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5-8-01

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Special Public Hearing Meeting
Saturday, April 21, 2001 - - 9:30 a.m.

Present: Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck and Joyce Woodson.

Absent: Mayor Kerry J. Donley.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Steele, Special Projects Coordinator; Mr. Smith, Principal Staff, Boards of Architectural Review; Ms. Hazel, Deputy Director of Code Enforcement; Deputy Police Chief Hilleary; and Lieutenant Butler, Police Department.

Recorded by: Ms. Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

OPENING

The Meeting was called to order by Vice Mayor Cleveland, and the Deputy City Clerk called the Roll; all Members of City Council were present except Mayor Donley.

(It was noted that a Notice of this Special Meeting had been previously served upon each Member of Council pursuant to a provision of the City Charter, a copy of the Notice certified by each member of Council present being on file in the office of the City Clerk and Clerk of Council.)

2. Public Discussion Period.

(a) Mark Feldheim, 1215 Prince Street, representing Old Town Civic Association, recognized Transportation and Environmental Services Director Baier and staff for their hard work, particularly in the Old Town area. He announced that OTCA has subsidized the purchase of four of the new trash cans, and he urged other civic associations and businesses to participate.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR¹ (3-5)

Planning Commission

3. SPECIAL USE PERMIT #2000-0162 -- 433 NORTH PEYTON STREET -- Public Hearing and Consideration of a request for a special use permit to operate a single family home with more than four unrelated persons; zoned RB/Residential. Applicant: Bette Gorman.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/21/01, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2001-0012 -- 2018 MOUNT VERNON AVENUE -- THAI PEPPERS RESTAURANT -- Public Hearing and Consideration of a special use permit review for a restaurant; zoned CL/Commercial Low. Applicant: Savitri Sakulsom.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/21/01, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2001-0015 -- 828 NORTH WASHINGTON STREET -- JERRY'S SUBS & PIZZA -- Public Hearing and Consideration of a special use permit review for a restaurant; zoned CD-X/Commercial Downtown. Applicant: Meldi Corporation, trading as Jerry's Subs and Pizza, by Mohammad Malik.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/21/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

For the record, Councilwoman Pepper pointed out that Thai Peppers is not related to Del Pepper.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Consent Calendar as presented. The Planning Commission's recommendations are as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	absent	Euille	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing on and Consideration of the Revised Recommendations on the Report of the Capital Development Office Task Force. (#17 2/28/01)

(A copy of the City Manager's memorandum dated April 12, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/21/01, and is incorporated herewith as part of this record by reference.)

Correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 6; 4/21/01, and is incorporated herewith as part of this record by reference.)

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

John C. Morrison, 806 West View Terrace, a practicing attorney in the area of estate planning and administration and member of the Alexandria Community Foundation, spoke in opposition to the proposed foundation and responded to inquiries from Members of Council;

(A copy of Mr. Morrison's letter and memorandum is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 6; 4/21/01, and is incorporated herewith as part of this record by reference.)

Elsie Mosqueda, 900 Pendleton Street, representing the Alexandria Council of Nonprofit Human Service Agencies, spoke in opposition, raised concerns about competition and proposed an alternative community foundation;

Katherine Morrison, 418 South Washington Street, speaking on behalf of The Campagna Center, asked that nonprofits have equal access to capital grants through this office and that solicitations be limited to \$100,000 or more;

(A copy of The Campagna Center's letter dated April 19, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 6; 4/21/01, and is incorporated herewith as part of this record by reference.)

Paul Friedman, 3324 Valley Drive, speaking on behalf of himself and his wife, Laurie, as concerned citizens, raised points of concern and responded to questions from and participated in the discussion with Members of Council;

(A copy of Mr. Friedman's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 6; 4/21/01, and is incorporated herewith as part of this record by reference.)

Mark Williams, 239 Buchanan Street, Capital Development Office Task Force member, addressed some of the issues raised and spoke in support of the Task Force's recommendation;

Claudia Waller, 5943 Kelley Court, Chairman of the Board of the Scholarship Fund of Alexandria, expressed her concerns with the proposed foundation and the need for some clarification;

Donald Mela, 501 Slaters Lane, #722, spoke in support, with some concerns;

Mike Oliver, 3113 Circle Hill Road, representing ALIVE!, urged that Council proceed with caution; and

Sherry Brown, 1600 Prince Street, #603, addressed her concerns with the proposed foundation.

Councilman Euille assured everyone that this Council is not going to act and do anything, otherwise we wouldn't be having this public hearing today, if we were not going to take into consideration all your comments, criticisms, etc., to make adjustments and modifications to this proposed plan.

Councilman Speck reiterated his willingness to listen to additional comments that can improve the idea.

There was considerable discussion among the Members of Council, City Manager Sunderland, and those testifying.

(A copy of a draft verbatim transcript of the Council discussion on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of this item.)

WHEREUPON, a motion was made by Councilman Speck, to close the public hearing, direct the Manager to consider all of the comments that have been made and prepare a final report, and docket this item for final action on May 22.

Councilman Euille seconded the motion for purposes of discussion and offered a friendly amendment that staff respond by the last Legislative Meeting in June, which friendly amendment was accepted by the maker of the motion.

THEREUPON, Council returned to the amended motion made by Councilman Speck, seconded by Councilman Euille and carried unanimously by all those present, City Council held and closed the public hearing, directed the Manager to consider all of the comments that have been made and prepare a final report, and docketed this item for final action by the last Legislative Meeting in June. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	absent	Pepper	"aye"
	Woodson	"aye"	

Without objection, during the public hearing on docket item no. 6, Georgia Mae Oates, 804 Manor Road, #303, addressed her concern about the elimination from the proposed budget of the therapeutic recreation program from the Department of Recreation.

At this time, Councilman Euille announced that he must leave the meeting by 2:15 p.m. today.

7. Public Hearing and Consideration of The Comprehensive Transportation Policy and Program for the City. (#17 3/27/01)

(A copy of the City Manager's memorandum dated March 22, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/21/01, and is incorporated herewith as part of this record by reference.)

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

Mark S. Feldheim, 1215 Prince Street, representing Old Town Civic Association, spoke in support with the caveat that we must preserve the residential and historical nature of the Old and Historic District;

Debra Sabourin, 1212 Princess Street, a member of the Inner City Civic Association, spoke in support; and

Charlotte Landis, 433 North Patrick Street, a member of the Inner City Civic Association, spoke in support and raised concerns.

Councilwoman Eberwein asked for and received assurance from Transportation and Environmental Services Director Baier that Metro and transit usage will be actively considered in Phase I of this study.

Councilman Euille concurred with Councilwoman Eberwein's request and stated that he knows that Metro will agree to work with the City on transit needs.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council held and concluded the public hearing, and endorsed the concept of, and authorized staff to proceed with the development of, a comprehensive transportation policy and program for the City. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	absent	Euille	"aye"
	Speck		"aye"

8. Public Hearing on Assessment and Tax Increase Public Notice. [This is a Requirement of the State Code to Hold a Public Hearing; however, there is no Proposed Increase in the Real Property Tax Rate of \$1.11 per \$100 of Assessed Value in the FY 2002 Proposed Budget.]

THE ABOVE PUBLIC HEARING WILL NOT BE HELD UNTIL THE TUESDAY, APRIL 24, 2001 LEGISLATIVE MEETING.

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. DEVELOPMENT SPECIAL USE PERMIT #2000-0051 -- 124 SOUTH WEST STREET -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct an office building, with waiver of zone transition setback requirement, increase in permitted floor area ratio and modification to crown coverage requirements; zoned CD/Commercial Downtown. Applicant: Riverport Land Company, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Denial 3-3-1

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of a letter dated April 13, 2001, from Duncan W. Blair, attorney for the applicant, requesting deferral to City Council's May 12, 2001 Public Hearing, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of a letter dated April 19, 2001, from Mark S. Feldheim, President, Old Town Civic Association, concurring with the requested deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 4/21/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilman Speck and carried on a vote of 5-to-0, City Council deferred this item to the May 12, 2001 Public Hearing Meeting. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Speck	"aye"	Eberwein	"aye"
Donley	absent	Pepper	"aye"
	Woodson	out of room	

10. SPECIAL USE PERMIT #2000-0152 -- 4500 WHEELER AVENUE -- Public Hearing and Consideration of a request for a special use permit expansion to allow the following uses: contractor's storage yard, motor vehicle parking for more than 20 vehicles and/or motor vehicle storage yard; zoned I/Industrial. Applicant: AMT, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of a letter dated April 20, 2001, from Cathy Puskar, attorney for the applicant, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 4/21/01, and is incorporated herewith as part of this record by reference)

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

Elizabeth Wright, 113 South Ingram Street, representing Wakefield Tarleton Civic Association, brought up environmental concerns;

Julie Crenshaw, 816 Queen Street, raised concerns about the umbrella aspect of the special use permit and environmental issues;

Jack Sullivan, 4500 Ivanhoe Place, spoke to his environmental concerns and the need for accountability for violations;

Ronald Holder, 238 South Jenkins Street, supported the Wakefield Tarleton Civic Association position;

Poul Hertel, 1217 Michigan Court, stated that condition no. 21 should remain unchanged and brought up concerns about condition no. 1; and

Cathy Puskar, 2200 Clarendon Boulevard, Suite 1300, attorney for AMT LLC/Kathmar Construction, responded to questions from City Council and spoke in support of the application.

City Council directed questions to and participated in an extended discussion with staff on environmental issues related to this request and on the umbrella SUP aspect which allows the applicant to sublease the property.

Councilman Euille and Councilwoman Pepper each addressed the need for City staff to move forward to closely monitor the environmental issues raised today.

WHEREUPON, a motion was made by Councilman Euille and seconded by Councilwoman Pepper to approve the action of the Planning Commission to grant this special use permit, with the proposed amendments as suggested by the applicant and their attorney, accepting the change to the Planning Commission's condition nos. 2, 3, 14 and 16.

Councilman Speck offered a friendly amendment to include changes to condition no. 4 to now read: **"4. Any vehicle parts, tires, or other materials that are not contained in a dumpster or other suitable trash receptacle or enclosure shall be removed weekly, or as soon as weather conditions permit, but never later than biweekly."**; and to condition no. 21 to now read: **"21. Once the required building is on site, no junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside."**, which friendly amendment was accepted by the maker and seconder of the motion.

THEREUPON, Council returned to the motion made by Councilman Euille, seconded by Councilwoman Pepper, and carried unanimously by all those present, City Council approved the action of the Planning Commission to grant this special use permit, with the proposed amendments as suggested by the applicant and their attorney, accepting the change to the Planning Commission's condition nos. 2, 3, 14 and 16; **and amended condition no. 4 to now read: "4. Any vehicle parts, tires, or other materials that are not contained in a dumpster or other suitable trash receptacle or enclosure shall be removed weekly, or as soon as weather conditions permit, but never later than biweekly."; and amended condition no. 21 to now read: "21. Once the required building is on site, no junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside."** The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	absent	Speck	"aye"
	Woodson	"aye"	

11. SPECIAL USE PERMIT #2000-0159 -- 3014 JEFFERSON DAVIS HIGHWAY -- Public Hearing and Consideration of a request for a special use permit for expansion of a noncomplying automobile repair facility to include automobile sales; zoned CSL/Commercial Service Low. Applicant: Ajmal Ghani, by William C. Thomas, Jr., attorney.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of a letter dated April 20, 2001, from William C. Thomas, attorney for the applicant, requesting withdrawal, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 4/21/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council noted the withdrawal of this item. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	absent	Euille	"aye"
	Speck	"aye"	

12. SPECIAL USE PERMIT #2001-0007 -- 3345 KING STREET -- Public Hearing and Consideration of a request for a special use permit for a parking reduction for a single family dwelling with modifications for the front and side yard setback and lot width at the building line requirements; zoned RB/Residential. Applicant: David L. Guglielmi.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 3, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 4/21/01, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

Councilwoman Eberwein brought forward her concern about the plan for traffic to back out onto King Street at this area. Planning and Zoning Deputy Director Ross explained that a new plan was submitted at the last minute and approved by the Planning Commission for an on-site turnaround.

(A copy of the plat dated January 23, 2001, showing the new plan, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 4/21/01, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Planning Commission recommendation. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	absent	Speck	"aye"
	Woodson	"aye"	

At 12:30 p.m., City Council broke for lunch.

At 12:50 p.m., City Council reconvened the meeting.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

**Board of Architectural Review
Old and Historic Alexandria District**

13. CASE BAR-2000-0244 -- 216 SOUTH WASHINGTON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on December 6, 2000, denying a request for approval of new replacement windows at 216 South Washington Street, zoned CD Commercial. APPLICANT AND APPELLANT: Downtown Baptist Church by M. Catharine Puskar, Attorney. (#12 3/17/01; #9 2/24/01)

BOARD ACTION: Denied 5-2

(A copy of the report of the Board of Architectural Review, Old and Historic Alexandria District, dated February 24, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated December 20, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 4/21/01, and is incorporated herewith as part of this record by reference.)

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

Cathy Puskar, 2200 Clarendon Boulevard, Suite 1300, attorney representing the applicant, presented the facts of the appeal and the church's position on the appropriateness of vinyl window replacements;

Charles Ablard, 803 Hall Place, representing Historic Alexandria Foundation, explained that the Foundation has been working with the church on the problem but they have not come to a resolution. He requested that Council defer this item to give the church the opportunity to meet with some other contractors, with assistance from the Foundation's consultant, Richard Bierce; and

Oscar Fitzgerald, 206 West Monroe Avenue, member of the Board of Architectural Review, explained the Board's position on vinyl and spoke against the appeal.

Members of City Council directed questions to and participated in the discussion with Messrs. Ablard and Fitzgerald.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council overturned the recommendation of the Board of Architectural Review, Old and Historic Alexandria District, and upheld the appeal. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	absent	Euille	"aye"
	Woodson	"aye"	

At this time, City Council considered docket item nos. 14 and 15 together and under one motion.

**Board of Architectural Review
Old and Historic Alexandria District (continued)**

14. CASE BAR2001-001 -- 101 WALES ALLEY -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on February 7, 2001, granting, as amended, a request for approval of a permit to capstate portions of a building at 101 Wales Alley, zoned CD Commercial. APPLICANT: Watauga Properties. APPELLANT: OTCA by Jonathan Wilbor, on behalf of petitioners.

BOARD ACTION: Approved, as amended 6-1

15. CASE BAR2001-002 -- 101 WALES ALLEY -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on February 7, 2001, granting, as amended, a request for approval of an addition at 101 Wales Alley, Zoned CD Commercial. APPLICANT: Watauga Properties. APPELLANT: OTCA by Jonathan Wilbor, on behalf of petitioners.

BOARD ACTION: Approved, as amended 6-1

(A copy of the report of the Board of Architectural Review, Old and Historic Alexandria District, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 14 and 15; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated February 20, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 14 and 15; 4/21/01, and is incorporated herewith as part of this record by reference.

Correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item Nos. 14 and 15; 4/21/01, and is incorporated herewith as part of this record by reference.)

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

Mark S. Feldheim, 1215 Prince Street, president, Old Town Civic Association, supported the appeal;

Jonathan Wilbor, 310 South Lee Street, stated his support of the Old Town Civic Association position for the appeal;

Julie Crenshaw, 816 Queen Street, spoke in opposition to the BAR decision;

Katy Cannady, 20 East Oak Street, spoke in support of the appeal;

Judy McVay, 207 North Columbus Street, stated her opposition to the BAR decision;

Linda Couture, 422 North Union Street, requested that Council turn down this project, and hold a public hearing on BAR policy for citizen comment;

Charles Ablard, 803 Hall Place, Historic Alexandria Foundation, spoke for the appeal and asked Council to send this back to BAR;

James L. Brown, 104 North West Street, Wales Alley architect, requested support for the BAR decision;

Marguerite L. Lang, 14 West Rosemont Avenue, asked Council to overturn the BAR decision;

Poul Hertel, 1217 Michigan Court, spoke to his concerns about the direction the BAR is taking, and he supported Linda Couture's suggestion for a public hearing;

Oscar Fitzgerald, 206 West Monroe Avenue, member of Board of Architectural Review, spoke in support of the applicant and against the appeal;

Harry P. Hart, 307 North Washington Street, attorney for Watauga Properties, spoke against the appeal and for the applicant; and

H. Keith Powell, 104 South Union Street, Watauga Properties, urged Council's support of the BAR decision and against the appeal.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried on a vote of 5-to-1, City Council approved the recommendations of the Board of Architectural Review, Old and Historic Alexandria District, and denied the Appellant's appeal. The voting was as follows:

Speck	"aye"	Cleveland	"no"
Woodson	"aye"	Eberwein	"aye"
Donley	absent	Euille	"aye"
	Pepper	"aye"	

At 2:15 p.m., Councilman Euille left the meeting.

ORDINANCES AND RESOLUTIONS

16. Public Hearing, Second Reading and Final Passage of An Ordinance to amend and reordain Ordinance No. 4092, passed November 13, 1999, to revise the terms of the vacation of the public street right-of-way between Slaters Lane and West Abingdon Drive, adjacent to the Mason Hall Apartments, and to approve and authorize the construction of certain site improvements on the apartment property in connection therewith. (#17 4/10/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated February 23, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 4/21/01, and is incorporated herewith as part of this record by reference.

A copy of communications received on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 4/21/01, and is incorporated herewith as part of this record by reference.)

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

James Hamblin, 1420 West Abingdon Drive, #108, a resident of Mason Hall, spoke in support of the vacation;

Mariella Posey, 915 Second Street, spoke for denial of the vacation in its current form;

Barbara L. Clark, 731 Bernard Street, spoke for denial of the vacation, with conditions;

Yvonne Randolph, 1420 West Abingdon Drive, a resident of Mason Hall, spoke in support and of the need for more parking;

Amy Brown, 1420 West Abingdon Drive, #347, a Mason Hall resident, spoke in support of the proposed plan and the need for more parking without delay;

Charles Hathway, 5301 Wisconsin Avenue, Suite 600, Washington, D.C., vice president and general counsel to Bernstein Management Corporation, the Mason Hall management company, and Columbia Realty Venture, the owner of Mason Hall, spoke in support of the plan;

Gracie Moody, 1420 West Abingdon Drive, #326, assistant resident manager of Mason Hall and resident since 1955, spoke in support;

Jim Boulet, Jr., 1420 West Abingdon Drive, #332, Mason Hall resident since 1985, spoke to the parking problem and in support of the vacation;

Sandra Wheeler, 1420 West Abingdon Drive, #447, Mason Hall resident, addressed the parking problem and spoke in support of the vacation;

Duncan W. Blair, 112 South Alfred Street, attorney representing Barbara Clark and Michael O'Neil, requested modifications to the site plan; and

Poul Hertel, 1217 Michigan Court, representing NorthEast Citizens' Association, read the Association's statement of opposition.

(A copy of the statement of the NorthEast Citizens' Association, dated April 18, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 16; 4/21/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper brought up that if any access by service vehicles is permitted to the southern-most door closest to Bernard Street, she would want the City's document to require that there be some kind of limits to the use.

Councilwoman Pepper requested from Mr. Hathway, vice president and general counsel for Mason Hall, a copy of the engineer's report that he mentioned, for the record, which states that there is not enough room for a wall and still maintain the proposed parking, and he agreed to do so.

Members of Council, City Attorney Pessoa, Planning and Zoning Deputy Director Ross, and Mason Hall representatives participated in the discussion on this item.

Staff will work with Mason Hall and adjacent property owners to reach an agreement on plant material, and Mr. Hathway agreed to put an asphalt curb on the border edge of the 12-foot paved area to contain runoff.

Mr. Hathway represented that if they get this approval on Tuesday, they will agree to waive their right under the law to do any further paving in the back area.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a vote of 5-to-0, City Council held and closed the public hearing and deferred action until the Tuesday, April 24 Legislative Hearing when all of Council will be present. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	absent	Euille	left meeting
	Speck	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (17-24)

Planning Commission (continued)

17. SPECIAL USE PERMIT #2001-0010 -- 5245 DUKE STREET -- CARMEN'S ITALIAN ICE -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned OCM-50/Office Commercial Medium. Applicant: Jason Mandler.

COMMISSION ACTION: Withdrawn, by applicant

18. DEVELOPMENT SPECIAL USE PERMIT #2000-0032 -- 5010 DUKE STREET -- CAMERON STATION - PHASE V -- Public Hearing and Consideration of a request for a development special use permit amendment to remove the area west of Tancreti Lane from the Phase V plan; zoned CDD-9/Coordinated Development District. Applicant: Cameron Associates LLC, by David T. McElhane, engineer.

COMMISSION ACTION: Deferred 7-0

19. DEVELOPMENT SPECIAL USE PERMIT #2000-0031 -- 450 FERDINAND DAY DRIVE -- ARCHSTONE - CAMERON STATION (Phase VI) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct apartment buildings; zoned CDD-9/Coordinated Development District. Applicant: Archstone Communities Trust, by Anthony C. Morse, engineer, and Jonathan Rak, attorney.

COMMISSION ACTION: Deferred 7-0

20. SPECIAL USE PERMIT #2000-0085 -- 450 FERDINAND DAY DRIVE -- ARCHSTONE - CAMERON STATION -- Public Hearing and Consideration of a request for a special use permit amendment to the Cameron Station transportation management plan (TMP) to incorporate the site area of the proposed apartment buildings; zoned CDD-9/Coordinated Development District. Applicant: Archstone Communities Trust, by Anthony C. Morse, engineer, and Jonathan Rak, attorney.

COMMISSION ACTION: Deferred 7-0

21. SPECIAL USE PERMIT #2000-0165 -- 304 CALVERT AVENUE -- Public Hearing and Consideration of a request for a special use permit for general automobile repair and sales; zoned I/Industrial. Applicant: Julio A. Benevides.

COMMISSION ACTION: Deferred (applicant's request)

22. SPECIAL USE PERMIT #2001-0006 -- 150 SOUTH PICKETT STREET -- PASSPORT INFINITI -- Public Hearing and Consideration of a request for a special use permit for expansion of the existing automobile dealership facility; zoned CG/Commercial General. Applicant: Passport Motorcars Inc., by Everett A. Hellmuth, III.

COMMISSION ACTION: Deferred (applicant's request)

23. SPECIAL USE PERMIT #2001-0009 -- 2762 DUKE STREET -- GREATER SHILOH BAPTIST CHURCH -- Public Hearing and Consideration of a request for a special use permit for a parking reduction for a church; zoned CG/Commercial General. Applicant: Greater Shiloh Baptist Church, by Diane Alvin.

COMMISSION ACTION: Deferred (applicant's request)

24. VACATION #2001-0001 -- 706-708 MONTGOMERY STREET -- Public Hearing and Consideration of a request for vacation of the public alley and court rights-of-way; zoned CD-X/Commercial Downtown. Applicant: Rafat Mahmood; and appointment of viewers for same.

COMMISSION ACTION: Deferred (applicant's request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the withdrawal and deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously by all those present, at 3:40 p.m., the Public Hearing Meeting of Saturday, April 21, 2001, was adjourned. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	absent	Euille	left meeting
	Speck	"aye"	

* * * * *

KERRY J. DONLEY **MAYOR**

ATTEST:

Susan K. Seagroves, Deputy City Clerk