in support of the plan.

(29) John Renner, 700 N. Fairfax Street, incoming chair, Alexandria Chamber of Commerce, and chair, ACVA's public relations committee, spoke in support of the plan.

(30) Dino Drudi, 315 N. West Street, spoke in opposition to the plan.

(31) Janice Magnuson, 905 Peele Place, spoke in opposition to the plan.

(32) Michael Peck, 420 N. Union Street, spoke in opposition to the plan.

(33) Sean Holihan, 2701 Park Center Drive, Apt B703, spoke in support of the plan.

(34) Mike Porterfield, 1020 Wythe Street, spoke in support of the plan.

(35) Jack Taylor, 3001 Edsall Drive, spoke in support of the plan.

(36) Ann Dorman, 2724 Kenwood Avenue, spoke in support of the plan.

(37) Rick Dorman, 2724 Kenwood Avenue, spoke in support of the plan.

(38) William Cromley, 426 N. Columbus Street, spoke in support of the plan.

(39) James Pelkofski, 520 John Carlyle Street, spoke in support of the plan.

(40) Maria Wasowski, 308 Hume Avenue, representing the Del Ray Business Association, spoke in support of the plan.

(41) John Woods, 212 Wilkes Street, spoke in support of the plan.

(42) Michael Urena, 1009 Queen Street, spoke in support of the plan.

(43) Lauren Garcia, 210 Duke Street, spoke in support of the plan.

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WHEREUPON, a motion was made by Councilwoman Hughes, seconded by Councilwoman Pepper, to defer the remaining items on the docket until Tuesday, January 24. The motion failed by a vote of 2-5 and is as follows:

Hughes	"aye"	Donley	"no"
Pepper	"aye"	Fannon	"no"
Euille	"no"	Krupicka	"no"
	Smedberg	"no"	

City Council took a 30 minute break at this time.

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(44) Scott Brown, 111 Harvard Street, spoke in support of the plan.

(45) Stephen Mutty, 400 Madison Street, spoke in support of the plan.

(46) David Olinger, 100 Prince Street, spoke in opposition to the plan.

(47) Barbara Pringle, 216 Wolfe Street, spoke in opposition to the plan.

(48) Joe Demshar, 302 Prince Street, spoke in opposition to the plan.

(49) Sean O'Rourke, 326 N. Payne Street, spoke in support of the plan.

(50) Nancy Belmont, 212 E. Windsor Avenue, spoke in support of the plan.

(51) Peter McFarren, 400 Cameron Station Blvd., Apt 413, spoke in support of the plan.

(52) Jody Manor, 103 N. Alfred Street, spoke in support of the plan.

- (53) Dennis Auld, 215 Park Road, spoke in support of the plan.
- (54) Marie Kux, 125 Duke Street, spoke in opposition to the plan.
- (55) Chris Ballard, 1904 Russell Road, spoke in support of the plan.
- (56) Nancy Jennings, 2115 Marlboro Drive, president, Seminary Hills Association, spoke in opposition to the plan.
- (57) Michael Jennings, Ten Potomac Court, spoke in opposition to the plan.
- (58) Leigh Talbot, 305 S. Royal Street, spoke in opposition to the plan.
- (59) Gayle Reuter, 110 E. Del Ray Avenue, spoke in support of the plan.
- (60) Nate Macek, 724 Franklin Street, chair, Waterfront Committee, spoke in support of the plan.
- (61) Carol Supplee, 19 A. Sunset Drive, owner, Imagine Artwear, spoke in support of the plan.
- (62) Christa Wattes, 1186 N. Pitt Street, spoke in support of the plan.
- (63) Nikki Enfield, 309 Prince Street, spoke in support of the plan.
- (64) Raymond Barefoot, 2701 Park Center Drive, spoke in support of the plan.
- (65) Gina Baum, 203 S. Fairfax Street, spoke in support of the plan.
- (66) Charlotte Hall, 9150 Union Farm Road, spoke in support of the plan.
- (67) John McManus, 5073 Kilburn Street, spoke in support of the plan.
- (68) Allison DiNardo, 203 W. Walnut Street, spoke in support of the plan.
- (69) Lynn Hampton, 215 Park Road, spoke in support of the plan.
- (70) Harry Hopper, 206 Duke Street, spoke in support of the plan.
- (71) Meghan Welch, 707A Massey Lane, spoke in support of the plan.
- (72) Christopher Johnson, 314 S. Alfred Street, spoke in opposition to the plan.
- (73) Rick Newton, 914 Queen Street, spoke in support of the plan.

- (74) Margaret Wood, 711 Potomac Street, spoke in opposition to the plan.
- (75) Bob Wood, 711 Potomac Street, spoke in opposition to the plan.
- (76) James McCall, 537 South Fairfax Street, vice chair, Alexandria Archaeological Commission, spoke in support of the plan.
- (77) Dave Brown, 503 Woodland Terrace, spoke in support of the plan and urged the word "preferably" be inserted into recommendation 3.69 regarding eminent domain.
- (78) Stephanie Brown, 625 N. Washington Street, Suite 400, president/CEO Alexandria Convention and Visitors Association, spoke in support of the plan.
- (79) Richard Moose, 317 S. St. Asaph Street, spoke in opposition to the plan.
- (80) William Rogalski, Jr., 408 Hanson Lane, spoke in opposition to the plan.
- (81) Nina Randolph, 424 N. Union Street, spoke in opposition to the plan.
- (82) David Wilcox, 413 N. Fairfax Street, with the Founders Park Community Association, spoke in opposition to the plan and for the preservation of Founders Park.
- (83) Trey Hanbury, 1504 Cameron Street, president, Upper King Street Neighborhood Association, spoke in support of the plan.
- (84) Tim Elliott, 422 S. Fairfax Street, spoke for alternatives in the plan.
- (85) Helen Desfosses, 603 S. Lee Street, spoke in opposition to the plan.
- (86) Bill Lennox, 715 Potomac Street, spoke in opposition to the plan.
- (87) Allison Silberberg, 1544 Mount Eagle Place, spoke in opposition to the plan.
- (88) Annabelle Fisher, 5001 Seminary Road, spoke about the need for a cost benefit analysis.
- (89) Pat Miller, 404 Laverne Avenue, speaking on behalf of the Alexandria Commission for the Arts and the Public Art Committee, spoke in support of the plan.
- (90) Cathal Armstrong, 8325 Old Mount Vernon Road, spoke in support of the plan.
- (91) David Martin, 1400 King Street, spoke in support of the plan.

- (92) Mindy Lyle, 5235 Tancreti Lane, spoke in support of the plan.
- (93) Bob Randolph, 424 N. Union Street, spoke in opposition to the report.
- (94) Judy Miller, 507 N. View Terrace, spoke in opposition to the report.
- (95) Tescia Yonkers, 801 Rivergate Place, spoke in opposition to the report.
- (96) Marianne Horan, 604 S. Lee Street, spoke in opposition to the report.
- (97) Robert Atkinson, 1009 Pendleton Street, spoke in support of the plan.
- (98) Lawrence Singer, 809 Cameron Street, spoke in support of the plan.
- (99) David Speck, 3813 Colonel Ellis Avenue, spoke in support of the plan.
- (100) Judy Noritake, 605 Prince Street, speaking on behalf of the Park and Recreation Commission, spoke in support of the plan.
- (101) Brian Buzzell, 2201 Mill Road, spoke in support of the plan.
- (102) Roy Shannon, 201 N. Union Street, attorney representing land owners who signed the petition, noted that he submitted an appeal to the Board of Zoning Appeals of the decision of the Planning Director on the protest petition.
- (103) Jonathan Wilbor, 310 S. Lee Street, spoke in opposition to the plan.
- (104) Marguerite Lang, 14 West Rosemont Avenue, president, Rosemont Citizens Association, said the association wishes Council to defer the plan.
- (105) Michael Hobbs, 419 Cameron Street, spoke of creating a W-2 zone in the core commercial area to permit hotels, density and parking.
- (106) Kathryn Kent, 718 S. Union Street, spoke in opposition to the plan.
- (107) Poul Hertel, 1217 Michigan Court, spoke in opposition to the plan.
- (108) Melvin Garbow, 19 Wilkes Street, chair, Harborside Condo Association, spoke about Windmill Hill Park and Plan and urged its implementation and execution.
- (109) Linda Huntington, 219 Wolfe Street, speaking for herself and her husband Frederick, spoke in opposition to the plan.
- (110) Susan Williams, 303 Queen Street, spoke in opposition to the plan.

(111) Victoria Vergason, 808 Prince Street, spoke in support of the plan.

(112) Shayna Englin, 1505 Wayne Street, Waterfront For All, spoke in support of the plan.

(113) Joanne Lepanto, 4009 North Garland Street, spoke in opposition to the plan.

(114) Robert Montague, 207 Prince Street, vice president, Northern Virginia Conservation Council, spoke in opposition to the plan.

(115) Rebekah Walker, 2701 Park Center Drive, #B703, spoke in support of the plan.

(117) Jim Roberts, 2916 Dartmouth Road, spoke in opposition to the plan.

(118) Matthew Taverna, 924 S. Alfred Street, spoke in support of the plan.

(119) Sue Van Horn, 416 S. Pitt Street, spoke in opposition to the plan.

(120) Carl Smith, 200 Duke Street, spoke in opposition to the plan.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

WHEREUPON, a motion was made by Councilman Smedberg, and seconded by Vice Mayor Donley, that City Council adopt the draft waterfront small area plan dated July 2011, incorporating the recommendations from the Planning Commission and the Waterfront Work Group and City staff has outlined in the memo dated January 17, 2012, as an amendment to the City's master plan and a text amendment to the Zoning Ordinance Section 5.500 of the W-1 Waterfront Mixed Use zone, request the City Attorney to prepare the necessary ordinance and direct staff to proceed with implementation planning as directed in the report.

Councilman Krupicka asked for a friendly amendment as follows: on page 122, add a new sentence at the end of parking recommendation 4:34 (d), which states: Testing and monitoring the effect of waterfront development on residential parking areas, with the understanding that additional protective measures should be taken to protect those residential areas. Add a new sentence to read: *New residential parking controls, such as restricting parking to permit holders after 6:00 p.m., should be*

considered an implementation priority.

The amendment was acceptable to the maker and seconder of the motion and becomes part of the original motion.

Vice Mayor Donley asked for a friendly amendment as follows: Add language to both the permitted and the special use lists: *Uses that foster art, history, and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions. Any use of 5,000 square feet requires a special use permit.*

The amendment was acceptable to the maker of the motion and becomes part of the original motion.

Mayor Euille asked for a friendly amendment to add the word "preferably" in Section 3.69 regarding eminent domain.

The amendment was acceptable to the maker and seconder of the motion and becomes part of the original motion.

Councilwoman Pepper asked for a friendly amendment as follows: That it limit to two hotels in the whole waterfront plan, with a total limit of 300 rooms with 150 rooms per hotel in the entire W-1 zone.

The amendment was acceptable to the maker and seconder of the motion and becomes part of the original motion.

Councilman Smedberg added to the motion the cross referencing on height limits, to add specificity to the language so each parcel has the height limits clearly stated into the master plan.

The amendment was acceptable to the seconder of the motion and becomes part of the original motion.

After discussion, the voting on the motion, as amended, carried by a vote of 5-2 and is as follows:

Smedberg	"aye"	Fannon	"no"
Donley	"aye"	Hughes	"no"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

The motion reads in its entirety as follows:

City Council adopted the draft waterfront small area plan dated July 2011, incorporating the recommendations from the Planning Commission and the Waterfront Work Group and City staff has outlined in the memo dated January 17, 2012, as an amendment to

the City's master plan and a text amendment to the Zoning Ordinance Section 5.500 of the W-1 Waterfront Mixed Use zone, request the City Attorney to prepare the necessary ordinance and direct staff to proceed with implementation planning as directed in the report, with the following amendments: 1. on page 122, add a new sentence at the end of Parking recommendation 4:34 (d), which states: Testing and monitoring the effect of waterfront development on residential parking areas, with the understanding that additional protective measures should be taken to protect those residential areas. Add a new sentence to read: *New residential parking controls, such as restricting parking to permit holders after 6:00 p.m., should be considered an implementation priority.* 2. Add language to both the permitted and the special use lists: *Uses that foster art, history, and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions. Any use of 5,000 square feet requires a special use permit.* 3. add the word "preferably" in Section 3.69 regarding eminent domain. 4. that it limit to two hotels in the whole waterfront plan, with a total limit of 300 rooms with 150 rooms per hotel in the entire W-1 zone. 5. cross referencing on height limits, to add specificity to the language so each parcel has the height limits clearly stated into the master plan.

City Council took a 15 minute break at this time.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

5. Public Hearing on the Northern Virginia Regional Water Plan. (#9, 12/13/11)

(A copy of the City Manager's memorandum dated December 5, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 1/21/12, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, made a presentation of the staff report.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Plan. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. CDD CONCEPT PLAN #2011-0008
DEVELOPMENT SPECIAL USE PERMIT #2011-0030
SPECIAL USE PERMIT TMP #2011-0076
520 SOUTH VAN DORN STREET; 631 and 641 SOUTH PICKETT STREET -
LANDMARK GATEWAY
Public Hearing and Consideration of requests for: (A) an amendment to a CDD concept plan (CDD #2008-0003) to reduce retail space and to change building footprints and open space; (B) amendments to a development special use permit (DSUP #2006-0021), with site plan, to reduce retail space, increase residential units and make adjustments to the building footprint and garage configuration, with SUP amendment for a parking reduction and an extension of time of validity; and (C) amendment to a transportation management plan; zoned CDD #17/ Coordinated Development District 17. Applicant: Mill Creek Residential Trust, LLC represented by Howard Middleton, attorney

PLANNING COMMISSION ACTION:

CDD #2011-0008	Recommend Approval 6-0
DSUP #2011-0030	Recommend Approval 6-0
TMP SUP #2011 -0076	Recommend Approval 6-0

(A copy of the Planning Commission report dated January 21, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 1/21/12, and is incorporated as part of this record by reference.)

Ms. North, Planning and Zoning, made a presentation of the staff report and she and Ms. Wright, Planning and Zoning, and Mr. McPike, Director, General Services, responded to questions of City Council.

The following persons participated in the public hearing on this item:

(1) Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney representing the applicant, spoke in favor of the request. He requested that on page 22, condition #2, there is a typographical error and the date should be January 2012 instead of January 2011.

(2) Dak Hardwick, 5181 Brawner Place, speaking on behalf of the Cameron Station Civic Association, spoke in support of the request.

(3) Dan Buch, 389 Livermore Lane, spoke in support of the request.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with an amendment on page 22 correcting the date to read January 21, 2012 instead of 2011. The voting was as

follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

Councilman Krupicka asked staff to come back to Council with comments about what they are going to do going forward from a transportation standpoint, and it may be appropriate for the Transportation Commission to have a conversation about where they are in implementing different issues.

7. SPECIAL USE PERMIT #2011-0072
2006 EISENHOWER AVENUE - RESTAURANT AND NIGHT CLUB
Public Hearing and Consideration of a request to operate a restaurant/night club;
zoned CDD #11/Coordinated Development District. Applicant: Joseph Asmar

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 21, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 1/21/12, and is incorporated as part of this record by reference.)

Ms. Ross, Deputy Director, Planning and Zoning, made a presentation of the staff report and she, along with Ms. Wright, responded to questions of City Council.

The following person participated in the public hearing on this item:

- (1) Joyce Abdalah, 104 Browns Mill Drive, one of the owners of the business, spoke in favor of the request and asked for longer closing times on the weekends and Saturday evenings.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council approved the Planning Commission recommendation that it close at 1:30 a.m. seven days a week. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

8. THIS IS FOR INFORMATION ONLY -- NO APPROVAL NEEDED
 CITY CHARTER SECTION 9.06 CASE #2011-0004
 716 & 718 NORTH COLUMBUS STREET

Consideration of the sale of public property located at 716 & 718 North Columbus Street pursuant to Section 9.06 of the City Charter. Staff: Department of General Services and Planning and Zoning.

PLANNING COMMISSION ACTION: Approved 5-1

(A copy of the Planning Commission report dated January 21, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 1/21/12, and is incorporated as part of this record by reference.)

City Council received the report.

9. DEVELOPMENT SPECIAL USE PERMIT #2011-0001
 1400 SOUTH MAIN LINE BOULEVARD - POTOMAC YARD LANDBAY L
 Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a residential and retail building with approval of a parking reduction, and approval to transfer residential units from Landbays H, I, & J in accordance with CDD conditions; zoned CDD #10/Coordinated Development District 10. Applicant: Potomac Yard Landbay L, LLC represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 6-0

(A copy of the Planning Commission report dated January 21, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 1/21/12, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing on this item:

(1) Paul Linehan, 401 E. Monroe Avenue, spoke about the parking reduction and noted his opposition to the reduction.

(2) David Fromm, 2307 E. Randolph Avenue, speaking on behalf of the Del Ray Citizens Association, requested that the residents not be eligible for participation in a residential parking district and that the developer provide the amount of parking as required by Code.

(3) M. Catharine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington,

attorney representing Potomac Yard Landby L, LLC, noted that they are not asking for a 100 space reduction but are asking for a 49 space reduction. Ms. Puskar suggested a revision to condition 30, the first sentence to read: locate a minimum of 359 parking spaces in the garage for residents and 21 parking spaces for retail/visitors.

(4) Andreas Gnoehn, 317 E. Monroe Avenue, spoke about having a plan to connect Monroe Avenue to Mount Vernon Avenue and to the trail for pedestrians and cyclists and of a potential parking problem with the requested parking reduction.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the following amendments: 1. an amendment to condition 30, the first sentence to read: *locate a minimum of 359 parking spaces in the garage for residents and 21 parking spaces for retail/visitors.* 2. a new condition 30b to read: *To the extent possible, retail spaces will be made available to residents and/or visitors in a shared parking arrangement when not needed for retail usage, particularly in the late evenings and weekends.* and 3. an amendment to condition 32c to make sure the signage indicates that those 21 spaces are for retail, visitor and residential. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Krupicka	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

ORDINANCES AND RESOLUTIONS

10. Public Hearing, Second Reading and Final Passage an Ordinance to Sell City-owned Property at 716-718 N. Columbus Street. (#9.1, 01/10/12)

(A copy of the City Manager's memorandum dated January 6, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 1/24/12, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 1/21/12, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 10; 1/21/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to sell City-owned property at 716-718 N. Columbus Street.

The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4746

AN ORDINANCE approving and authorizing the sale of property owned by the City of Alexandria, located at 716 and 718 North Columbus Street in the City of Alexandria, Virginia to King Street Properties.

WHEREAS, the City of Alexandria owns the real property located at 716 and 718 North Columbus Street in Alexandria, Virginia, having acquired the 716 property in 1983 and the 718 property in 1985 and consolidating the two properties into a single residential facility; and

WHEREAS, the City Council has previously declared 716 and 718 North Columbus Street to be surplus property and authorized the City Manager to negotiate for the potential sale of the property; and

WHEREAS, the City, through its authorized listing agent, has received multiple offers from potential purchasers to purchase 716 and 718 North Columbus Street; and

WHEREAS, the highest offer received was in the amount of \$662,000 from King Street Properties, LLLP; and

WHEREAS, the city manager has recommended the sale of this property to King Street Properties, LLLP for the sum of \$662,000, subject to the terms and conditions as set forth more specifically in the December 29, 2011 Docket Memorandum, the terms of which are incorporated by reference herein; and

WHEREAS, the city council is of the opinion that the sale of this property is in the public interest and will otherwise advance the City's land use goals; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sale of the real property described below to King Street Properties, LLLP for the sum of \$662,000, subject to the terms and conditions as set forth more specifically in the December 29, 2011 Docket Memorandum, be, and the same is hereby, approved and authorized:

716 North Columbus Street, Tax Map Reference No. 054.04-07-09, as the same

appears duly recorded in Deed Book 1112, Page 969, among the land records of the City of Alexandria; and

718 North Columbus Street, Tax Map Reference No 054.04-07-09, as the same appears duly recorded in Deed Book 1141, Page 427, among the land records of the City of Alexandria.

Section 2. That the city manager be and hereby is authorized, on behalf of the City of Alexandria, to do all things necessary and desirable to carry out the sale of the real property described in Section 1, including, but not limited to, the execution and delivery of a purchase agreement, deed and other appropriate documents.

Section 3. That the city clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Article A (Water), Chapter 6 (Water and Sewer) of Title 5 (Transportation and Environmental Services), all of the Code of the City of Alexandria, Virginia, 1981, as amended. (#12, 12/13/11)

(A copy of the City Manager's memorandum dated January 6, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 1/24/12, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 1/21/12, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 1/21/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend the water and sewer ordinance. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"

Pepper "aye"

The ordinance reads as follows:

ORDINANCE NO. 4747

AN ORDINANCE to amend and reordain Article A (WATER), Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION & ENVIRONMENTAL SERVICES), all of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5, Chapter 6, Article A of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the creation of 2 Divisions, the deletion of current Section 5-6-1, the renumbering of Sections 5-6-2 through -4 and the addition of new Section 5-6-4 through -10, to read as follows:

Division 1 – Stagnant Water

~~Sec. 5-6-1—Use in emergencies.~~

~~It shall be unlawful for any person, when an emergency has been declared to exist in the water supply of the city by published printed notice by the city manager, to use water obtained from the mains supplying the city, for the watering of lawns, plants or flowers, except plants or flowers grown by a duly licensed florist, the washing of automobiles, sidewalks or porches or any other unnecessary or wasteful use. Any violation of this section shall be subject to a fine of not less than \$10 nor more than \$50. (Code 1963, Sec. 40-1)~~

Sec. 5-6-12 - Stagnant water—owner to fill in place of collection.

(a) It shall be the duty of the owner of any lot or parcel of land located in the city which, because of the contour of the surface of the land, catches and holds rain and surface water, so that pools or ponds of stagnant water result, to fill in the lots, or parcels of land with earth to a grade as will prevent the collection of pools or ponds of stagnant water. In cases where the basin formed by the contour of the land in which the water collects is composed of two or more lots or parcels of land in separate ownership, the owners shall be responsible for the filling in of the portions of their respective lots or parcels of land as may be affected. At the request of any owner, the city engineer shall furnish the proper grade to which the fill should be made.

(b) The provisions of this section shall be applicable in all cases where stagnant

water collects, whether the result of abandoned excavations, establishments of street grades or otherwise.

Sec. 5-6-32 - Same—action by city when owner refuses to fill in.

(a) In the event that any owner shall fail or refuse to fill in any lot or parcel of land as provided in the preceding section, within 10 days of receipt of written notice from the city manager to do so, the notice to be sent by registered mail, the city manager may cause the lot or parcel of land to be filled in with earth to the proper grade, and the cost thereof shall be a charge against the owner and the amount thereof shall be certified by the city manager to the director of finance to be added to the current tax bill against the land, which shall constitute a lien thereon as a part of the current tax bill, and the charges shall bear interest at the rate of six percent commencing 30 days after completion of this work.

(b) In addition to certifying the amount of the charges to the director of finance, the city manager may certify same to the city attorney for any appropriate action at law to recover that as may be deemed proper.

Sec. 5-6-4 3 - Same—penalty for violation of two preceding sections.

Any violation of the provisions of the two preceding sections shall be subject to a fine of not less than \$5 nor more than \$100, and each day that any owner fails or refuses to comply after 10 days from receipt of the written notice from the city manager as provided in the preceding section, shall constitute a separate offense, but the notice shall not be prerequisite to liability for violation of the provisions of section 5-6-2 of this code.

[The following is all new text]

DIVISION 2 – WATER SUPPLY EMERGENCY

Sec. 5-6-4 – Purpose.

The purpose of this division is to provide for the necessary reduction and curtailment of water usage through voluntary and/or mandatory restrictions during a water shortage condition or water supply emergency affecting the City and its residents and businesses.

Sec. 5-6-5 – Definitions.

(a) Water shortage condition. A state wherein the Potomac River Basin is experiencing unusually dry weather, or a state wherein there exists the potential for a water supply emergency if water demands are not reduced.

(b) Water supply emergency. A condition wherein the present or expected future

ability of the City to deliver adequate supplies of water to customers to enable normal levels of potable water usage is endangered due to an extended drought and/or disruption in the City's water supply system.

Sec. 5-6-6 – Declaration of Water Shortage Condition.

(a) Whenever the City Manager, or designated agent, determines that a water shortage condition exists, a water shortage condition may be declared by the City Manager. The City Manager, or designated agent, shall notify the general public that a water shortage condition has been declared and that more specific voluntary restrictions of water usage by residents and businesses are requested in order to help preserve the supply of potable water to the City.

(b) Upon the declaration of a water shortage condition, the City Manager, or designated agent, may issue voluntary restrictions or recommend water conservation practices to help preserve the supply of potable water to the City. Such voluntary restrictions or conservation practices may include, but shall not be limited to, voluntary restriction of one (1) or more of the following:

- (1) Watering of shrubbery, trees, lawns, grass, plants, or other vegetation, except plants of flowers grown by a duly licensed florist;
- (2) Washing of automobiles, trucks, trailers or other mobile equipment, except in a vehicle wash facility with an effective and efficient water recycling system;
- (3) Washing of streets, driveways, parking lots, service station aprons, the exterior of commercial or residential buildings, or any other outdoor surfaces unless such washing is required to eliminate a hazard;
- (4) Operation of any ornamental fountain or other structure making similar use of water;
- (5) Serving water to customers in restaurants, cafeterias, or any other establishment, unless specifically requested;
- (6) Filling of swimming and/or wading pools and use of water for outdoor recreation;
- (7) Use of water from fire hydrants, except for health and safety purposes;
- (8) Request water users to inspect all plumbing and repair leaks; and
- (9) Suggestion of a maximum daily consumption goal for residents to strive and achieve.

(c) At any time after the declaration of a water shortage condition, if the City

Manager determines that such a condition no longer exists, then he or she may declare the rescission of the water shortage condition and the termination of all associated voluntary restrictions and recommended water conservation practices.

Sec. 5-6-7 – Declaration of Water Supply Emergency

(a) Whenever the City Manager finds that a water supply emergency exists, or is reasonably likely to occur if water conservation measures are not taken, he or she may declare a water supply emergency restricting or prohibiting the use of water by residents and businesses for the duration of such emergency or for a period of time necessary to prevent the occurrence of a water supply emergency. Such a condition may be determined from information obtained by the City Manager through the City's water supplier (Virginia American Water Company), information obtained from a recognized authority, or from other sources as determined appropriate and prudent by the City Manager.

(b) Upon the declaration by the City Manager of a water supply emergency he or she is authorized to promulgate and implement, in writing, mandatory water consumption restrictions or prohibitions necessary to preserve the ability of the City to provide adequate and acceptable levels of potable water to preserve the public health, safety and welfare. Water restrictions or prohibitions promulgated by the City Manager may include, but shall not be limited to, restriction or prohibition of one (1) or more of the following activities as provided in Section 5-6-6 (b).

(c) If, at any time after the City Manager declares a water supply emergency and the City Manager finds that a water supply emergency no longer exists, then the City Manager may declare that the water supply emergency has ended. At any time during a water supply emergency, the City Manager may, by written declaration, declare the rescission, in whole or in part, of any restrictions or prohibitions promulgated and implemented under Section 5-6-7 (b). Such declarations by the City Manager shall be based upon a factual finding that the ability of the City to deliver acceptable quantities of potable water is no longer limited, or that the extent of the declared emergency is reduced and that the existing restrictions or prohibitions, or some part thereof, are no longer required to protect the public health, safety and welfare.

(d) The City Manager, or designated agent, shall notify the general public, and the City Council, when the City Manager promulgates, or rescinds, mandatory restrictions or prohibitions authorized by this Section or by any ordinance adopted hereafter. Such notification shall describe the mandatory restrictions and prohibitions promulgated or rescinded by the City Manager, the effective date or dates thereof, and the penalties for noncompliance. Such a notice to the general public shall be published in a newspaper of general circulation within the City and posted in a public space in the City Manager's office. Such notice shall be deemed due and proper notice to every customer supplied with water by the City.

Sec. 5-6-8 – Exemptions of Essential Uses for Public Health, Safety and Welfare.

The provisions of any declaration by the City Manager of a water supply emergency, and any restrictions or prohibitions implemented by the City Manager, shall not apply to any governmental, business, or industrial use which is deemed by the City Manager to be essential to the preservation of the public health, safety and/or welfare.

Sec. 5-6-9 – Appeals.

Upon receipt of a written request by an individual customer of water supplied by the City, the City Manager, for good cause shown, including evidence that the applicant is affected in a substantial manner not common to other persons or businesses generally, may permit less than full compliance with any of the water restrictions or prohibitions promulgated during a declared water supply emergency. No waiver shall be granted by the City Manager unless he or she determines that the public health, safety and welfare will not be adversely affected by the waiver.

Sec. 5-6-10 – Penalties.

(a) Any person who violates or fails to comply with any of the mandatory provisions of this Division may be charged with a Class Five Civil Violation and may be fined as provided in Section 1-1-11(b)(5) of this Code.

(b) The imposition of a fine or penalty for violating any of the mandatory provisions of this Division shall not excuse the violation or permit it to continue.

(c) The City Manager, or designated agent, may seek suspension of water service to any violator of the mandatory provisions of this Division by injunction, abatement or other appropriate legal remedy, if the City Manager determines that such action is necessary to prevent any continued or future violation.

Secs. 5-6-11 through 5-6-20 – Reserved.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

12. CDD CONCEPT PLAN #2011-0004
MASTER PLAN AMENDMENT #2011-0005
DEVELOPMENT SPECIAL USE PERMIT #2011-0020
TMP SPECIAL USE PERMIT #2011-0046

2425 MILL ROAD (Block 3); 312 & 314 TAYLOR DRIVE, 301 & 315 STOVALL STREET (Block 2); 2401 EISENHOWER AVENUE - HOFFMAN BLOCK 8
Public Hearing and Consideration of requests for: (A) an amendment to the Eisenhower East Small Area Plan to transfer floor area between blocks in CDD #2; (B) an amendment to the CDD Concept Plan to transfer floor area and parking spaces between blocks; (C) amendments to a development special use permit, with site plan, (DSUP #2000-0028) to transfer office floor area from Blocks 2 and 3 to Block 8 and approval of a penthouse taller than 15 feet; (D) amendments to a Transportation Management Plan Special Use Permit (SUP #2005-0115); zoned CDD #2/Coordinated Development District 2. Applicant: Hoffman Family, LLC represented by Kenneth Wire, attorney

PLANNING COMMISSION ACTION: All Items Deferred Without Objection

City Council noted the deferral.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of January 21, 2012 at 10:30 p.m. The voting was follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

APPROVED BY:

WILLIAM D. EUILLE

MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council