

21  
6-16-01

Docket Item #28  
VACATION #2001-0002

Planning Commission Meeting  
June 5, 2001

**ISSUE:** Consideration of a request for vacation of a public right-of-way.

**APPLICANT:** Thomas A. Davis and Jerri Davis  
by Duncan W. Blair, attorney

**LOCATION:** 1601 Chapel Hill Drive

**ZONE:** R-20/Single-family

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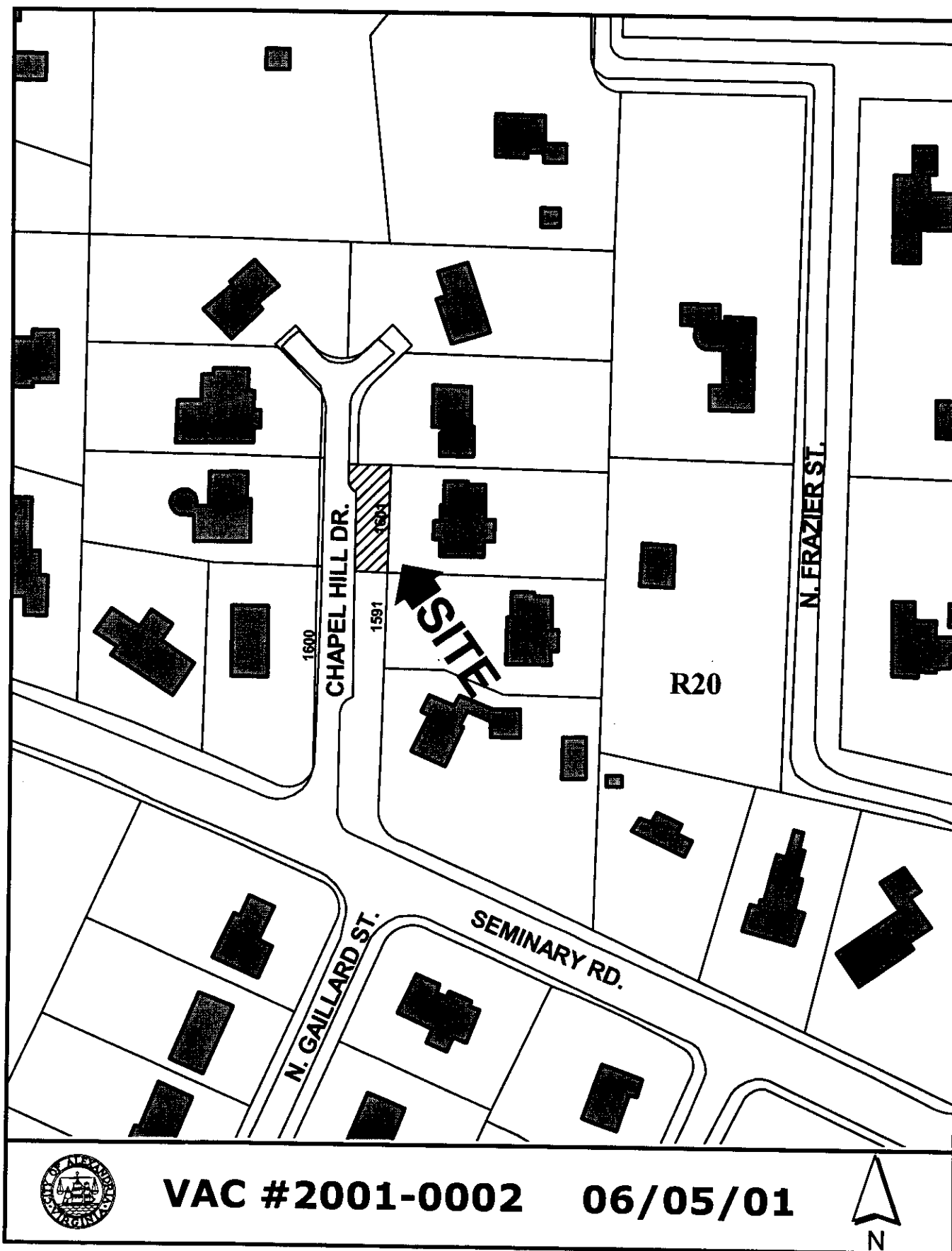
**PLANNING COMMISSION ACTION, JUNE 5, 2001** : On a motion by Ms. Fossum, seconded by Mr. Leibach, the Planning Commission voted to recommend denial of the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis. A motion to approve the request was withdrawn when the applicant would not agree to a condition limiting zoning rights to those that existed prior to the vacation.

Speakers:

Duncan Blair, attorney representing the applicants, stated that the City did not intend to widen the street and that the applicants were forced to maintain this property without any benefit. He stated that the applicants were willing to grant an easement to the City in the event that a sidewalk was proposed for the east side of the street.

Bill Dickinson stated that he believed that the City should not vacate any land unless it has been analyzed as part of the on-going open space study but that in this case there was little public benefit except for a sidewalk. He expressed concern about an increase in density on the site if the additional land is consolidated with the existing property, and stated that the Seminary Hill Association has not taken a position on this request.



STAFF RECOMMENDATION:

Staff recommends **denial** of the request. If Council approves the request, staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. The vacated right-of-way shall be consolidated with the existing lot, and the plat of consolidation shall be filed with Planning and Zoning. (T&ES) (P&Z)
2. The applicant shall pay the fair market value for the vacated street right-of-way, as determined by the director of Real Estate Assessments. (T&ES)
3. Easements shall be retained for all public and private utilities located within the vacated street right-of-way. (T&ES)
4. A ten foot wide strip of public right-of-way located adjacent to the applicants' property shall be vacated to the applicants. (P&Z)

DISCUSSION:

1. The applicants, Thomas A. Davis and Jerri Davis, by Duncan Blair, attorney, request the vacation of public right-of-way located adjacent to their residence at 1601 Chapel Hill Drive.
2. The subject property is approximately 2,384 square feet of public right-of-way that abuts the applicants' single family residence. The public land is undeveloped and Chapel Hill Drive terminates approximately 114 feet north of the applicants' property.
3. The applicants are contract purchasers of the property adjacent to the right-of-way and have filed an application for the vacation of it. According to the application materials, this right-of-way was dedicated by the developer of the Ely Estates subdivision to the City in order to create a 60 foot wide right-of-way. The application materials state that there are no plans or public need to maintain the entire 60 foot wide right-of-way.
4. T&ES staff indicate that the right-of-way was originally 30 feet wide prior to the 1985 dedication of an additional 30 feet by the developer of the Ely Estates subdivision referenced by the applicants. T&ES states that the current width of the right-of-way of Chapel Hill Drive in this location is 60 feet.
5. Master Plan/Zoning: The subject property is zoned R-20/Single-family, and is located in the Seminary Hill/Strawberry Hill small area plan chapter of the Master Plan.

STAFF ANALYSIS:

The Departments of Recreation, Parks and Cultural Activities, Planning and Zoning and Transportation and Environmental Services staff recommend denial of the applicants' request to vacate 2,384 square feet of public right-of-way adjacent to their single family residence at 1601 Chapel Hill Drive. Although the City does not have plans to widen Chapel Hill Drive and although historically the city has not used the subject property as right of way, the city should be very cautious about giving up any of its land. Although the land area involved is small, it is green area and the City has an interest in maintaining control of its remaining open space.

Under zoning rules, when additional land is added to a residential lot, additional building area is permitted. In this case, the vacation would result in an additional 600 square feet of floor space being added to the otherwise permissible mass on the lot. While that amount in isolation is small, if the City vacates the land at the applicants' lot, it would have to also approve similar requests from

the two adjoining lot owners. If the unused right of way for all three lots were vacated, approximately 1700 square feet of additional building space would be permitted – the size of a small house. The existing ratio of mass and open area should be preserved where it is possible to do so. Another zoning rule permits the paving of up to 50% of a front yard on a residential lot. If a vacation were approved on this and the adjacent lots, the City could lose a sizeable amount of green area. For these reasons, staff recommends denial.

If Council approves a vacation of the right-of-way, Planning and T&ES staff recommend that only a ten foot wide strip of land adjacent to the applicants' property be vacated, rather than the 2,384 square foot of land requested by the applicants, so that there is enough land to install a sidewalk in necessary in the future.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

R-1 Recommend denial of the vacation request as submitted.

Code Enforcement:

F-1 No comment.

Real Estate Assessments:

F-1 The Director of the Department of Real Estate Assessments has made a preliminary estimate of the fair market value of the fee simple interest in the proposed area to be vacated (2,384 square feet of land) at \$5,900 to \$23,700. The lower range assumes that the land that is gained by adding it to the abutting property owned by the applicant does not intensify the use of the larger property created. The higher range of value assumes that the land that is gained by adding it to the abutting property owned by the applicant will intensify the use of the larger property created. The CY 2001 land assessment for the abutting property at 1601 Chapel Hill Drive is \$200,000, or \$9.95 per square foot of lot area for the 20,094 existing lot.

Police Department:

R-1 Concur.

Recreation, Parks & Cultural Activities (Arborist):

F-1 Recommend denial.

# APPLICATION for VACATION

VAC # 2001-0002

PROPERTY LOCATION: 1601 CHAPEL HILL DRIVE, ALEXANDRIA, VIRGINIA

TAX MAP REFERENCE: 31.00 03 16 ZONE: R-20

APPLICANT Name: THOMAS A. DAVIS and JERRI DAVIS  
Address: 703 KINGS COURT  
ALEXANDRIA, VIRGINIA 22314

## PROPERTY OWNER

Name: GEORGE W. PEYTON and NANCY W. PEYTON  
Address: 1601 CHAPEL HILL DRIVE  
ALEXANDRIA, VIRGINIA 22304-1601

VACATION DESCRIPTION: THE APPLICANTS, THOMAS A. DAVIS AND JERRI DAVIS, THE CONTRACT PURCHASERS OF 1601 CHAPEL HILL DRIVE (THE "PROPERTY") ARE REQUESTING THE VACATION OF TWO THOUSAND THREE HUNDRED EIGHTY FOUR(2,384) SQUARE FEET OF THE CHAPEL HILL DRIVE PUBLIC RIGHT-OF-WAY ADJACENT TO THE PROPERTY. THE PORTION OF THE CHAPEL HILL PUBLIC RIGHT-OF-WAY FOR WHICH THE VACATION IS REQUESTED WAS ORIGINALLY DEDICATED BY THE DEVELOPER OF THE PROPERTY TO CREATE A SIXTY (60') FOOT RIGHT-OF-WAY; HOWEVER, THE RIGHT-OF-WAY AS CONSTRUCTED IS ONLY APPROXIMATELY THIRTY-SEVEN (37') FEET WIDE AND THERE ARE NO PLANS OR PUBLIC NEED IN MAINTAINING THE SIXTY (60') FOOT RIGHT-OF-WAY.

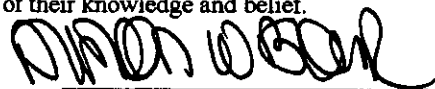
THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

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

**Duncan W. Blair, Esquire**



Print Name of Applicant or Agent

Signature

APR 19 2001

112 South Alfred Street, Suite 300

(703) 836-1000

(703) 549-3335

Mailing/Street Address

Telephone #

Fax #

Email: dblair@landclark.com

Alexandria, Virginia 22314

March 27, 2001

City and State Zip Code

Date

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

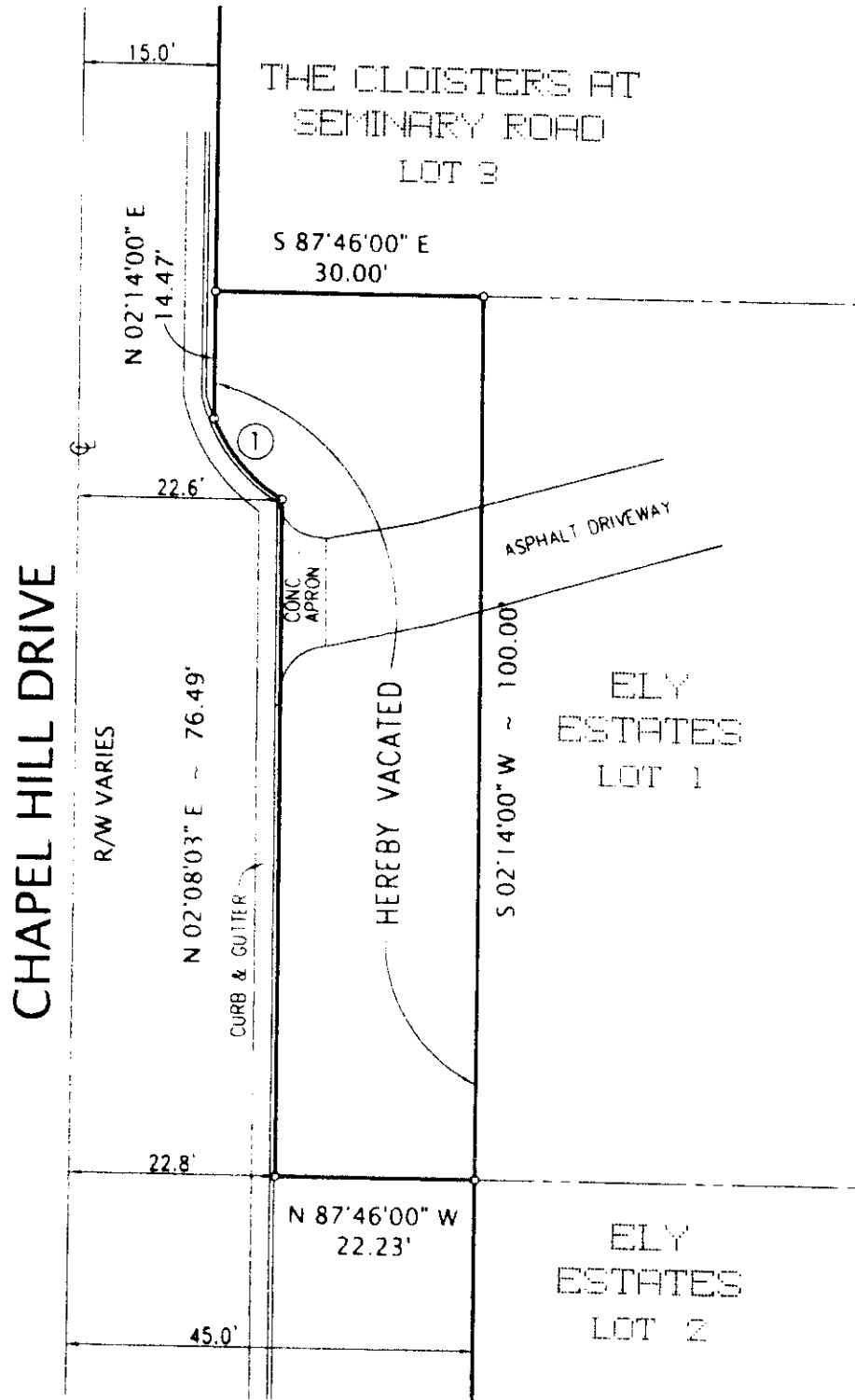
Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

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

VAC. 2001-0002

# CURVE TABLE

| NO | RADIUS | DELTA     | ARC    | TANGENT | CHORD  | BEARING     |
|----|--------|-----------|--------|---------|--------|-------------|
| 1  | 18.64' | 37°00'02" | 12.04' | 6.24'   | 11.83' | N37°57'49"W |



## PLAT

THE VACATION OF A PORTION OF  
**CHAPEL HILL DRIVE**  
 CITY OF ALEXANDRIA, VIRGINIA

SCALE: 1" = 20' 8 MARCH 23, 2001



VAC. 2001-0002

**LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.**

*Attorneys & Counsellors at Law*

**112 SOUTH ALFRED STREET  
SUITE 300  
ALEXANDRIA, VA 22314**

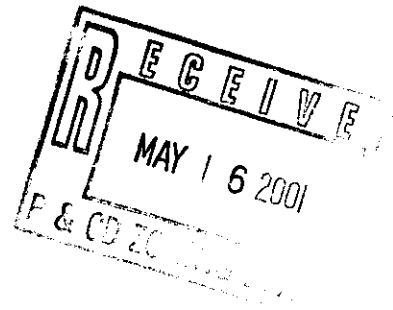
H. CARTER LAND, III  
JAMES C. CLARK  
F. ANDREW CARROLL, III  
RICHARD S. MENDELSON  
DUNCAN W. BLAIR

\*\*\*\*\*  
(703) 836-1000

FACSIMILE  
(703) 549-3335

MAILING ADDRESS:  
P.O. BOX 19888  
ALEXANDRIA, VIRGINIA 22320-0888

May 16, 2001



***HAND DELIVERY***

Ms. Kathleen Beeton  
Urban Planner  
Planning & Zoning  
City of Alexandria  
301 King Street  
Alexandria, Virginia 22314

**In re: 1601 Chapel Hill Drive, Alexandria, Virginia**

Dear Kathleen:

On behalf of our clients, Mr. and Mrs. Thomas A. Davis, the applicants requesting a vacation of a portion of the Chapel Hill Drive public right-of-way adjacent to their property, I am enclosing copies of letters from the owners of Lot 2 and Lot 3, Ely Estates, evidencing their intention to file similar vacation applications.

These letters are submitted in response to the recommendation R-2 set forth in Transportation and Environmental Services Departmental Report dated April 9, 2001.

If you have any questions concerning the enclosed, please do not hesitate to call.

Very truly yours,

Duncan W. Blair

DWB:ejf\corresp\Beeton-Davis.051601

Enclosures

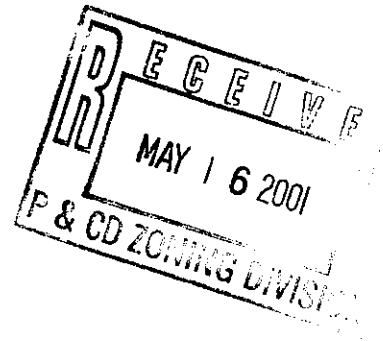
cc: Mr. and Mrs. Thomas A. Davis  
Mr. Allen Martin, Chief/Surveys, T&ES

VAC 2001-0002

Christopher and Lori Joyce  
1591 Chapel Hill Drive  
Alexandria, Virginia 22304

May 15, 2001

Mr. Richard Baier  
Director  
Transportation & Environmental Services  
City of Alexandria  
301 King Street, City Hall  
Alexandria, Virginia 22314



**In re: 1601 Chapel Hill Drive, Alexandria, Virginia**

Dear Mr. Baier:

We have met with our new neighbors, Mr. and Mrs. Thomas A. Davis, the owners of 1601 Chapel Hill Drive and discussed with them their pending application requesting a vacation of the unbuilt portion of the dedicated Chapel Hill public right-of-way. If the Davises are approved, it would be our intention to file a similar application.

We see no purpose in maintaining the public right-of-way, and in fact, inspection of the property would demonstrate that for all practical purposes, the portion of the right-of-way is integral to our property.

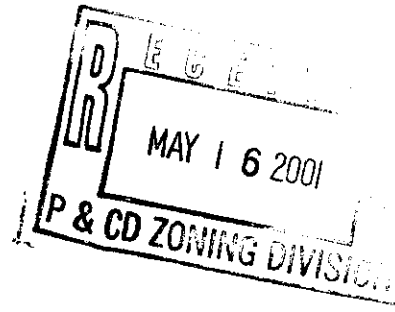
Very truly yours,

A handwritten signature in cursive script that reads 'Lori Joyce'.

VAC 2001-0002  
**Bruce A. Gates**  
**4135 Seminary Road**  
**Alexandria, Virginia 22304**

May 14, 2001

Mr. Richard Baier  
Director  
Transportation & Environmental Services  
City of Alexandria  
301 King Street, City Hall  
Alexandria, Virginia 22314



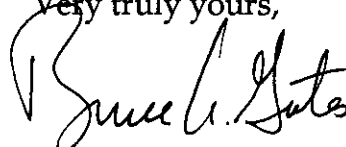
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Very truly yours,

  
Bruce A. Gates

PLEASE SELECT 3 VIEWERS AND NAME ONE AS CHAIR

21  
6-16-01

VIEWERS LIST

Mr. Donald Allen  
102 Monroe Avenue  
Alexandria, VA 22301  
703-836-0094

Mr. Ross Bell  
820 S. Washington Street, #B-329  
Alexandria, VA 22314  
703-836-2001 [cme-10/00]

Ms. Amoret Bunn  
607 Melrose Street  
Alexandria, VA 22302  
703-683-1836

Mr. Rodger Digilio  
1900 Mt. Vernon Avenue  
Alexandria, VA 22301  
703-548-0684 [cme-10/00]

Ms. Katrine Fitzgerald  
307 East Mason Avenue  
Alexandria, VA 22301  
703-683-1617

Ms. Gila Harris  
5435 Richenbacher Avenue  
Alexandria, VA 22304  
703-671-9055 [wde-7/00]

Mr. John Hines  
13 East Myrtle Street  
Alexandria, VA 22301  
703-683-9659

Mrs. Judy Lowe  
14 West Mount Ida Avenue  
Alexandria, VA 22305  
703-548-1713 [wde-9/00]

Ms. Kellie Meehan  
801 West View Terrace  
Alexandria, VA 22301  
703-836-1787

Mr. Lee Roy Steele  
516 North Patrick Street  
Alexandria, VA 22314  
703-549-7737 [wde-9/00]

Mr. Warren Almquist  
201 East Monroe Street  
Alexandria, VA 22302  
703-684-3657

Mr. Bill Brandon  
727 Upland Place  
Alexandria, VA 22314  
703-683-0927 [cme-10/00]

Ms. Libby Cooperman  
205 Yoakum Parkway, #215  
Alexandria, VA 22304  
703-370-9064

Ms. Marilyn Doherty  
12 West Mount Ida Avenue  
Alexandria, VA 22301  
703-548-3095

Mrs. Ruby Fitzgerald  
305 Summers Drive  
Alexandria, VA 22301  
703-548-7088

Ms. Debbera Hayward  
5911-303 Edsall Road  
Alexandria, VA 22304  
703-370-7360

Mr. Jesse Jennings  
1019 Oronoco Street  
Alexandria, VA 22314  
703-549-5229 [wde-9/00]

Ms. Cathy Major  
1431 Oronoco Street  
Alexandria, VA 22314  
703-836-2521

Mr. Paul Smedberg  
975 Powhatan Street  
Alexandria, VA 22314  
703-684-8795

Ms. Ruby Tucker  
254 Lynhaven Drive  
Alexandria, VA 22305  
703-549-7754



*City of Alexandria, Virginia*

*301 King Street, Suite 2300*

*Alexandria, Virginia 22314*



Kerry J. Donley  
Mayor

William C. Cleveland  
Vice Mayor

Members of Council  
Claire M. Eberwein  
William D. Euille  
Redella S. Pepper  
David G. Speck  
Joyce Woodson

June 18, 2001

Beverly I. Jett, CMC  
City Clerk and  
Clerk of Council  
beverly.jett@ci.alexandria.va.us

(703) 838-4550  
Fax: (703) 838-6433

Mr. Rodger Digilio, Chair  
1900 Mt. Vernon Avenue  
Alexandria, VA 22301

Re: Consideration of a request for a vacation of the public right-of-way, 1601 Chapel Hill Drive, Alexandria, VA

Dear Mr. Digilio:

Pursuant to authorization given to Mayor Donley by the City Council at its Public Hearing Meeting on June 16, 2001, you, as Chairman, together with Mr. Ross Bell, and Mr. Bill Brandon, were appointed as viewers to view the public right-of-way property described in the attached pages and to report in writing whether in the viewers' opinion any inconvenience or harm to the public would result from discontinuing and vacating the public right-of-way use of this property. I have enclosed a sample viewers' report. For further information concerning this matter, you may contact the Director of the Department of Planning and Zoning.

If possible, would you please have your report, signed by all three viewers, in the Office of the City Clerk on or before Monday, June 25, 2001.

Please bill Duncan W. Blair, Esquire, Land, Clark, Carroll, Mendelson & Blair, P.C., 112 South Alfred St., Suite 300, Alexandria, Virginia 22314. If payment is not made within thirty (30) days, please advise the City Clerk at 838-4550.

Sincerely,

Beverly I. Jett, CMC  
City Clerk and Clerk of Council

Enclosures: Docket Item No. 21  
Sample Viewers' Report  
Mr. Ross Bell, 703-836-2001  
Mr. Bill Brandon, 703-683-0927

*"Home Town of George Washington and Robert E. Lee"*



*City of Alexandria, Virginia*

*301 King Street, Suite 2300*

*Alexandria, Virginia 22314*



Kerry J. Donley  
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William C. Cleveland  
Vice Mayor

June 18, 2001

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beverly.jett@ci.alexandria.va.us

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(703) 838-4550  
Fax: (703) 838-6433

Mr. Ross Bell  
820 S. Washington St., #B-329  
Alexandria, VA 22314

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Sincerely,

Beverly I. Jett, CMC  
City Clerk and Clerk of Council

Enclosures: Docket Item No. 21  
Sample Viewers' Report  
Mr. Rodger Digilio, 703-548-6066  
Mr. Bill Brandon, 703-683-0927

*"Home Town of George Washington and Robert E. Lee"*



*City of Alexandria, Virginia*

*301 King Street, Suite 2300*

*Alexandria, Virginia 22314*



Kerry J. Donley  
Mayor

William C. Cleveland  
Vice Mayor

June 18, 2001

Beverly I. Jett, CMC  
City Clerk and  
Clerk of Council  
beverly.jett@ci.alexandria.va.us

Members of Council  
Claire M. Eberwein  
William D. Euille  
Redella S. Pepper  
David G. Speck  
Joyce Woodson

(703) 838-4550  
Fax: (703) 838-6433

Mr. Bill Brandon  
727 Upland Place  
Alexandria, VA 22314

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Dear Mr. Brandon:

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Sincerely,

Beverly I. Jett, CMC  
City Clerk and Clerk of Council

Enclosures: Docket Item No. 21  
Sample Viewers' Report  
Mr. Ross Bell, 703-836-2001  
Mr. Rodger Digilio, 703-548-6066

*"Home Town of George Washington and Robert E. Lee"*

EXHIBIT NO. 2

21  
6-16-01

Mayor Kerry Donley  
Members of City Council  
City Hall  
Alexandria, VA

RE: 1601 Chapel Hill Drive

Dear Mayor Donley and Members of the Council:

I live at 1605 Chapel Hill Drive. Tad and Jerri Davis, who have purchased 1601 Chapel Hill Drive, have explained their request to the City Council to obtain 23 feet of property in their front yard which is now owned by the city.

This portion of their front yard, which the owners have beautified and maintained, appears to be an integral part of the front yard of the house and most of the neighbors did not realize that the property was owned by the city.

Accordingly, I support the application to convey those 23 feet of property to Tad and Jerri Davis. We understand that granting this conveyance will allow the property owners to build up to 600 sq. ft. of additional floor area to their house. We do not believe this would have any detrimental effect on the character or aesthetics of the street or neighborhood. It still maintains the current zoning for this property which is consistent with other property in the neighborhood.

Sincerely,

  
John P. Steele



21  
6-16-01

Mayor Kerry Donley  
Members of City Council  
City Hall  
Alexandria, VA

RE: 1601 Chapel Hill Drive

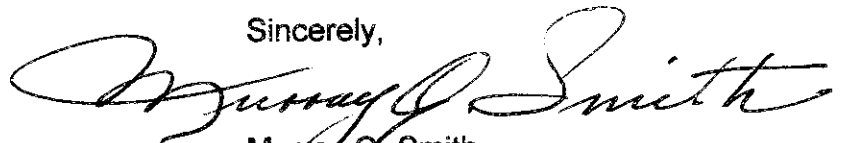
Dear Mayor Donley and Members of the Council:

I live at 1600 Chapel Hill Drive. Tad and Jerri Davis, who have purchased 1601 Chapel Hill Drive, have explained their request to the City Council to obtain 23 feet of property in their front yard which is now owned by the city.

This portion of their front yard, which the owners have beautified and maintained, appears to be an integral part of the front yard of the house and most of the neighbors did not realize that the property was owned by the city.

Accordingly, I support the application to convey those 23 feet of property to Tad and Jerri Davis. We understand that granting this conveyance will allow the property owners to build up to 600 sq. ft. of additional floor area to their house. We do not believe this would have any detrimental effect on the character or aesthetics of the street or neighborhood. It still maintains the current zoning for this property which is consistent with other property in the neighborhood.

Sincerely,

  
Murray Q. Smith

June 12, 2001



21  
6-16-01

Mayor Kerry Donley  
Members of City Council  
City Hall  
Alexandria, VA

RE: 1601 Chapel Hill Drive

Dear Mayor Donley and Members of the Council:

I live at 1603 Chapel Hill Drive. Tad and Jerri Davis, who have purchased 1601 Chapel Hill Drive, have explained their request to the City Council to obtain 23 feet of property in their front yard which is now owned by the city.

This portion of their front yard, which the owners have beautified and maintained, appears to be an integral part of the front yard of the house and most of the neighbors did not realize that the property was owned by the city.

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Sincerely,

*Gertraud E. Haupt*  
Gertraud E. Haupt



LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.

*Attorneys & Counsellors at Law*

112 SOUTH ALFRED STREET  
SUITE 300  
ALEXANDRIA, VA 22314

21  
6-16-01

H. CARTER LAND, III  
JAMES C. CLARK  
F. ANDREW CARROLL, III  
RICHARD S. MENDELSON  
DUNCAN W. BLAIR

.....  
(703) 836-1000

FACSIMILE  
(703) 549-3335

MAILING ADDRESS:  
P.O. BOX 19888  
ALEXANDRIA, VIRGINIA 22320-0888

April 30, 2001

Andrea Smith  
Alexandria Gazette-Packet  
Connection Publishing Inc.  
7913 Westpark Drive  
McLean, Virginia 22102

**In re: Publication of Legal Notice**

Dear Ms. Smith:

I enclose a Notice of Public Hearing to be published in the Alexandria Gazette-Packet on May 17, 2001 and May 24, 2001.

I would appreciate your returning the proof of publication and statement for cost of publication to the undersigned after the last date of publication.

If you have any questions concerning the enclosed, please do not hesitate to call.

Very truly yours,



Duncan W. Blair

DWB:ejfSmith-Gazette 043001

• Enclosure

cc: Mrs. Beverly I. Jett, City Clerk & Clerk of Council  
Ms. Eileen P. Fogarty, Director, Planning & Zoning

NOTICE OF PUBLIC HEARING  
ON  
VACATION TO VACATE A PUBLIC RIGHT OF WAY

Pursuant to the requirements of Section 15.2-2006 of the Code of Virginia, 1950, as amended, the undersigned on behalf of Thomas A. Davis and Jerri Davis, gives notice that the City Council of the City of Alexandria, Virginia, will hold a Public Hearing on Saturday, June 16, 2001, at 9:30 A.M., or as soon thereafter as it may be heard, in the City Council Chambers, City Hall, 301 King Street, Alexandria, Virginia, on their application requesting the City of Alexandria, Virginia, to vacate a portion of the Chapel Hill Drive public right-of-way located on the east side of Chapel Hill Drive in front of the property known as 1601 Chapel Hill Drive. The area to be vacated contains approximately 2,384 square feet of land.

TO BE PUBLISHED May 17, 2001 and May 24, 2001.

# SPEAKER'S FORM

21  
6-16-01

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

DOCKET ITEM NO. 21

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

1. NAME: DUNCAN W BLAIR
2. ADDRESS: 1125 Alfred
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? MR & MRS. T. DAVIS
4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR: ☒ AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):  
attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL? YES ☒ NO ☐

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present; provided, 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 before Council only at Public Hearing Meetings *usually* held on the *Saturday following the Second Tuesday* in each month. Members of the public will normally not be permitted to speak before Council at the Regular Meetings held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak can be waived by a majority vote of Council members present but such a waiver is not normal practice.

## Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time can be reduced at the discretion of the Mayor.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address the 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 will be called in the chronological order of their request forms' submission. Any speakers not called during the public discussion period, will have the option to speak at the conclusion of the Council meeting after all docketed items have been heard.

APPLICATION for VACATION

VAC # 2001-0002

PROPERTY LOCATION: 1601 CHAPEL HILL DRIVE, ALEXANDRIA, VIRGINIA

TAX MAP REFERENCE: 31.00 03 16 ZONE: R-20

APPLICANT Name: THOMAS A. DAVIS and JERRI DAVIS  
Address: 703 KINGS COURT  
ALEXANDRIA, VIRGINIA 22314

PROPERTY OWNER  
Name: GEORGE W. PEYTON and NANCY W. PEYTON  
Address: 1601 CHAPEL HILL DRIVE  
ALEXANDRIA, VIRGINIA 22304-1601

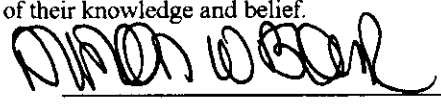
VACATION DESCRIPTION: THE APPLICANTS, THOMAS A. DAVIS AND JERRI DAVIS, THE CONTRACT PURCHASERS OF 1601 CHAPEL HILL DRIVE (THE "PROPERTY") ARE REQUESTING THE VACATION OF TWO THOUSAND THREE HUNDRED EIGHTY FOUR(2,384) SQUARE FEET OF THE CHAPEL HILL DRIVE PUBLIC RIGHT-OF-WAY ADJACENT TO THE PROPERTY. THE PORTION OF THE CHAPEL HILL PUBLIC RIGHT-OF-WAY FOR WHICH THE VACATION IS REQUESTED WAS ORIGINALLY DEDICATED BY THE DEVELOPER OF THE PROPERTY TO CREATE A SIXTY (60') FOOT RIGHT-OF-WAY; HOWEVER, THE RIGHT-OF-WAY AS CONSTRUCTED IS ONLY APPROXIMATELY THIRTY-SEVEN (37') FEET WIDE AND THERE ARE NO PLANS OR PUBLIC NEED IN MAINTAINING THE SIXTY (60') FOOT RIGHT-OF-WAY.

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Land, Clark, Carroll, Mendelson & Blair, P.C.  
Duncan W. Blair, Esquire



APR 13 2001

Print Name of Applicant or Agent

Signature

112 South Alfred Street, Suite 300

(703) 836-1000

(703) 549-3335

Mailing/Street Address

Telephone #

Fax #

Email: dblair@landclark.com

Alexandria, Virginia 22314  
City and State Zip Code

March 27, 2001  
Date

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

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

ACTION - PLANNING COMMISSION: 6/5/01 RECOMMEND DENIAL 7-0

ACTION - CITY COUNCIL: 6/16/01PH -- See attached.

## REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

## Planning Commission (continued)

20. SPECIAL USE PERMIT #2001-0053  
2700 JEFFERSON DAVIS HY  
AFGHAN RESTAURANT  
Public Hearing and Consideration of revocation of a special use permit for the existing restaurant business; zoned I/Industrial. Staff: Department of Planning and Zoning.

COMMISSION ACTION: Recommend Revocation 7-0

Councilman Speck noted that condition no. 25 which talks about how long you can operate after the closing hour means a midnight closing and that everyone is gone by 1:00 a.m.

City Council overturned the Planning Commission revocation with the following changes in conditions: **Change condition no. 4 to read as follows: "4. The hours of operation shall be limited to 7:00 a.m. to Midnight."**; **deleted condition no. 11, and substituted a new condition no. 11 that states: "11. No live entertainment shall be allowed except for scheduled wedding ceremonies approved in a list submitted to the Director of Planning and Zoning, by 5:00 p.m., June 20, 2001."**; **changed condition no. 14 to read: "14. Private security guards shall be provided from 10:00 p.m. to one hour after the closing hour."**; and **changed condition no. 24 to read: "24. The Director of Planning and Zoning shall review the special use permit and shall docket the matter for consideration by the Planning Commission and the City Council no later than December 31, 2001."**

Council Action: \_\_\_\_\_

- ✓21. VACATION #2001-002  
1601 CHAPEL HILL DRIVE  
Public Hearing and Consideration of a request for vacation of a public right-of-way, zoned R-20/Residential. Applicant: Thomas A. Davis and Jerri Davis, by Duncan W. Blair, attorney; and appointment of viewers for same.

COMMISSION ACTION: Recommend Denial 7-0

Councilwoman Pepper asked if there is a condition or covenant that indicates that this will always be green grass.

Attorney Blair stated he has indicated that, and he will make sure that an ordinance has that in it that there will be a covenant "that the front vacated portion shall not be built upon." That is a statement, and it is a proffer which will be in an ordinance.

Mr. Davis, applicant, noted that the request was not for 10 feet.

City Engineer Baker spoke to maintaining a 50 foot right-of-way.

Transportation and Environmental Services Director Baier explained the intent of the staff.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)****Planning Commission (continued)**

City Attorney Pessoa pointed out that the next docket item is the ordinance to carry into effect this vacation, if Council adopts it. That will be back at the last legislative meeting for public hearing and final passage. It's worded now that we vacate 10 feet. If that needs to be adjusted or Council wishes to adjust it when we have it on the last Tuesday, we certainly can do so.

Mayor Donley asked that two things occur between now and then to the extent that we can preserve the fifty-foot right-of-way, because we're not talking about a whole lot of dollars here, but at any rate, to the extent that we can we will attempt to do so. The Mayor requested Mr. Davis to check with his architect to get FAR calculations and compare it and contrast that with his proposed addition so that Council will have a little more certainty from his side of the fence. He stated that staff will look into the fifty-foot right-of-way, and Council can make any adjustments to the ordinance when it comes back along with the viewers' report at the June 26 Legislative Meeting.

City Attorney Pessoa stated that staff also needs to determine the fair market value.

City Council moved to overturn the Planning Commission and to vacate 10 feet, subject to any amendments that come back. Rodger Digilio, chair, Ross Bell and Bill Brandon were appointed as Viewers.

Council Action: \_\_\_\_\_

**ORDINANCES AND RESOLUTIONS (continued)**

22. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance vacating a portion of the public right-of-way at 1601 Chapel Hill Drive.

City Council introduced and passed the Ordinance on its First Reading; set it for Public Hearing, Second Reading and Final Passage on June 26, 2001, pending the report from staff as well as the applicant relative to the proper vacation amount.

Council Action: \_\_\_\_\_