

EXHIBIT NO. 1

4
6-15-02

Docket Item # 4
SPECIAL USE PERMIT #2002-0029

Planning Commission Meeting
June 4, 2002

ISSUE: Consideration of a request for a special use permit to operate an outdoor garden center / outdoor farmer's market.

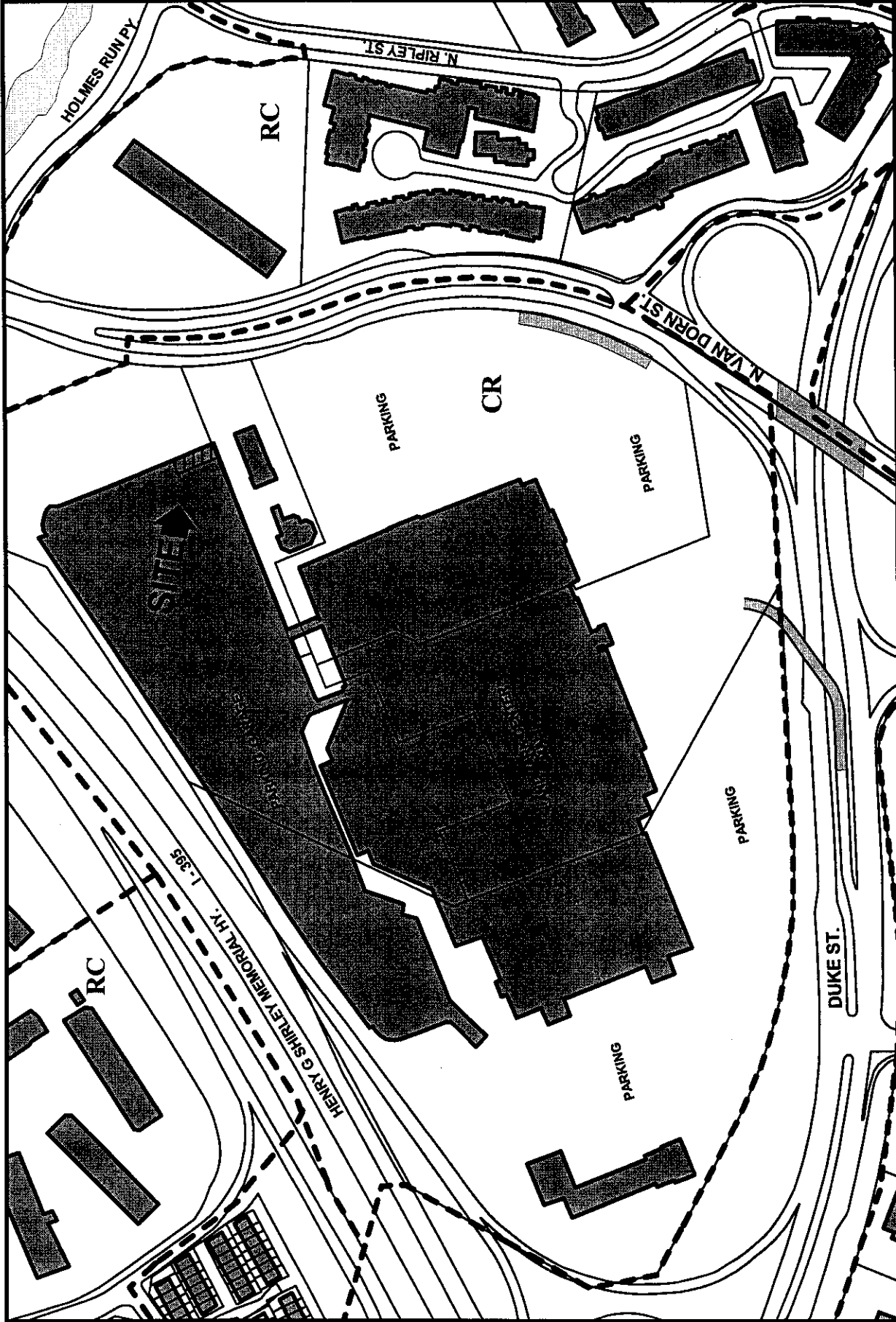
APPLICANT: Northen Neck Vegetable Growers Association Inc.
by Gary Allensworth

LOCATION: 5801 Duke Street
Landmark Center

ZONE: CR/Commercial Regional

PLANNING COMMISSION ACTION, JUNE 4, 2002: 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.



06/04/02

SUP #2002-0029



STAFF RECOMMENDATION:

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

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. The hours of operation are limited to 9:00 a.m. to 7:00 p.m. daily.
3. No food, beverages, or other material shall be stored outside when the produce stand is not operating. (P&Z)
4. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
5. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z)
6. No amplified sound shall be audible at the property line. (P&Z)
7. Limited special events, including watermelon eating contests, face painting, and similar programs with no live entertainment, are permitted. (P&Z)
8. The applicant shall require its employees who drive to use off-street parking. (P&Z)
9. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a robbery awareness program for all employees prior to operation. (Police)

10. All food items for sale must be approved by the City of Alexandria's Health Department and the Virginia Department of Agriculture. (Health)
11. No sale of alcohol is permitted. (P&Z)
12. No cooking or food preparation is permitted on site. (Health)
13. The presence of flocks of pigeons that roost and nest within the parking structure of Landmark Mall requires suitable overhead protection of the produce from bird droppings. The applicant shall provide such overhead protection to the satisfaction of the Health Department prior to operating. (Health)
14. The applicant shall obtain access to a portable water supply for cleaning prior to operation. (Health)
15. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

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.

DISCUSSION:

1. The applicant, Northern Neck Vegetable Growers Association, Inc., requests special use permit approval for the operation of an outdoor garden center/outdoor farmer's market within the parking garage at Landmark Mall Shopping Center.
2. The subject property is the Landmark Mall Shopping Center. The proposed use will be located on the first floor of the parking garage located to the northeast of the shopping center and adjacent to the Suntrust Bank and Goodyear Auto Service Center. The proposed use will occupy between eight and ten parking spaces, approximately 1,665 square feet. The applicant has included a map showing the proposed location (attached). The proposed site is surrounded by Landmark Mall and major roadways, including North Van Dorn Street and Duke Street.
3. The applicant requests special use permit approval to operate an outdoor farmer's market. The market will be operated by the Northern Neck Vegetable Growers Association, a non-profit organization. This organization will collect vegetables, fruits, honey and prepared foods from a number of farmers and deliver them to a stand located on the first floor of a parking garage at the Landmark Mall Shopping Center. Items for sale will be delivered at the beginning of each sales day, collected and removed in trucks at the end each sales day, and no sale items will be stored on-site after hours of operation. Between two and three sales people, hired by the non-profit group, will work the market. The applicant will also offer special programs, such as watermelon eating contests, tomato decorating contests, cantaloupe carving contests, and face painting. These events will be small in size and will only be advertised within the Landmark Mall Shopping Center and on the marquee sign located in front of the shopping center.
4. The proposed hours of operation are from 9:00 a.m. to 7:00 p.m. daily. The outdoor farmer's market will be open on a seasonal basis.
5. The farmer's market will sell vegetables, fruits, honey, preserves, pickles, and possibly other prepared foods. No alcoholic beverages are proposed for sale.
6. The stand will consist of portable display shelving that will be dismantled daily and rearranged as needed. Roping will be used to separate customers in the sales area from traffic in the parking garage.
7. The applicant expects approximately 150 customers a day.
8. All garbage generated by the use will be stored in the organization's trucks and removed daily with the rest of the farmer's market stand materials. Litter will be monitored by the applicant's employees.

9. The applicant does not expect any noise problems.
10. The applicant has electrical and water connections at the site, and customers and staff can use the restrooms located in the adjacent Landmark Mall Shopping Center.
11. Loading and unloading operations will occur daily, before and after the produce stand opens and closes.
12. The closest parking requirement for the proposed use in the zoning ordinance is 1.2 parking spaces for each 210 square feet of retail space. The proposed stand will occupy approximately 1,665 square feet and, under the retail requirement, has a parking requirement of 10 parking spaces. The applicant will use adjacent parking in the parking garage for customers.

The shopping center provides parking in excess of that required by the zoning ordinance. Site Plan 85-052 indicates that 3,917 parking spaces are required for the shopping center and that 4,815 are provided. The surplus of 898 parking spaces easily accommodates the parking requirement for the proposed use.

13. Zoning: The subject property is located in the CR (Commercial Regional) zone. Section 4-700 of the zoning ordinance allows an outdoor garden center in the CR zone only with a special use permit. The proposed outdoor farmer's market is considered to be within the outdoor garden center zoning category.
14. Master Plan: The proposed use is consistent with the Landmark / Van Dorn Small Area Plan chapter of the Master Plan which designates the property for commercial use.

STAFF ANALYSIS:

Staff supports the proposed outdoor farmer's market located at the Landmark Mall Shopping Center. The proposed use provides a great service to the community in an organized manner and may generate additional shoppers for the Landmark Mall Shopping Center. The proposed business will coordinate the collection, delivery and sale of produce and prepared items and, in doing so, provides a unified approach to what is often an individual farmer's "tailgate" operation. Staff does not foresee any noise, parking or litter problems. The shopping center has enough parking to meet the needs of the applicant, and the applicant intends to monitor litter. Additionally, there are staff recommended conditions that will address the collection of garbage and the maintenance of the site.

The Health Department has recommended a series of conditions, including the need for approval of all sale food items, a prohibition against on-site cooking, and the provision of adequate cover for the sales stand.

Lastly, staff has included a condition requiring a review of the proposed outdoor farmer's market one year after this approval so if there are any problems with its operation, additional conditions may be imposed. Staff recommends approval of the proposed outdoor farmer's market (outdoor garden center) subject to the list of suggested conditions.

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

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
- (a) Measures to be taken to control the placement of litter on-site and the trash storage and pickup schedule
 - (b) How food stuffs will be stored on-site.
 - (c) Rodent baiting plan

Health Department:

- R-1 Only "Farm or Domestic Products" may be sold at a Farmers Market. Food sales are limited to those items grown, produced, or prepared by the venders or members of their household at their own farms, homes or gardens. Prepared foods are those food items that are processed in some way by the vender and are approved by the Alexandria Health Department. These items include, but are not limited to, cured meats, baked goods, preserves, pickles, juices, home canned products, and cheeses. Resale venders must limit their items to farm and garden produce.
- R-2 No potentially hazardous foods may be offered for sale or distribution. This includes, but is not limited to, any food that consists in whole or in part of milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
- R-3 There is to be no cooking or food preparation done on site.

- R-4 The presence of flocks of pigeons that roost and nest within the parking structure of Landmark Mall requires suitable overhead protection of the produce from bird droppings. This site would not have easy access to a portable water supply for cleaning.
- R-5 The Virginia Department of Agriculture must approve all foods.
- R-6 Venders who wish to sell cheese, canned goods (fruits, vegetables, juices, etc.), or baked goods must first obtain the approval of the Alexandria Health Department, and have evidence of that product approval in their possession, whenever they are selling these products.

Police Department:

- R-1 Robbery awareness program for all vendors and staff members.

APPLICATION for SPECIAL USE PERMIT # 2002-0029

(must use black ink or type)

PROPERTY LOCATION: 5801 Duke St.

TAX MAP REFERENCE: 047.00 03 03.01 ZONE: CR

APPLICANT Name: Northern Neck Vegetable Growers Association, Inc.
Address: P.O. Box 152 Warsaw Va. 22572

PROPERTY OWNER Name: General Growth Properties Inc.
Address: 5801 Duke St Suite D108 Alexandria Va 22304-3209

PROPOSED USE: open air vegetable sales, retail market

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinances of the City of Alexandria, Virginia.

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

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

GARY ALLENSWORTH
Print Name of Applicant or Agent

Gary Allensworth
Signature

P.O. Box 152
Mailing/Street Address

804-333-3420 804-333-8690
Telephone # Fax #

Warsaw Va. 22572
City and State Zip Code

3-20-02 Rec'd 3/25/02
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Special Use Permit # 2002-0029

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) the Owner Contract Purchaser
 Lessee or Other: _____ of the subject property.

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

Producer organization, 501(c) Corporation.

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

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8 1/2" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

Special Use Permit # 2002-0029**NARRATIVE DESCRIPTION**

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

The Northern Neck Vegetable Grovers' Association, Inc.
is a producer organization serving vegetable farmers from
the Northern Neck of Virginia. This retail operation would
provide retail customers with access to produce on a regular
basis fresh from the fields where it was grown. The
proposed area for conducting the sales would be within the
confines of the parking garage occupying 8 - 10 parking spaces
on the ground floor at the Landmark Mall owned by General
Growth Properties, Inc. It would be open from 11 a.m. until
7 p.m. Wed. - Fri. and 9 a.m. until 7 p.m. Sat. & Sun. These
easily accessible hours would provide residents of Alexandria
with the opportunity to purchase farm fresh, nutritious
vegetables on their way home from work and on weekends.
It is hoped that there would be at least 150 customers per
day to provide enough volume to provide sufficient sales for
the operation. Being located in the parking garage should
provide adequate parking with no impact on local traffic
operations either outside or within the property. Staffing

SUP 2002-0029

NARRATIVE DESCRIPTION (Continued)

would be determined by the patron flow, but it is anticipated that 2 - 3 staff members would be sufficient. Occasionally, special events may be planned to promote specific products such as a watermelon eating contest or a special children's event at a given time in order to make the experience more educational and helps parents teach their children about the health and nutrition of foods. The Virginia Department of Agriculture and Consumer Services will be assisting in the development of these efforts with their "Virginia Grown" promotions.

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USE CHARACTERISTICS

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

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

5. Please describe the capacity of the proposed use:

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

100 - 150 / day

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

2-3 staff / day

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

Day:

Hours:

Amended
Per telephone
conversation
with
applicant's
representative,
Kelly Liddington,
for daily
hours

~~Wed, - Sunday~~
Wed - Friday
Sat & Sunday

11 - 7 p.m.
9am - 7 p.m.

9am to
7pm.

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

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

none

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B. How will the noise from patrons be controlled?

none created

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

none anticipated

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

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

Small amounts of refuse (paper, etc)
and spoiled produce, boxes

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

not significant amounts, all
boxes re-used

C. How often will trash be collected?

daily removal

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

staff will pick it up

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

Yes. No.

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

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

Yes. No.

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

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

Patrons will be reminded to watch
traffic, caution signs posted.

ALCOHOL SALES

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

Yes. No.

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

8

Special Use Permit # 2002-0029

PARKING AND ACCESS REQUIREMENTS

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

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

located within parking structure

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

25+ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

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

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

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

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

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? 1

B. How many loading spaces are available for the use? 1+

C. Where are off-street loading facilities located? within structure

x

Special Use Permit # 2002-0029

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

mid-morning, late evening

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

daily

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

none needed

SITE CHARACTERISTICS

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

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

How large will the addition be? _____ square feet.

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

96 sq. ft. (existing) + _____ sq. ft. (addition if any) = 96 sq. ft. (total)

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

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

a shopping center. Please provide name of the center: Landmark Mall

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

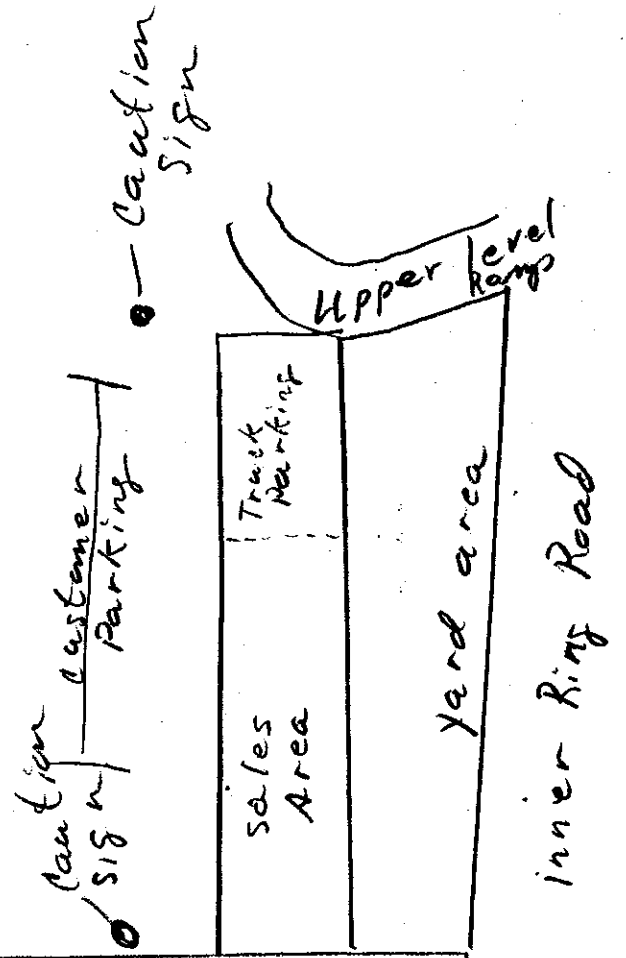
other, please describe: _____

Interior Plan

* Sales area will have portable display shelving that will be dismantled daily and re-arranged as needed depending on merchandise. Roping will be used to separate customers from traffic flow while in the sales area.

bl

Parking
Garage



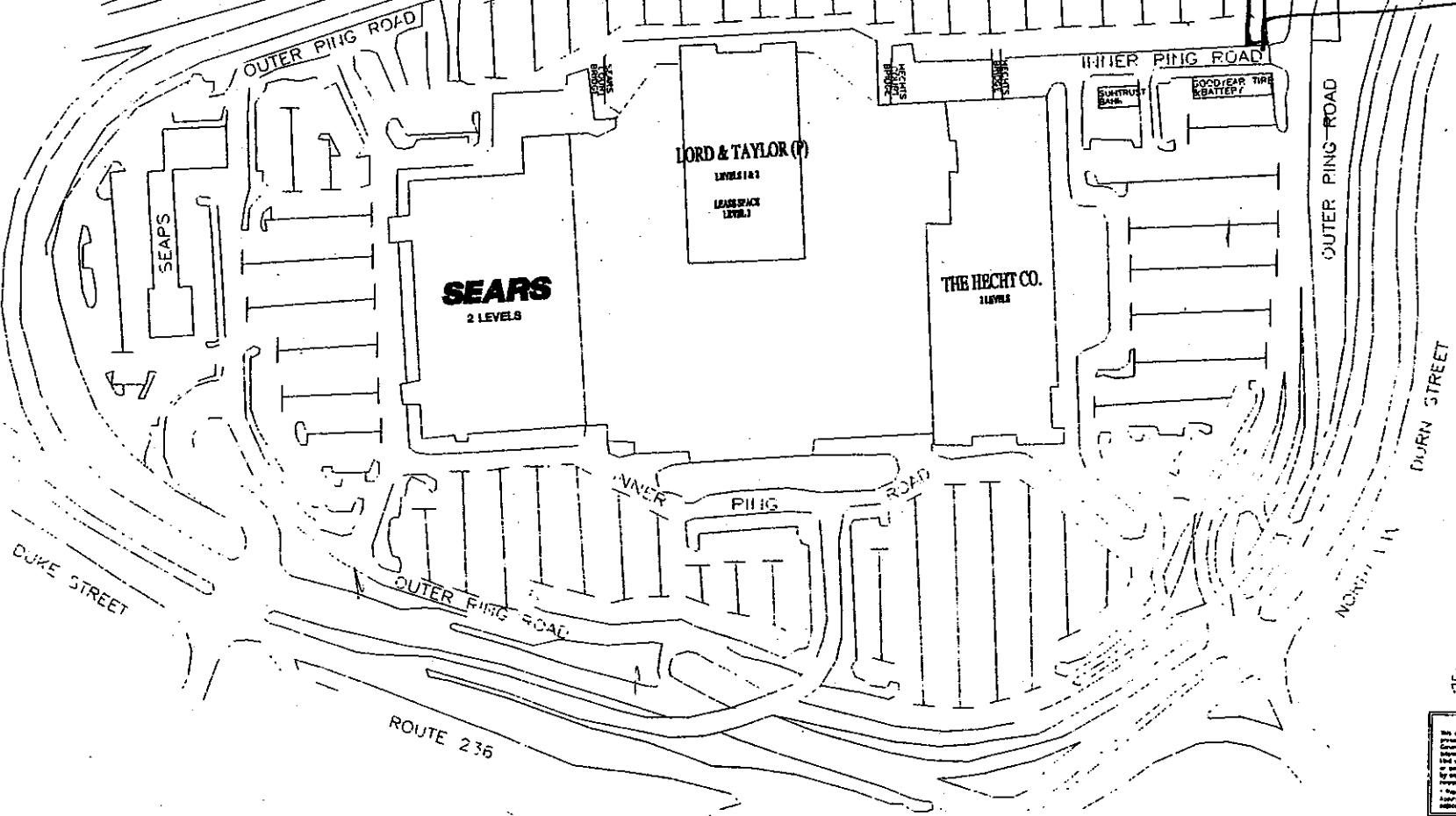
Inner Ring Road

SWP 2002-0029

HENRY G. SHIRLEY MEMORIAL HIGHWAY (I-395)

EXPANSION
PARK
DECK
(3 LEVEL PARKING)

*Retail
Vegetable
Market
8-10
parking
spaces*



SITE PLAN

DISCLAIMER NOTICE
This drawing contains information that is confidential and not to be disclosed to the public without the written consent of General Growth Properties, Inc. (GGP). This drawing is provided for informational purposes only and does not constitute a contract or any other legal obligation. The drawing has not been reviewed or approved by any State or local government, and it is not intended to be used for any purpose other than that for which it was prepared. The drawing is not to be used for any other purpose without the written consent of GGP. The drawing is not to be used for any other purpose without the written consent of GGP.

NO.	DATE	BY	CHKD.

GENERAL GROWTH PROPERTIES, Inc.
110 North Wacker Drive



SITE PLAN
LANDMARK MALL
8001 PINE STREET, NORTON, VA

DATE: 12/15/02
SCALE: AS SHOWN
SP-

SUP 2002-0029

GENERAL GROWTH PROPERTIES, INC.

May 3, 2002

Ms. Mary Hashemi
City of Alexandria

Dear Ms. Hashemi:

I am writing to you in support of the Northern Neck Vegetable Grower's Association Special Use Permit application. We look forward to having them at Landmark Mall this summer.

Regards,



Sherri Miller
Regional Business Development Representative



5801 Duke Street, Suite D-108 Alexandria, Virginia 22304-3209 Office: 703 . 354 . 8405 Fax: 703 . 256 . 8503

TOTAL P.01

APPLICATION for SPECIAL USE PERMIT # 2002-0029

[must use black ink or type]

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TAX MAP REFERENCE: 047.00 03 03.01 ZONE: CR

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GARY ALLENSWORTH
Print Name of Applicant or Agent

Gary Allensworth
Signature
Kelly Liddington

P.O. Box 152
Mailing/Street Address

804-333-3420 804-333-5290
Telephone # Fax #

Warsaw Va. 22572
City and State Zip Code

3-20-02
Date

Rec'd 3/25/02

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

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

ACTION - PLANNING COMMISSION: 6/04/02 RECOMMEND APPROVAL UC

ACTION - CITY COUNCIL: 6/15/02PH-- CC approved the Planning Commission recommendation.