

Docket Item #IIC

Encroachment #2011-0002
401 East Braddock Road – Yates Corner

Application	General Data	
Request: Encroachment for an ornamental wall, raised planters and planting beds in a portion of the public right-of-way.	PC Hearing:	June 7, 2011
	CC Hearing:	June 25, 2011
Location: 401 East Braddock Road (Parcel Addresses: 401, 405 E. Braddock Rd; 515 Mt Vernon Ave.)	Zone:	CSL – Commercial Service Low
Applicant/Address: Yates Holdings, LLC	Small Area Plan:	Potomac West

Staff Recommendation: APPROVAL WITH CONDITIONS

Staff Reviewers: Gary Wagner, RLA, Principal Planner gary.wagner@alexandriava.gov
Jim Roberts, Urban Planner

PLANNING COMMISSION ACTION, JUNE 7, 2011: On a motion by Mr. Wagner, seconded by Ms. Fossum, the Planning Commission voted to **recommend approval** of Encroachment #2011-0002. The motion carried on a vote of 6 to 0. Mr. Robinson was absent.

Speakers:

Duncan Blair, representing the applicant and other individual speakers present at the hearing (Joel Silverman, Maria Wasowski and Pat Miller) spoke in support of the proposal.

Philip Matyas, 219 N. Pitt St., asked what negotiated contract price had been agreed for the sale of the City-owned land. Tim Wanamaker, deputy director, General Services advised that the price was \$280,500. Planning staff advised that the land is not being rezoned as part of the proposal.

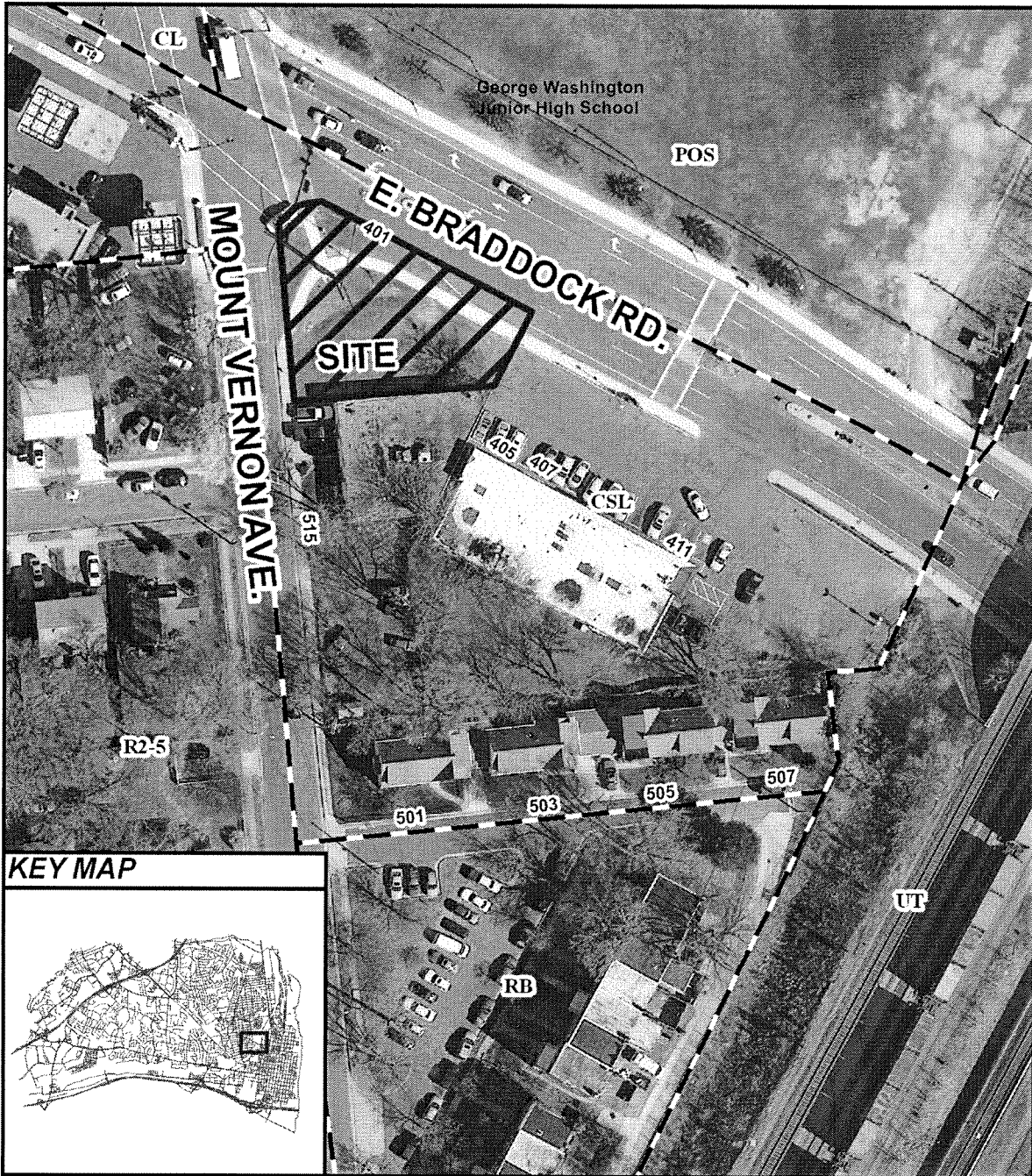
Katy Cannady, 20 E. Oak St., spoke in support of all aspects of the proposal.

Marguerite Lang, 14 W. Rosemont Ave., President, Rosemont Citizens Association, spoke in support of the proposal and noted the unanimous support from the Association.

Sarah Becker, 1200 Princess St., spoke regarding the 7-Eleven case and pointed out a mistake in the police condition prohibiting single sales. Staff agreed that it was a mistake and Condition #5 of the 7-Eleven case reflects the corrected language.

Leslie Zupan, 1309 Queen St., President, West Old Town Citizens Association, spoke on the 7-Eleven case, and suggested that 7-Eleven be required to tag or stamp or otherwise label each container of alcohol sold from the store in order that the source of empty bottles in the neighborhood can be identified.

Michael Vanderpool, attorney for 7-Eleven, responded to Ms. Zupan's suggestion and represented that he would investigate the feasibility of such a program before the Council hearing. He also argued that it would be unfair to impose such a requirement on one store or on all 7-11 stores and not on all convenience stores as well as all retail sellers of alcohol containers.



ENC#2011-0002

6/7/2011



I. REQUEST

Yates Holdings, L.L.C. requests the approval of an encroachment into the public right-of-way for the construction of an ornamental wall, raised planters and planting beds in a portion of the public right-of-way (approximately 1,070 sf) at the corner of Mt Vernon Ave. and East Braddock Rd. This encroachment application is in conjunction with a separate Development Site Plan (DSP2010-0023), three SUP applications (SUP2011-0032, 33 & 34) and a 9.06 Case# 2011-0002 to sell a small City-owned parcel to the applicant.

II. SITE DESCRIPTION

The subject site consists of three separate properties:

- the Yates parcel fronting on Mt Vernon Ave;
- the 7-Eleven parcel (the largest of the three parcels); and,
- the City-owned parcel at the corner of E. Braddock Rd. and Mt. Vernon Ave.

The surrounding area is one of mixed uses including commercial, residential and institutional. To the north of the site is the George Washington (GW) Middle School. To the east is the Braddock Road Metro Station and Colecroft development. To the west is a one story auto service/commercial building. To the south are single-family townhouse residences which are located within the CSL zone. With the exception of the Colecroft Development, buildings within the vicinity of the proposed development are predominantly one and two-story in height.

The site's location marks a gateway between the neighborhoods of Del Ray and Rosemont. Visibility of the site is heightened not only due to its prominence at the intersection of two locally significant thoroughfares, but also because it fronts onto the open fields of GW Middle School.

The property includes an existing commercial site formed of two one-story buildings which accommodate a convenience store, restaurant, dry-cleaners, nail salon and storage garage. Both existing buildings are to be demolished.

Under the new development proposal, Yates Holdings LLC will consolidate and redevelop the properties with two new buildings which address the streets in a more comprehensive manner than the buildings that they replace. The architectural treatment of the buildings and associated site features such as ornamental walls provides for a uniform built appearance to the property.

III. STAFF ANALYSIS

A new two-story commercial building will provide for traditional street-facing facades to both E. Braddock Rd. and Mount Vernon Ave. with an active first floor level accommodating retail and restaurant uses. The second floor will be office. In plan view, the building's concave corner serves to address the intersection of the two streets, providing an architectural marker for this prominent urban corner. The concave design also allows for a small circular plaza space at the foot of the building façade. A portion of this plaza along with a low ornamental screen wall, raised planters and landscape planting beds are proposed in a portion of the public right-of-way.

Staff considers it a beneficial space for people to sit and gather, and as a potential venue for outdoor dining (should the adjacent retail space be programmed accordingly). The low wall and plantings will not only enhance the appearance of the intersection, but will also provide a sense of security for the patrons using the space. As such, staff supports the encroachment application necessary for the raised planters, planting beds and low structures at this location; however, staff does not support the proposed sign on the face of the wall. Since signs are not permitted in the public right-of-way, a condition has been placed in the DSP prohibiting such signs.

IV. STAFF RECOMMENDATION

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

1. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
2. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
3. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. (T&ES)

4. The applicant shall be responsible for the maintenance of the landscape for the encroached area. Prior to the release of the Final Site Plan, the applicant shall enter into an agreement with the City on the maintenance of the encroachment. Maintenance of the encroachment shall include tasks typically associated with landscape maintenance including care for and replacement of plantings, application of seasonal growth media and mulch, leaf removal, trimming and pruning, policing of litter and watering as needed during times of drought. (P&Z) (RP&CA) (T&ES)

STAFF: Faroll Hamer, Director, Department of Planning and Zoning;
Gwen Wright, Development Division Chief
Gary Wagner, RLA, Principal Planner
James Roberts, Urban Planner.

V. CITY DEPARTMENT COMMENTS

Code Enforcement:

No comments.

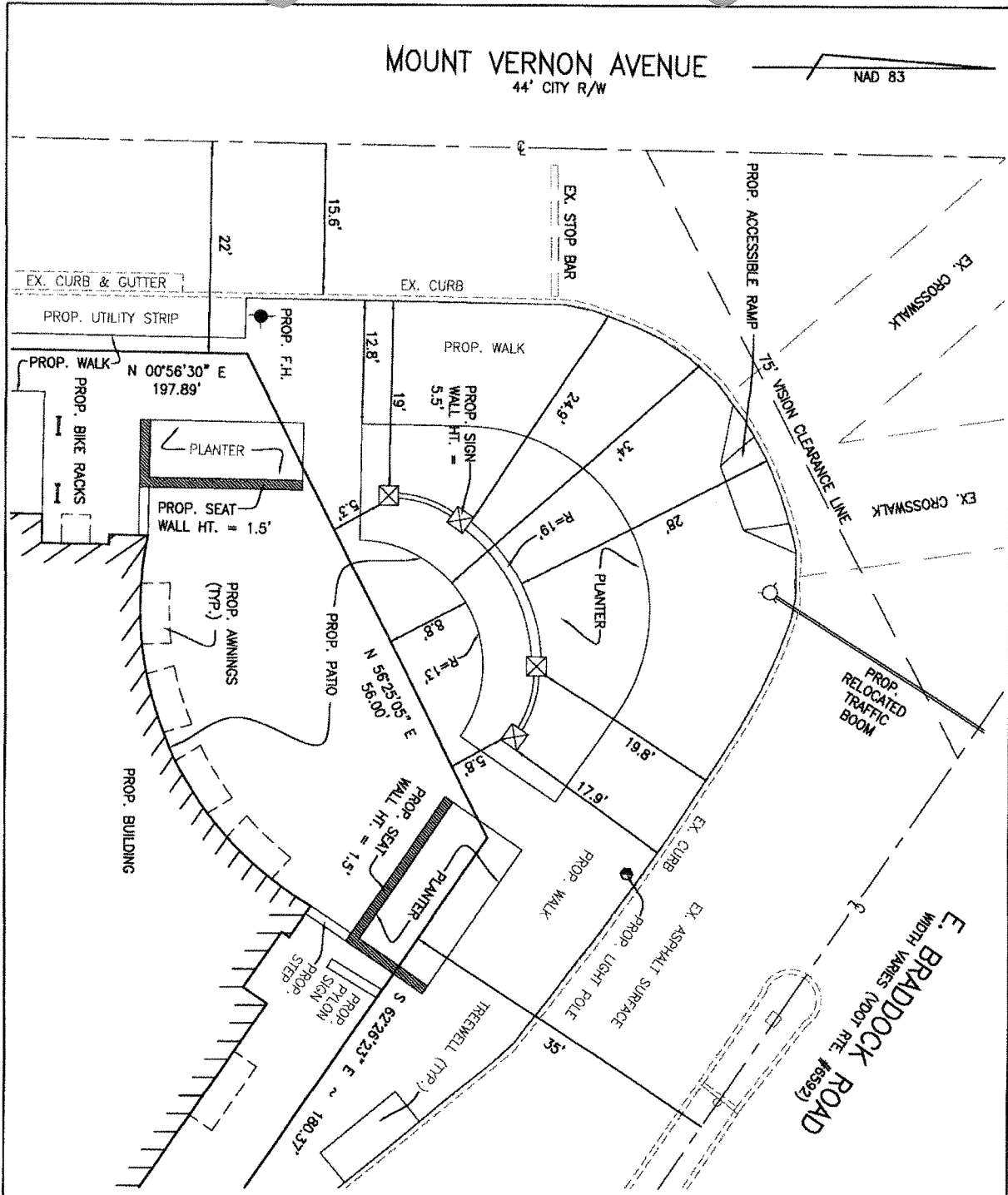
Health Department:

No comments.

Police Department:

No comments.

ENC 2011-0002



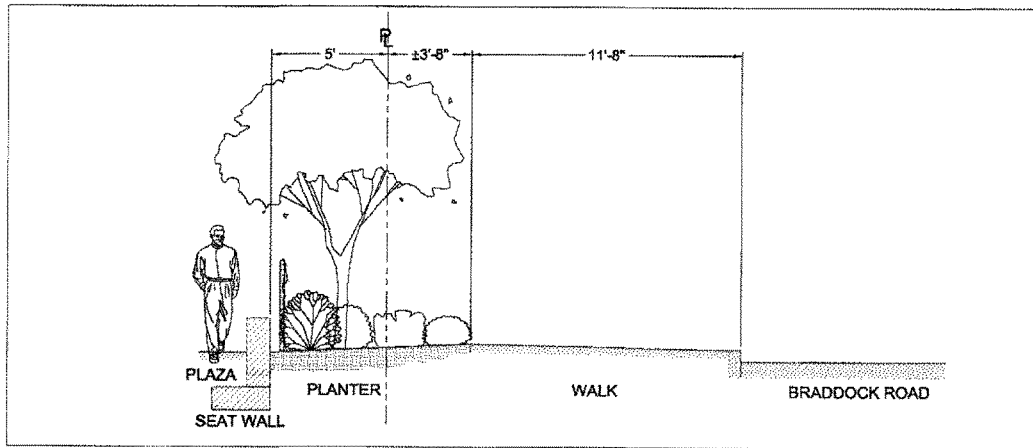
E. BRADDOCK ROAD
 WIDTH VARIES (NOT R/W #6392)

RCF **IELDS, JR. & ASSOCIATES**
 A PROFESSIONAL CORPORATION
 LAND SURVEYING • SITE PLANNING • SUBDIVISION DESIGN
 730 S. Washington Street
 Alexandria, Virginia 22314
 (703) 549-6422

ENCROACHMENT PLAT
YATES CORNER
 (515 MOUNT VERNON AVENUE & 405 - 411 E. BRADDOCK ROAD)
 CITY OF ALEXANDRIA, VIRGINIA

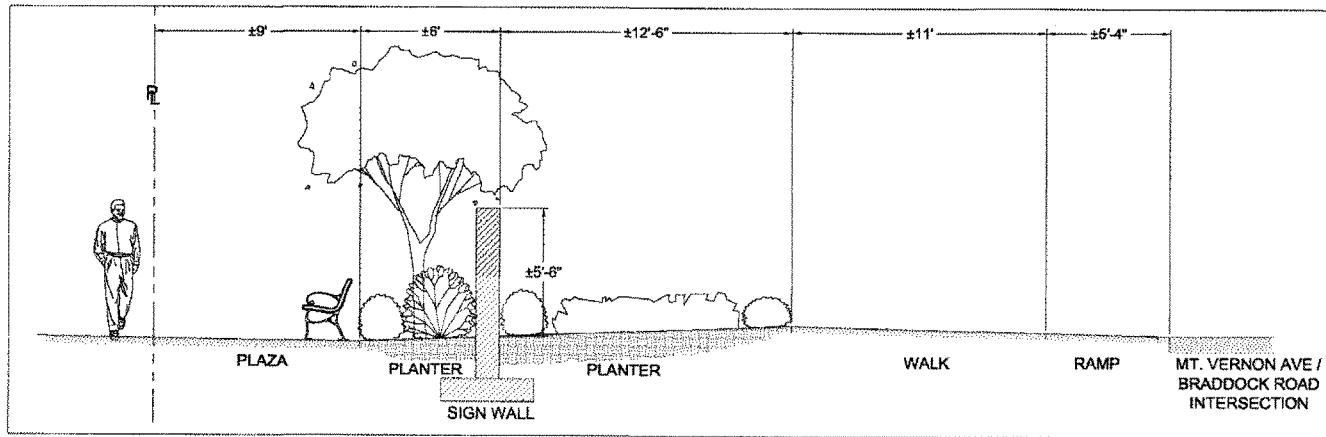
SCALE: 1" = 10'
 DATE: 10 MAY 2011
 FILE: 06-37

ENC 201-0002



2 SECTION THROUGH PLANTER

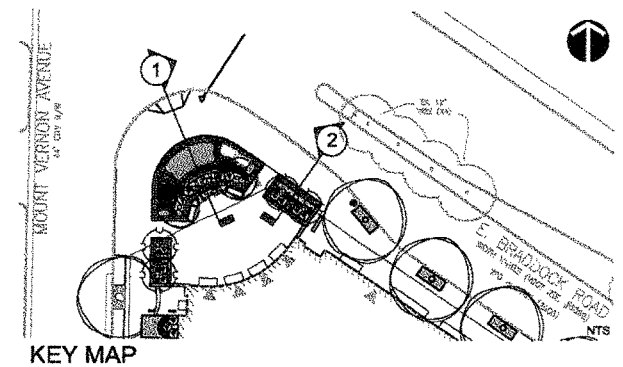
1"=5'



1 SECTION THROUGH SIGN WALL

1"=5'

NOTE: GRAPHIC IS ILLUSTRATIVE ONLY AND IS INTENDED TO DEPICT BASIC DESIGN INTENT AND VERTICAL / HORIZONTAL RELATIONSHIPS ONLY.





APPLICATION

ENCROACHMENT

ENC# 2011-0002

PROPERTY LOCATION: Public right of way adjacent to 401 East Braddock Road

TAX MAP REFERENCE: adjacent to 53.04 06 01 **ZONE:** CSL Commercial

APPLICANT Service Low

Name: Yates Holdings, L.L.C.

Address: 317 East Braddock Road, Alexandria, Virginia 22304

PROPERTY OWNER

Name: City of Alexandria

Address: P. O. Box 178, Alexandria, Virginia 22313

PROPOSED USE: Adoption of encroachment ordinance to permit construction of ornamental wall, planters and planting beds in a portion of the public right of way at corner of Mt. Vernon Avenue and East Braddock Road.

INSURANCE CARRIER (copy attached) Utica National Insurance Group **POLICY #** CPP4054255

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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

THE UNDERSIGNED I so 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

Print Name of Applicant or Agent

524 King Street

Mailing/Street Address

Alexandria, VA 22314

City and State Zip Code

Signature

703 836-1000 703 549-3335

Telephone # Fax #

dblair@landclark.com

Email address

May 9, 2011

Date

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____



CERTIFICATE OF LIABILITY INSURANCE

OP ID: CG

DATE (MM/DD/YYYY)
06/29/10

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Ashcraft Associates Ins Agency 4604-H Pinecrest Office Pk Dr Alexandria, VA 22312 Robert M. Reilly	703-354-3501	703-914-8748	CONTACT NAME:	
			PHONE (A/C, No, Ext):	FAX (A/C, No):
			E-MAIL ADDRESS:	
			PRODUCER CUSTOMER ID #:	YATES-3
			INSURER(S) AFFORDING COVERAGE	
			INSURER A:	Utica National Ins Group 10687
			INSURER B:	Accident Fund Insurance 10166
			INSURER C:	
			INSURER D:	
			INSURER E:	
			INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		CPP4054255	07/01/10	07/01/11	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY			CPP4054255	07/01/10	07/01/11	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	UMBRELLA LIAB	X		CULP4054257	07/01/10	07/01/11	EACH OCCURRENCE \$ 3,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DEDUCTIBLE <input checked="" type="checkbox"/> RETENTION \$ 10,000						AGGREGATE \$ 3,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	N/A	WCV6046375	07/01/10	07/01/11	WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER
	<input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Garagekeepers Liab			CPP4054255	07/01/10	07/01/11	OTC/COLL 60,000
A	Property			CPP4054255	07/01/10	07/01/11	Building 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The general liability policy indemnifies the owner and names the city as an additional insured.

CERTIFICATE HOLDER City of Alexandria 301 King Street Alexandria, VA 22314	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>S. Candace Gfsm</i>

OWNERSHIP AND DISCLOSURE STATEMENT
Use additional sheets if necessary

1. Applicant. 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. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Yates Holdings, L.L.C.	317 East Braddock Road Alexandria, VA 22301	100%
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 515 Mt. Vernon Avenue, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.		
3.		

3. Business or Financial Relationship. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Yates Holdings, L.L.C.	None	Alexandria Planning Commission and Alexandria City Council
2.		
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

4/1/2011
Date

Jason Yates
Printed Name

JASON YATES
Signature



APPLICATION

ENCROACHMENT

ENC# 201-0002

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

Duncan W. Blair

Print Name of Applicant or Agent

Signature

524 King Street

703 836-1000 703 549-3335

Mailing/Street Address

Telephone # Fax #

Alexandria, VA 22314

dblair@landclark.com

City and State Zip Code

Email address

May 9, 2011

Date

Application Received: _____	Date and Fee Paid: \$ _____
ACTION - PLANNING COMMISSION: <u>Rec App 6-0 wh/ll</u>	ACTION - CITY COUNCIL: <u>CC approved PC recommendation 7-0 6/25/11</u>

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