

EXHIBIT NO. 1

13

9-13-03

Docket Item #13  
DEVELOPMENT SPECIAL USE PERMIT #2003-0033  
KINGS CLOISTER - AMENDMENT

Planning Commission Meeting  
September 4, 2003

**ISSUE:** Consideration of a request for a development special use permit amendment to allow the removal of two trees.

**APPLICANT:** Claude Stansbury

**LOCATION:** 635 Kings Cloister Circle

**ZONE:** R-8/Residential

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**PLANNING COMMISSION ACTION, SEPTEMBER 4, 2003:** On a motion by Mr. Komorske, seconded by Mr. Leibach, the Planning Commission voted to recommend the denial of the proposed development special use permit amendment to allow the removal of two trees. The motion carried on a vote of 4 to 2, with Mr. Dunn and Mr. Robinson voting against the motion.

Reason: The Planning Commission agreed with the staff analysis and were concerned about establishing precedent for removal of large trees within this development, as well as other cluster developments. The Commission was also concerned about the loss of tree crown coverage in general

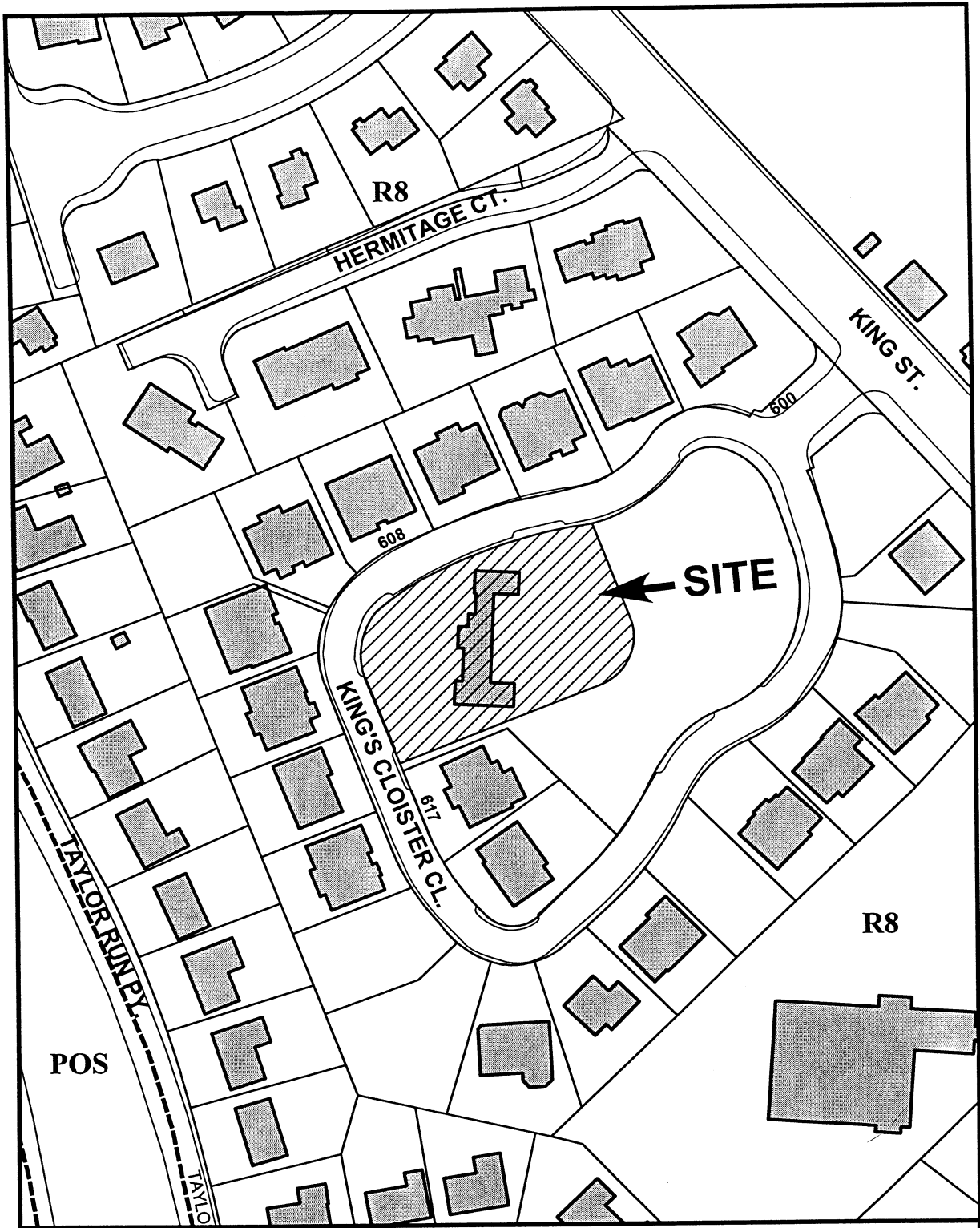
Speakers:

Claude Stansbury, applicant.

Ellen Pickering, representing the Taylor Run Civic Association spoke in opposition.

Raymond V. Petniunas, 606 Kings Cloister Circle, spoke in support. (resident)

John W.Gray, JR., 612 Kings Cloister Circle, spoke in support. (resident)



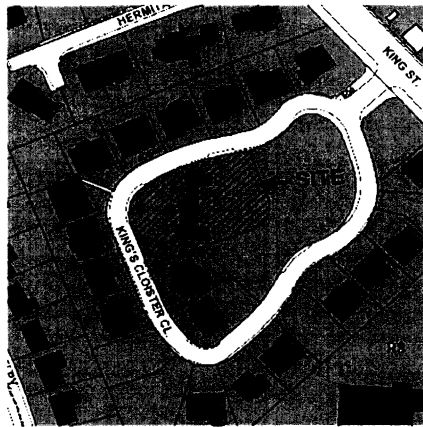
**DSUP #2003-0033**

**09/04/03**



SUMMARY

The Kings Cloister site was previously a large undeveloped wooded site, with an historic house in the central portion of the site. The current development site plan was approved as a cluster site plan in 1997 that was approved predicated upon the preservation of numerous trees and the retention of the historic house on the property. The applicant is the owner of the historic home in the central portion of the development and proposes to remove a maple and juniper that are identified on the site plan (# 1561 and #1562) as two of the 35 trees designated to be saved to construct a terrace and pergola in the rear yard of the home. Based on a June 11, 2003 site visit by the City Arborist, it has been determined that the trees are healthy and not in a state of decline and therefore warrant preservation. Staff does not recommend approval of the proposed major amendment by the homeowner to remove two trees.



**King's Cloister Site**

The applicant applied for a minor site plan amendment to remove the trees that has been denied. Condition # 10 of Kings Cloister approval (SUP#97-0076) states that "changes to the footprints of individual units, including decks and future additions, may be approved by the Director of Planning and Zoning so long as the following criteria are met," including that "*No trees required to be saved on the plan are impacted.*" Therefore, the applicant is requesting a special use permit amendment approved by City Council to remove the two trees.



**Two Trees to be Removed (far right)**



**3 Two Trees to be Removed (far right)**

The intent of the cluster provision under which King's Cloister was initially approved states that the support of staff for "flexibility in subdivision in order to save the existing historic structure on the site and a number of the existing mature trees." The intent of the cluster provision is to permit a variation in the required lot sizes to enable retention of resources such as trees and open space. As a matter of city policy, staff does not support the removal of these trees because they are trees that are specifically designated to be saved on the site plan (#1561 and #1562), they are large trees (14" and 22" caliper) and they contribute to the natural setting of the historic home. Their removal would create the potential precedent for other homeowners in this development and within other clusters within the City to request removal of trees designated to be preserved.

The recently approved Alexandria Open Space Plan states that the city should "maximize its opportunities to enhance its tree coverage and protect existing woodland resources." Therefore, the City is making every effort to be consistent in attempting to retain the dwindling amount of larger trees and tree canopy within the City.

The applicant presents three arguments as part of the justification of the approval of the tree removal that include:

1. The language in condition # 7 of the Kings Cloister special use permit, which the applicant claims permits the loss of trees through mitigation.
2. The tree are not specimen trees.
3. The trees are within the rear yard of the property.

Condition #7 of the King's Cloister special use permit states, "*In the event any trees designated to be saved are damaged or destroyed during the development process, the applicant shall replace such tree with additional trees of significant caliper equal, cumulatively, to the tree destroyed,*" to allege that mitigation can be provided for eliminating trees that were designated to be saved on the approved site plan.

The intent of the condition is to enable mitigation for trees that were unintentionally during construction, realizing that with the significant amount of construction of roads, dwellings, utilities, etc. during the *development process* (referenced in the condition) there may be trees that, despite all of the necessary precautions, would be impacted. The condition anticipated this possibility and required mitigation for these trees that were destroyed during the development process. While the trees are not specimen trees, they are larger caliper trees that were designated for preservation. While functionally the trees are within the rear yard of the house, because of the configuration of the development, the trees are visible from the internal street and adjoining homes. The applicant proposes to mitigate the loss of the 22" and 14" caliper trees by adding 42 trees of a 1.5" minimum caliper for a total of 60" minimum total caliper.

While the proposed mitigation is significant and the applicant states the proposed mitigation is more than sufficient to replace the two trees, the condition relating to mitigation for tree removal was intended for trees that were impacted only during the construction of the roads, grading, etc. with the development of the cluster. Condition # 7 is not intended to enable homeowners to remove large trees, simply by planting other trees on the lots, after the original development was completed. Given the potential precedent for tree removal by other home owners, loss of the mature landscape adjacent to the historic house, and inconsistency with the intent of the cluster approval, Planning & Zoning and Parks and Recreation staff cannot support this application. However, if the removal of the two trees is approved, the approval should be contingent upon tree planting as mitigation and bonding to ensure that the proposed trees survive as reflected in revised condition # 7.

STAFF RECOMMENDATION:

Staff recommends **denial** of the applicant's request to modify the special use permit amendment request.

However, if the applicant's request is approved staff is recommending the following conditions:

**Below are the applicable conditions from DSUP # 2000-0003:**

4. The applicant proposes to save 35 trees on the site (those not designated on the site plan as TBR(to be removed)). In addition, staff recommends that the following trees be saved:
  - 30" Beech adjacent to the loop road between units #5 and #6,
  - 20" White Oak on the rear property line behind unit #16,
  - 20" Cedar toward the rear property line between units #18 and #19,
  - 20" double-leaved Ash on rear property line behind units #23 and #24.
  - 30" Walnut at the northwest corner of the site, requiring elimination of unit #17,
  - 40" Maple toward the rear property line between units #19 and #20, unless removal is approved by the City Arborist after consultation with the adjoining property owners (if the tree is removed the open space allocated to the tree shall be reallocated along the Hermitage Court property line); and
  - All trees over 4" caliper located within the existing tree line along King Street, and along the north and northwest edge of the site, except those identified by the City Arborist as appropriate for removal in conjunction with consultation with the adjoining property owners. (P&Z) (RP&CA)
  
5. All underground utilities shall be routed so as to avoid trees designated to be preserved on the site. It is suggested that utilities be placed under the driveways wherever possible, and that both the driveways and utilities be located as far from preserved trees as is possible. Utilities installed within the drip-line of trees designated to be preserved not located under proposed street or driveways must be installed by boring beneath the tree protection area. In particular, the sanitary sewer in front of lots 5 and 6 should be shifted away from the 30" Beech staff is recommended be saved, and the storm sewer behind units 19 and 20 should be shifted away from the 40" maple staff is recommending be saved. Staff will evaluate all utility placements in conjunction with the final site plan. (RP&CA) (P&Z)

6. Tree protection shall be established and maintained to the satisfaction of the Director of Recreation, Parks and Cultural Activities. Tree protection for any protected tree shall be constructed of 4"x 4" wooden vertical posts installed in the ground 8' on center with 1"x 6" wooden battens mounted between them. Temporary plastic fencing may be used to define other limits of clearing. All tree protection must be shown on the final site plan, and is to be installed prior to any clearing, excavation or construction on the site. The developer must call the City Arborist for a review of the installed tree protection following its installation.(RP&CA) (P&Z)
  
7. **(REVISED CONDITION):** In the event any trees designated to be saved are damaged or destroyed during the development process, the applicant shall replace such tree with additional trees of significant caliper equal, cumulatively, to the tree destroyed. In addition, if any of the eight trees listed below identified by the City Arborist as specimen or near-specimen quality are destroyed, the applicant shall pay \$2,500 per such tree to the City, to be utilized for planting trees throughout the City. The eight trees are identified on the site plan by number, and include:
  - Tree #2 - 42" Willow Oak
  - Tree #4 - 40" Horse Chestnut
  - Tree #5 - 38" White Ash
  - Tree #6 - 41" Willow Oak
  - Tree #7 - 31" Red Oak
  - Tree #8 - 34" Red Oak
  - Tree #9 - 26" Copper Beech
  - Tree #10 - 32" Pin Oak

A cash bond for \$10,000 shall be posted by the applicant prior to release of the final site plan and prior to commencing any activity on site, including clearing and grading and shall not be released until 3 years after completion of construction on the site. The 22" caliper Maple and 14" Juniper (trees #1561 and #1562 on the approved site plan) on the southwestern portion of lot 25 adjacent to the existing house shall be permitted to be removed. The applicant shall provide mitigation for the removal of the two trees that shall at a minimum consist of 42 trees of 1.5" minimum caliper for a minimum total of 60" caliper to the satisfaction of the Director of P&Z and RP&CA. The trees shall be planted prior to issuance

of a building permit for the proposed terrace or pergola. The homeowner shall submit a bond to ensure that the trees survive 24 months from the time of planting. (RP&CA) (P&Z)

8. The existing historic dwelling on the site shall be saved and the developer shall support its nomination to the 100 Year Old Building List. Any exterior changes to the building or construction on the building lot (the newly identified lot) shall be submitted for review by the Board of Architectural Review. (P&Z)

**The following conditions have been forwarded from DSUP#2000-0003:**

1. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z) (SUP 97-0076)
2. Eliminate two units and shift the remaining 22 units along the perimeter of the site (as generally shown on the attached plan entitled 'applicant's revised proposal, pg. 20) to accomplish the following, and to the satisfaction of the Director of P&Z and the City Arborist: (P&Z)(SUP 97-0076)
  - orient the three units along King Street toward King Street;
  - provide at least 15' between the sides of units adjacent to the homes on Taylor Run Parkway;
  - provide at least 20' between the sides of units adjacent to the homes on Hermitage Court;
  - Provide a minimum 30' rear setback between the rear property line and the rear building wall of the house (excluding decks) on those lots where the rear yards adjoin existing homes;
  - Provide a minimum 15' rear setback between the rear property line and any decks on those lots where the rear yards adjoin existing homes;
  - save the 30" walnut tree in the northwest corner of the site (at unit #17) and locate the land around it in common area.
3. Units located along King Street shall be oriented with the building wall parallel to King Street and shall be designed so that the building appears to front King Street, with doorways, windows, decks and architectural details suggestive of a front facade. No fences shall be permitted in yards along King Street except those typically permitted in front yards. (P&Z)(SUP 97-0076)



4. The applicant proposes to save 35 trees on the site (those not designated on the site plan as TBR (to be removed). In addition, staff recommends that the following trees be saved:
  - 30" Beech adjacent to the loop road between units #5 and #6,
  - 20" White Oak on the rear property line behind unit #16,
  - 20" Cedar toward the rear property line between units #18 and #19,
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  - 30" Walnut at the northwest corner of the site, requiring elimination of unit #17,
  - 40" Maple toward the rear property line between units #19 and #20, unless removal is approved by the City Arborist after consultation with the adjoining property owners (if the tree is removed the open space allocated to the tree shall be reallocated along the Hermitage Court property line); and
  - All trees over 4" caliper located within the existing tree line along King Street, and along the north and northwest edge of the site, except those identified by the City Arborist as appropriate for removal in conjunction with consultation with the adjoining property owners. (P&Z) (RP&CA) (SUP 97-0076)
5. All underground utilities shall be routed so as to avoid trees designated to be preserved on the site. It is suggested that utilities be placed under the driveways wherever possible, and that both the driveways and utilities be located as far from preserved trees as is possible. Utilities installed within the drip-line of trees designated to be preserved not located under proposed street or driveways must be installed by boring beneath the tree protection area. In particular, the sanitary sewer in front of lots 5 and 6 should be shifted away from the 30" Beech staff is recommended be saved, and the storm sewer behind units 19 and 20 should be shifted away from the 40" maple staff is recommending be saved. Staff will evaluate all utility placements in conjunction with the final site plan. (RP&CA) (P&Z)(SUP 97-0076)
6. Tree protection shall be established and maintained to the satisfaction of the Director of Recreation, Parks and Cultural Activities. Tree protection for any protected tree shall be constructed of 4"x 4" wooden vertical posts installed in the ground 8' on center with 1"x 6" wooden battens mounted between them. Temporary plastic fencing may be used to define other limits of clearing. All tree protection must be shown on the final site plan, and is to be installed prior to any clearing, excavation or construction on the site. The developer must call the City Arborist for a review of the installed tree protection following its installation. (RP&CA) (P&Z)(SUP 97-0076)
7. In the event any trees designated to be saved are damaged or destroyed during the development process, the applicant shall replace such tree with additional trees of significant caliper equal, cumulatively, to the tree destroyed.

In addition, if any of the eight trees listed below identified by the City Arborist as specimen or near-specimen quality are destroyed, the applicant shall pay \$2,500 per such tree to the City, to be utilized for planting trees throughout the City. The eight trees are identified on the site plan by number, and include:

- Tree #2 - 42" Willow Oak
- Tree #4 - 40" Horse Chestnut
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A cash bond for \$10,000 shall be posted by the applicant prior to release of the final site plan and prior to commencing any activity on site, including clearing and grading and shall not be released until 3 years after completion of construction on the site. (RP&CA) (P&Z)(SUP 97-0076)

8. The existing historic dwelling on the site shall be saved and the developer shall support its nomination to the 100 Year Old Building List. Any exterior changes to the building or construction on the building lot (the newly identified lot) shall be submitted for review by the Board of Architectural Review. (P&Z) (Clarification recommended by staff and agreed to by applicant) (SUP 97-0076)
9. The wall along King Street, proposed as a 42" solid brick wall, shall, at a minimum provide gate openings to each of the lots facing King Street. The applicant may change the wall from the proposed solid brick design to a more open design, such as iron pickets, if designed to the satisfaction of the Director of P&Z. In no case shall the wall, or any other walls located within the yards along King Street, exceed 42" in height, excluding piers. (P&Z) (SUP 97-0076)
10. Changes to the footprints of individual units, including decks and future additions, may be approved by the Director of P&Z so long as the following criteria are met:
  - no rear yard modifications are required;
  - the rear building wall (excluding decks) is a minimum of 30' for homes adjoining other Homes on Hermitage Court, Taylor Run Parkway and Bryan Place;
  - the width of the openings between units (combined side yards) is not decreased from that shown on the plan and is at least 15' for homes adjoining homes on Taylor Run Parkway and at least 20' for homes adjoining homes on Hermitage Court;

- no decks are provided above the basement and first floor;
  - the maximum net floor area within the development area shall not exceed 87,331 square feet;
  - no parking shown on the plan is eliminated; and
  - no trees required to be saved on the plan are impacted. (P&Z)(SUP 97-0076)
11. The street within the project shall be designed to provide on-street parking on one side, to the satisfaction of the Directors of P&Z and T&ES. The sidewalk may be eliminated in order to accommodate the increased street width. (P&Z) (T&ES)(SUP 97-0076)
  12. Show all utility structures, including transformers, on the final development plan. All utility structures (except fire hydrants) shall be clustered where possible and located so as not to be visible from a public right-of-way or property. When such a location is not feasible, such structures shall be located and screened to the satisfaction of the Director of P&Z. (P&Z) (T&ES)(SUP 97-0076)
  13. The applicant shall submit homeowner's agreement (HOA) for approval by the City Attorney, prior to applying for the first certificate of occupancy permit. Such HOA shall include the conditions listed below, which shall be clearly expressed in a separate section of the HOA. Also, such section within the HOA shall include language which makes clear that the SUP conditions listed shall not be amended without the approval of City Council.
    - A) Exterior building improvements by future residents, including above ground decks not included on the approved plans or different from the approved plans, shall require the approval of the Director of Planning and Zoning and must be consistent with the special use permit conditions.
    - B) All required landscaping and screening, including trees and landscaping in the common areas, shall be maintained in good condition.
    - C) No ground disturbing activity shall occur within the drip-line area of trees preserved as a condition of this special use permit located within common areas.  
(P&Z)(SUP 97-0076)
  14. Consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and alarm systems for the homes. (SUP 97-0076)
  15. If a sales trailer is placed on the property a security survey is required for the trailer. (SUP 97-0076)
  16. Show all existing and proposed street lights showing size, mounting height and intensity with supporting calculations. (T&ES) (SUP 97-0076)

17. Locate storm water management facility so as to allow for vehicular access. (T&ES) (SUP 97-0076)
18. Provide geotechnical report for all construction which lies within the marine clay area. (T&ES) (SUP 97-0076)
19. Private solid waste and recycling service shall be provided by the homeowners. All waste from this development must be delivered to the Arlington/Alexandria Waste-to-Energy plant on Eisenhower Avenue or an alternate site approved by the director of T&ES. (T&ES) (SUP 97-0076)
20. The applicant shall make a contribution to the City's Housing Trust fund of \$0.50 per gross square foot, in equal monetary installments upon closing the sale of each unit. (Housing) (SUP 97-0076)
21. Temporary structures for construction or sales personnel, as well as sales/marketing signs, shall be permitted, and the period such temporary structures are to remain on site, as well as the size and site design for such structures, including signs, shall be subject to the approval of the Director of P&Z. (P&Z) (SUP 97-0076)
22. The final subdivision plat shall be consistent with the final development plan, and shall be recorded after final development plan has been approved by the Directors of P&Z and T&ES. (P&Z) (SUP 97-0076)
23. The applicant shall attach a copy of the released final development plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the released final development plan prior to review and approval of the building permit by the Departments of P&Z and T&ES. (P&Z) (SUP 97-0076)
24. Submit building location survey for Planning staff approval when applying for certificate of occupancy permits each unit. Location survey shall show all improvements on lot and shall also show trees to be saved and areas to remain undisturbed around such trees. (P&Z) (SUP 97-0076)
25. The applicant shall submit final "as-built" plan for the development prior to applying for certificate of occupancy permit for any of the last five dwelling units. (P&Z) (SUP 97-0076)
26. Condition deleted. (City Council) (SUP 97-0076)

27. The stormwater easement located on the adjoining property (806 Hermitage Court) shall be relocated from the rear yard to the front/side yard to the satisfaction of the Director of T&ES. (Planning Commission) (SUP 97-0076)
28. King's Cloister Circle, the proposed private street, shall be designed to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services to minimize the tree disturbance and provide at least 25 on-street spaces, and provide pedestrian walkways throughout the development. (City Council) (SUP 97-0076)
29. Retaining walls shall be permitted to be constructed rear of lots 11, 12, 13, and 14 as shown on the site plan submitted with this revision application, provided that the two walls may be combined into a single wall at some or all locations, if approved to the satisfaction of the Director of P&Z and T&ES. The face of these walls shall be treated to be visually attractive, with stone facing or concrete treated to resemble stone, and substantial additional landscaping shall be planted between the walls and the rear property line in order to provide screening of the walls for the adjoining properties, to the satisfaction of the Director of P&Z. (P&Z)
30. Prior to the final release of the revised plan, engineering details regarding type of retaining wall and foundation design shall be provided to the satisfaction of the Director of T&ES. No utilities crossing the retaining walls will be allowed to extend below the proposed footings; details of all utility openings through the proposed retaining walls shall be provided. (T&ES)

**Special use permits requested by the applicant and NOT recommended by staff:**

1. Special use permit to amend the conditions 4-7 of DSUP 2000-0003 (SUP 97-0076 as amended) to permit the removal of a 14" caliper and 22" caliper tree.

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**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.

**BACKGROUND:**

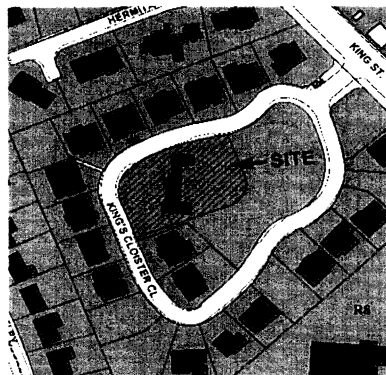
On September 13, 1997, City Council approved a special use permit (SUP#97-0076) for Greenvest, LLC. The project was approved as a cluster development, and retaining the historic home and many of the existing large trees on the site were two of the primary reasons for approval of the plan. The cluster provision of the Zoning Ordinance (Sec.11-602) allows smaller lot sizes and yard requirements in exchange for common open space and preservation of resources such as trees.

In this development, the developer utilized the cluster provision to create a large open area in the center of the site, allowing most of the trees and the historic home to be retained. Preservation of trees and the historic home were two of the primary goals of the cluster proposal and for the City’s original support of this development application.

The applicant, Claude Stansbury, requests approval of an amendment to SUP#97-0076 to permit removal of two trees with mitigation on lot 25 located at 635 King’s Cloister Circle. The applicant is proposing to eliminate the two trees to permit the construction of a terrace and pergola. The existing home on the site is historically and architecturally significant, and there are many significant trees on the site identified as being specimen or near specimen quality. The King’s Cloister development special use permit requires that 35 specific trees within the development, including the 22” maple (tree #1562 on the approved site plan) and the 14” juniper (tree #1561) be preserved.

**SITE CONTEXT:**

The subject property (lot 25), located at 635 King’s Cloister Circle, consists of a total lot area of 28,336 sq. ft. The subject property is zoned R-8/single-family residential and is located adjacent to existing single family dwellings, also zoned R-8. The southwestern portion of the development is adjacent to the rear yards of single-family homes along Taylor Run Parkway. The southeastern portion of the cluster development site abuts the Church of Latter Day Saints parcel, with a driveway and landscape area between the properties. The southeastern portion of the site fronts onto King Street, directly across the street from the Ivy Hill Cemetery. The development contains an internal loop road for the development and other single-family homes constructed as part of the Kings Cloister development.



**King’s Cloister Site**

The historic house on the subject property and location of the trees to be removed are set back approximately 300 feet from King Street. The City has identified the existing house as an excellent, intact example of a two-story brick Federal period dwelling, with sympathetic flanking additions in a mid-20th century Colonial Revival Style. The building is one of only ten surviving Alexandria dwellings outside of Old Town constructed prior to the first quarter of the 19<sup>th</sup> century. The overall development, including the subject property, contains numerous mature trees. The approved cluster site plan identified 35 trees to be retained on the site that range from 10" - 42" caliper.

<b>King's Cloister</b>		
Property Address:	2826 King Street	
Total Site Area:	314,056 square feet (7.2 acres)	
Lot 25	28,336 square feet	
Zone:	R-8/Single Family Dwelling	
Current Use:	King's Cloister - 27 single family homes	
	<u>Permitted/Required</u>	<u>Proposed/Approved</u>
Floor Area	87,331 square feet	87,331 Square feet
FAR	.35 by zone 0.278 by cluster	0.278
Yards		
Front	30'	10'-59', most 20'-30'
Side	8' minimum 1:2	6-43', most 6'-7'
Rear	8' minimum 1:1	19-50', most 25-26'
Lot Size	8000 square feet may be reduced w/cluster	6,185 square feet minimum 28,730 Square feet maximum 8,707 square feet average 7,937 square feet average, excluding large (28,730 sq.ft.) lot for historic home
Height	35'	35'
Common and Open Space	No specific zone requirement cluster requirements: 19,222 sq.ft. common space 2,884 sq.ft. open space	78,943 sq.ft. common area 37,000 sq.ft. common open space
Parking	2 spaces/unit = 54	2 spaces/unit in garages Minimum of 2 spaces/unit additional spaces in driveway

**STAFF ANALYSIS:**

Approval of the original special use permit (SUP #97-0076), was contingent upon the preservation of many of the existing mature trees. The maple and juniper that are proposed to be removed are identified on the site plan (#1561 and #1562) as two of the thirty-five trees designated to be saved under the conditions of approval. Condition 10 of SUP97-0076 states that “Changes to the footprints of individual units, including decks and future additions, may be approved by the Director of Planning and Zoning so long as the following (certain) criteria are met” including that *“No trees required to be saved on the plan are impacted.”*



**Two Trees to be Removed (far right)**

The intent of the cluster provision under which Kings Cloister was approved states staff support for “flexibility in subdivision in order to save the existing historic structure on the site an a number of the existing mature trees.” The cluster provision enables lot sizes to be reduced to enable retention of resources such as trees. Staff does not support the removal of these trees because they are trees that are specifically designated to be saved on the site plan, they are large trees (14"-22" caliper) and they contribute to the natural setting of the historic home. In addition, their removal would create the potential precedent for other home owners in this development and within other clusters within the City to request approval to remove large trees or trees designated for preservation and their associated canopy coverage. In addition, the recently approved Open Space Plan states that the city must “maximize the opportunity to enhance and protect tree coverage.”



Condition # 7 of the King's Cloister subdivision states "*In the event any trees designated to be saved are damaged or destroyed during the development process, the applicant shall replace such tree with additional trees of significant caliper equal, cumulatively, to the tree destroyed.*" The intent of the condition was to enable mitigation for trees that were unintentionally lost as part of the construction realizing that with the significant amount of construction of roads, utilities, etc. during the *development process* (referenced in the condition) there may be trees that despite all of the necessary precautions would be impacted.

The applicant proposes to mitigate the loss of the 14" and 22" caliper trees by adding 42 trees of a 1.5" minimum caliper for a total of 60" minimum total caliper. While the proposed mitigation is significant, staff cannot support the proposed amendment. Though the applicant states the proposed mitigation is more than sufficient to replace the two trees, the condition relating to mitigation for tree removal was intended for trees that were impacted with the construction of the roads, grading, etc. during the development of the cluster and is not intended to enable homeowners to remove large trees, simply by planting other trees on the lots, after the original development was completed.

Retaining the large trees and the historic home were two of the major goals of the cluster approval. Staff notes that the mitigation proposed by the applicant is significant, and in many ways a reasonable approach to mitigate the impact of the loss of the two large trees. In addition, staff has taken into account that this is the rear yard of the subject property and that a homeowner does have a reasonable expectation for use of their rear yard. Staff attempts to ensure that tree preservation areas, conservation areas are located on common areas rather than individual lots. In this instance, however, because of the historic house many of the trees to be preserved are located on the subject property.

**Staff Recommendation:**

While the mitigation efforts proposed by the applicant are considerable and reasonable, given the potential precedent for tree removal by other home owners, loss of the mature landscape adjacent to the historic house, and inconsistency with the intent of the cluster approval staff cannot support the application. However, if the removal of the two trees is approved, the approval should be contingent upon tree planting as mitigation and bonding to ensure that the proposed trees survive as reflected in revised condition # 7.

**STAFF:** Eileen Fogarty, Director, Department of Planning and Zoning;  
Jeffrey Farner, Acting Division Chief, Development;  
Laura Durham, Urban Planner.

CITY DEPARTMENT COMMENTS

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

Board of Architectural Review:

- F-1 Property is designated local landmark and all exterior changes must be reviewed and approved by the Board of Architectural Review, Old and Historic Alexandria District.
- F-2 Applicant has filed an application for construction of a pergola (BAR Case #2003-0114) for review by the B.A.R. Construction of the pergola necessitates the proposed removal of trees.

# APPLICATION for DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

DSUP # 2003-0033

PROJECT NAME: N/A (formerly King's Cloister)

PROPERTY LOCATION: 635 King's Cloister Circle (formerly 2826 King Street)

TAX MAP REFERENCE: 52.00 09 01-<sup>25</sup>27 ZONE: R-8

APPLICANT Name: CLAUDE B. STANSBURY (Successor by purchase to Seneca, LLC)

Address: 635 KING'S CLOISTER CIRCLE ALEXANDRIA, VA 22302

PROPERTY OWNER Name: CLAUDE B. and ERIN M. STANSBURY

Address: 635 KING'S CLOISTER CIRCLE ALEXANDRIA VA 22302

SUMMARY OF PROPOSAL: Request to amend Development Special Use Permit #97-0076 to permit removal of 2 trees on lot 25 with mitigation per landscaping site plan.

MODIFICATIONS REQUESTED: Amend conditions No. 4-7, as applicable, to permit removal of 2 trees on lot 25 with mitigation as shown on attached Site Plan.

SUP's REQUESTED: Amendment of Development Special Use Permit #97-0076.

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of the 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 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 his knowledge and belief.

CLAUDE B. STANSBURY  
Print Name of Applicant or Agent

  
Signature

635 King's Cloister Circle  
Mailing/Street Address

(202) 777-4507      (202) 777-4555  
Telephone #                      Fax #

Alexandria, VA 22302  
City and State                      Zip Code

\_\_\_\_\_  
Date

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

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

Received Plans for Completeness: \_\_\_\_\_  
Received Plans for Preliminary: \_\_\_\_\_

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

ACTION - CITY COUNCIL: \_\_\_\_\_

Development Special Use Permit with Site Plan (DSUP) # 2003-0033

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 the (check one):

- Owner       Contract Purchaser
- Lessee       Other: \_\_\_\_\_

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.

N/A - Individual owner.

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? N/A

- 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.

Development Special Use Permit with Site Plan (DSUP) # 2003-0033

**NARRATIVE DESCRIPTION**

- 2. 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. If not appropriate to the request, delete pages 4-7.  
(Attach additional sheets if necessary)

CLAUDE B. STANSBURY ("Applicant") as successor by purchase of  
Lot 25 to Seneca, L.C., is requesting approval of an amendment  
to Development Special Use Permit # 97-0076, as previously amended  
by DSUP 2000-0003, governing the use and development  
of the King's Cloister residential cluster development to permit  
removal of 2 trees on Lot 25 to the rear of the existing dwelling  
(a Norway maple and a Eastern Redcedar as shown on the site  
plan submitted with DSUP 97-0076) so as to allow construction  
of a terrace and pergola. Mitigation, at 2-3 times  
level required by condition 7, would consist of 47 trees and  
40 shrubs as shown on the attached Land Landscaping Site  
Plans prepared by The Garden Design Group.

Development Special Use Permit with Site Plan (DSUP) # 2003-0033

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

N/A - No change from SUP 97-0076.

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

N/A - No change from SUP 97-0076.

5. Describe the proposed hours and days of operation of the proposed use:

Day	Hours	Day	Hours
<u>N/A - No change from</u>			
<u>SUP 97-0076.</u>			

6. Describe any potential noise emanating from the proposed use:

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

N/A - None. No change from SUP 97-0076.

B. How will the noise from patrons be controlled?

N/A - None. No change from SUP 97-0076.

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

N/A - None. No change from SUP 97-0076.

Development Special Use Permit with Site Plan (DSUP) # 2003-0033

8. Provide information regarding trash and litter generated by the use:

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

N/A - none. No change from SUP 97-0076.

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

N/A - none. No change from SUP 97-0076.

C. How often will trash be collected?

N/A - none. No change from SUP 97-0076.

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

N/A. none. No change from SUP 97-0076.

9. 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:

N/A. No change from SUP 97-0076.

10. 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:

N/A - none. No change from SUP 97-0076.

Development Special Use Permit with Site Plan (DSUP) # 2003-0033

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

N/A. No change from SUP 97-0076.

**ALCOHOL SALES**

12. 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.

N/A

**PARKING AND ACCESS REQUIREMENTS**

13. 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?

No change from SUP 97-0076.

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

\_\_\_\_\_ Standard spaces

\_\_\_\_\_ Compact spaces

\_\_\_\_\_ Handicapped accessible spaces.

\_\_\_\_\_ Other.

No change from SUP 97-0076.

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Development Special Use Permit with Site Plan (DSUP) # 2003-0033

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

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

No change from SUP 97-0076

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.

14. 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? None - no change from SUP 97-0076.

B. How many loading spaces are available for the use? No change from SUP 97-0076.

C. Where are off-street loading facilities located? No change from SUP 97-0076.

D. During what hours of the day do you expect loading/unloading operations to occur? N/A - No change from SUP 97-0076.

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate? N/A - No change from SUP 97-0076.

15. 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? No change from SUP 97-0076.

CLAUDE B. STANSBURY  
635 KINGS CLOISTER CIRCLE  
ALEXANDRIA, VIRGINIA 22302

VIA FACSIMILE

July 16, 2003

Mr. Peter Smith  
Mr. Jeffrey Farmer  
City of Alexandria  
Dept. of Planning & Zoning  
301 King Street, Room 2100  
Alexandria, VA. 22313

Re: **BAR Case #2003-0114**  
**Planning Commission Special Use Permit Amendment**

Dear Sirs:

I have been advised by telephone call this morning that City of Alexandria, Department of Planning & Zoning staff (*Staff*), and Mr. Jeffrey Farmer in particular, are presently intending to recommend disapproval of our June 24, 2003 application (*SUP Application*) for amendment to special use permit No. 97-0076 (Sept. 2, 1997), as previously amended by special use permit No. 2000-0003 (Mar. 7, 2000) (collectively, *SUP*).

As you must be aware from our prior discussion of this matter and our prior May 2003 application for certificate of appropriateness for construction of a terrace and pergola and implementation of a related landscaping plan (*BAR Application*), I'm shocked by this information.

Specifically, while I disagreed with the end result, I could understand Staff's recommendation in its June 2003 report concerning our BAR Application to defer for restudy in order to preserve a 22" diameter Norway maple (*Acer platanoides*) (*Norway maple*) and a 12" diameter Eastern redcedar (*Juniperus virginiana*) (*Juniper*) on the basis that these trees appeared to be protected by the SUP and, therefore, appeared to require an amendment to the SUP. Now, however, our present SUP Application is to amend the SUP to remove this obstacle to our BAR Application. Therefore, the matter for Staff consideration now is whether the SUP should be amended to

July 16, 2003

Page 2

permit us to remove these two trees in order to implement our thoughtfully conceived landscaping plan, including planting 47 new trees which are more appropriate than the existing Norway maple and Juniper. Thus, if Staff recommends against approving the SUP Application, Staff must have come to the view that protection of the existing Norway maple and Juniper are more important to the community than implementation of our landscaping plan. That decision, should it come to pass, is incomprehensible to me for the reasons set out in the balance of this letter.

#### **Background: 1997 SUP and Conditions**

The 1997 report of the Staff in connection with the SUP (*1997 Staff Report*) noted that in 1997, the 7.2 acre Bryan House parcel included 76 mature trees of over 10" caliper or greater, almost half of which were 30" caliper or greater. The arborist for the City of Alexandria (*Arborist*) determined that 12 of these mature trees were of specimen or near-specimen quality. The 1997 Staff Report also noted that at least 16 varieties of trees were included among the 76 mature trees on the parcel. Interestingly, however, the Juniper, though a native species in Virginia and now stated to be one of the protected trees, is not mentioned in the 1997 Staff Report's detailed list of existing varieties.

During development of the parcel, approximately 35 of these trees were removed, including four of the trees identified by the Arborist as specimen or near specimen quality.<sup>1</sup> From my own observations, it appears that the trees removed included all Black Oaks, Scarlet Oaks, Poplars and Magnolias.<sup>2</sup> Of the approximately 41 trees not removed by the developer, 13 are located on our lot and more than half of the balance are located on the central outlot directly in front of our home.

The SUP included four conditions relating to preservation of trees. (See SUP, Conditions 4, 5, 6 and 7.) Condition 5 required that all underground utilities be routed to avoid designated preserved trees and that utilities installed within the drip-line of such trees be installed by boring beneath the tree protection area. Notwithstanding this requirement, when the developer connected my existing home to the new sewer line, the developer first "looked" for the existing soil pipes coming out from below the foundation of our full height basement by trenching all around the back yard and south side yard with a backhoe to a depth of at least ten feet. After

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<sup>1</sup> The 1997 Staff Report and the June 2003 staff report are inconsistent as to the number of trees retained and removed, sometimes referring to 35 saved and sometimes 41. We have used the higher number although we do not believe there are 41 mature trees remaining on the entire parcel.

<sup>2</sup> Since that time, the single American Linden, located on our property, was destroyed by wind damage on June 1, 2003. However, we expect to replace this tree in the same location with another American Linden.

July 16, 2003  
Page 3

finally locating all three existing soil pipes, the developer connected these three soil pipes to the new line running generally southwest across the back of our lot. In the process, the developer trenched within the drip line on both sides of the Norway maple to a depth of at least eight to ten feet and within three feet of the trunk at the closest point. The Norway maple was hit by the backhoe dropping a branch and scarring the trunk on the east side. One of these two trenches, connecting the soil pipe coming from the 1940 addition to the back of the 1842-44 manor house cut diagonally between the Norway maple and the Juniper crossing the drip line of both trees.

Indeed, the trenching was so bad and so poorly filled that by letter of January 12, 1999, three days prior to the scheduled settlement on the purchase of our home, we agreed with the developer an amendment to the purchase and sale contract for our home to require the developer to "compact the excavated soil surrounding the property where disturbed during the soil pipe replacement, particularly including the as yet only partially filled excavation abutting the south wall of the south addition" and "restoration of the balance of the backyard and sideyards to their condition at the contract date". Thus, while the Arborist may conclude that the two trees in question are in "good health" (as we understand the matter, based upon an inspection from a vehicle), there is no question in my mind that these trees were seriously damaged during the developer's construction.

Condition 7 provided, in pertinent part, that, "[i]n the event any trees designated to be saved are damaged or destroyed during the development process, the applicant shall replace such tree with additional trees of significant caliper equal, cumulatively, to the tree destroyed." We believe that the Norway maple and Juniper were damaged during the development process and that we should be permitted to replace them with additional trees of caliper equal, cumulatively, to 33" to 34", as we have proposed in our BAR Application.

### **Our Landscaping Plan.**

The June 2003 staff report summarizes our landscaping plan, with regard to the replacement of the Norway maple and Juniper as follows, "the applicant proposed to enhance the existing landscape with the addition of numerous shrubs in the vicinity of the terrace and along the edge of the property." (emphasis added). There is no question in my mind that this vastly inaccurate summary of our proposal reflects a particular agenda on the part of the Staff. At a minimum, however, it reflects a failure to examine our landscape site plan submitted with the BAR Application (*site plan*) or to summarize our proposal objectively.

In fact, in contrast to Staff's description of our proposal, the site plan specifies—in addition to approximately 40 shrubs, including a number of native Virginia species—a total of 47 new trees on our 0.65 acre lot, spaced largely around the approximately 650 foot perimeter of the lot or near the flanking additions presently under construction and the proposed new terrace and seat wall.

July 16, 2003

Page 4

These are significant trees and include the following: (i) five Southern Magnolia (*Magnolia grandiflora*), (ii) three Eastern Redbud (*Cercis canadensis*), (iii) three Crape Myrtle (*Lagerstroemia indica*), (iv) six European Hornbeam (*Carpinus betulus*), (v) two Flowering Dogwood (*Cornus florida*), (vi) two Japanese Cedar (*Cryptomeria japonica*), (vii) twelve Emerald Arborvitae (*Thuja occidentalis*), (viii) one Star Magnolia (*Magnolia stellata*), (ix) two Serviceberry (*Amelanchier spp.*), (x) two Foster Holly (*Ilex x fosterii*), (xi) three Austrian Pine (*Pinus nigra*), (xii) four Nellie Stevens Holly (*Ilex x 'Nellie Stevens'*), (xiii) one London Plane Tree (*Platanus acerifolia*), and (xiv) one Deodar Cedar (*Cedrus deodara*). Each tree will be not less than 1.5" caliper and we expect the average to be approximately 2" caliper. Thus, the aggregate caliper of new trees will be between 70" and 95", or roughly two to three times the aggregate caliper of the two trees proposed to be removed (*i.e.*, the mitigation specified in Condition 7).

#### **Some Observations as to Our Site Plan as Regards Trees**

The caliper exchange proposed under our site plan is at least 2:1, if not 3:1. This is double or triple the required exchange called for in Condition 7. Moreover, as Mr. Peter Smith will know from the copy of the landscaping proposal provided to him on June 24, 2003, the projected cost of installing the proposed 40 shrubs and 47 trees is in excess of \$30,000. It is worth noting that this is 150% of the total fine that the developer would have been required to pay under Condition 7 if the developer had destroyed all eight specimen or near specimen trees on the parcel. By contrast, all we want to do is remove two trees with little or no qualitative value.

Our plan would restore three indigenous varieties lost during construction or subsequently due to wind damage (two varieties of Magnolia (six trees), and one American Linden).

Our plan would bring to the parcel seven trees representing three new varieties of native Virginia trees: (i) Serviceberry (2), (ii) Eastern Redbud (3) and (iii) Flowering Dogwood (2).<sup>3</sup> Moreover, the London Plane Tree (*Platanus acerifolia*) is a widely used hybrid of a fourth native tree species, the Sycamore (*Platanus occidentalis*).

Our plan would add to the already represented indigenous varieties on the parcel with two new cultivars of holly.

Our plan would add species variety within an integrated design that includes new conifers (Austrian Pine, Emerald Arborvitae, Deodar Cedar and Japanese Cedar), broad leaf evergreens

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<sup>3</sup> These trees are native according to information publicly available at the website of the Virginia Department of Conservation and Recreation, Division of Natural Heritage ([www.dcr.state.va.us/dnh/natvtree.html](http://www.dcr.state.va.us/dnh/natvtree.html)).

July 16, 2003  
Page 5

(Magnolias and Hollies), deciduous shade trees (European Hornbeams and a London Plane tree) and flowering, ornamental trees (Serviceberries, Crepe Myrtles, Eastern Redbuds and Flowering Dogwoods).

All of this landscaping is part of an integrated design proposal for a small elevated terrace and larger stone, grade-level patio (not elevated as described by Staff), stained wood pergola, stone seat wall and water feature. As designed, the pergola and seat wall tie the two recently approved and constructed flanking additions to enclose a very small area of our yard for our semi-private space.

In order to achieve this design, we seek to remove (i) one 12" tree that is barely within the SUP's caliper threshold for protection and not even mentioned in the 1997 Staff Report and (ii) one tree that has been badly damaged by the site developer in 1999 and which is considered an invasive alien plant species in Virginia according to the Virginia Department of Conservation and Recreation, Division of Natural Heritage and the Virginia Native Plant Society.<sup>4</sup>

As noted above, I simply cannot comprehend how Staff can reach a determination that saving two construction damaged trees, the larger of which ought never to have grown in Virginia and is designated an invasive species, should justify rejecting a landscaping proposal as balanced and well thought out as we believe ours to be.

Moreover, while Staff enthusiastically recommended approval of the 1997 SUP allowing the developer to remove as many as 41 trees—many of them specimens or near specimen quality—in order to construct 24 new homes with no meaningful on-site mitigation, we cannot obtain Staff's recommendation to remove two pitifully insignificant trees in order to construct a modest terrace and pergola and complete a landscaping site plan that would introduce more trees than were removed by the developer and more native species diversity than existed before 1997. I see no basis on which this disparate outcome can be explained (other than financial).

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<sup>4</sup> See information publicly available at the websites of the Virginia Department of Conservation and Recreation, Division of Natural Heritage ([www.dcr.state.va.us/dnh/invlist.pdf](http://www.dcr.state.va.us/dnh/invlist.pdf)) and the Virginia Native Plant Society ([www.vnps.org/invasive.html](http://www.vnps.org/invasive.html)). The Norway maple also is listed as an invasive species of concern (high risk category) in Maryland according to the Maryland Invasive Species Council ([www.mdinvasivesp.org/invasive\\_species\\_md.html](http://www.mdinvasivesp.org/invasive_species_md.html)), noting the Norway maple as "widely recognized by biologists and natural resource managers to degrade natural resources and/or negatively impact native species."

July 16, 2003

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### Action by Right

As discussed with both of you and with the City Attorney, Ignacio Pessoa, Staff's position is that the 1997 SUP conditions restrict my removal of a Norway maple and Juniper. However, if that is the case, our position should be no different from the developer's during construction and, therefore, we should be able to remove these two trees provided only that we are willing to comply with the mitigation provisions of Condition 7. As we read Condition 7, this is perfectly within its plain language. While City Attorney Pessoa has confirmed that in his view the 1997 SUP conditions continue to apply to my further development of my parcel, he has never opined as to whether we can affirmatively rely upon Condition 7 to remove the Norway maple and Cedar, despite my direct inquiry. Of course, this would save us the \$1,000 filing fee already paid to the City of Alexandria in connection with the present SUP Application and, likely, a year's delay in completing the landscaping.

Recognizing, however, that this may not be the spirit of Condition 7 and in the absence of any opinion from City Attorney Pessoa, we have decided to defer taking this step and have done everything possible to comply with Staff's requests and recommendations. However, we feel that we are quite alone in living by the spirit of the rules: It simply cannot be that two trees of no import whatsoever, one a recognized invasive species in Virginia and the other a host for cedar apple rust disease (*gymnosporangium juniperi-virginianae*), neither deserving of any special mention in the 1997 Staff Report (unlike at least 17 other trees specifically mentioned, six of which were permitted to be taken down and a seventh of which has died as a result of construction) and both damaged by construction should be considered "protected" so as to prevent planting 47 diverse, mostly native trees.

### Conclusion and Request for Inclusion in the Record

Should Staff decide, *against all logic and reason*, to recommend against our present SUP Application, I will not waive a hearing by the Planning Commission, and hereby request that this letter be included in the materials made available to its members.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

cc: Mayor William D. Euille

Information on Caliper per Area Landscaping, Inc.

Species	Number	Height (feet)	Caliper (inches)	Total Caliper
American Linden	1	15	5	5
Serviceberry	2	9	2	4
Deodora Cedar	1	11	3.5	3.5
Foster Holly	2	9	4	8
Nellie Stevens Holly	4	8.5	3.5	14
London Plane Tree	1	10	2.5	2.5
Austrian Pine	3	12	3.5	10.5
Arborvitae	12	8	2	24
Hornbeam	6	9	2	12
Redbud	3	7.5	2	6
Dogwood	2	9	2	4
Cryptomeria	2	12	3.5	7
Crepe Myrtle	3	9	2.5	7.5
Magnolia Grandiflora	5	11	3	15
Star Magnolia	1	8	2.5	2.5
	48			125.5



# **Taylor Run Citizens Association**

<http://taylor-run.alexandria.va.us/> P.O. Box 16321, Alexandria, VA 22302

September 4, 2003

Mr. Eric Wagner, Chairman  
Planning Commission  
City of Alexandria

Dear Mr. Chair and Commissioners:

I am writing to express the opposition of the Taylor Run Citizens Association to the request of the owner of 635 Kings Cloister Circle in Development Special Use Permit #2003-0033, to be considered on September 4. The applicant seeks to remove two large trees on his property, to allow the construction of a terrace and pergola.

Our Association has a long-standing interest in preserving trees in our City, and in fact testified in favor of the 1997 Special Use Permit that required the Kings Cloister developer, Greenvest, to preserve 35 trees, including the two that are subject of this request, as a condition of building. The SUP for this cluster development specifically stated which trees were to be preserved. The two subject trees, a 22" caliper maple and 14" juniper, help to retain the ambiance of this historic house. What is more, the City Council has just approved the Open Space Plan that states the need to retain the City's tree canopy.

We concur with the position of the Department of Planning and Zoning staff that the request should be denied. The staff further asserts:

In addition, their removal would create the potential precedence for other home owners in this development and within other clusters within the City to request approval to remove large trees or trees designated for preservation and their associated canopy coverage.

Preserving these trees helps the goals of open space and historic preservation, two elements that make Alexandria special. We urge the Commission to deny the request. Thank you for considering the views of our Association.

Sincerely,

*Peter Newbould*

Peter Newbould  
President

13

9-13-03



"Newbould, Peter"  
<pnewbould@apa.org>

09/04/2003 11:38 AM

DSUP#2003-0033  
PC Docket Item#13

To: "Eileen Fogarty (E-mail)" <eileen.fogarty@ci.alexandria.va.us>  
cc: "Cole Randy (E-mail)" <jrcolehound@yahoo.com>, "Cook Michael (E-mail)" <MHCook@Jenkins.com>, "Crampton, Sharon Garland (E-mail)" <pushkey@starpower.net>, "Dwyer Bruce (E-mail)" <ouibike@worldnet.att.net>, "Freeman, Peter" <hansfree@comcast.net>, "Jackson, Suzanne (E-mail)" <suzannejackson03@comcast.net>, "Jim Moran (E-mail)" <jim@jimmoranspeaker.com>, "Joan Peterson (E-mail)" <jmpeterson@verizon.net>, "Korns Paulette (ofc) (E-mail)" <pkorns@tiaonline.org>, "Mulgrew David (E-mail)" <david.mulgrew@pentagon.af.mil>, "Pickering Ellen (E-mail)" <ELPickering@juno.com>, "Sengel, Randy (E-mail)" <randolph.sengel@ci.alexandria.va.us>, "Wiener, Sandra" <HLWiener@erols.com>

Subject: Planning Cmsn item tonight

Ms. Fogarty: Ellen Pickering of the Taylor Run Citizens Association will speak tonight at the Planning Commission in opposition to the Kings Cloister homeowner request to remove two large trees. For the record, attached is the official letter from TRCA taking that position. Would you please transmit this to the Commissioners? Thanks!

<<TRCA Kings Cloister.doc>>

Peter Newbould  
President, Taylor Run Citizens Association  
202-336-5889 (o)



TRCA Kings Cloister.doc

September 4, 2003

Mr. Eric Wagner, Chairman  
Planning Commission  
City of Alexandria

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We concur with the position of the Department of Planning and Zoning staff that the request should be denied. The staff further asserts:

In addition, their removal would create the potential precedence for other home owners in this development and within other clusters within the City to request approval to remove large trees or trees designated for preservation and their associated canopy coverage.

Preserving these trees helps the goals of open space and historic preservation, two elements that make Alexandria special. We urge the Commission to deny the request. Thank you for considering the views of our Association.

Sincerely,

*Peter Newbould*

Peter Newbould  
President

JOHN W. GRAY, JR.  
612 KING'S CLOISTER CIRCLE  
ALEXANDRIA, VIRGINIA 22302

13  
9-13-03

September 6, 2003

City Council  
City of Alexandria  
301 King Street  
Room 2300  
Alexandria, VA 22313

Re: 635 King's Cloister Circle

Dear Distinguished Members of the Alexandria City Council,

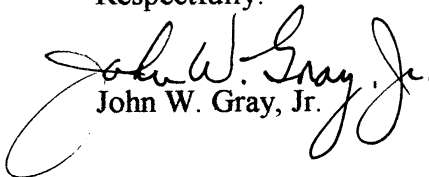
We live at 612 King's Cloister Circle. Our home is directly behind the Stansbury's home at 635 King's Cloister Circle. Last Thursday, we were very pleased to appear on behalf of the Stansburys at the Planning Commission meeting to express our strong support of their application for approval of their landscaping plan. Regrettably, we will be out of town next weekend and, therefore, not available to testify again on their behalf at the City Council meeting next Saturday.

Nevertheless, we wish to express to the council our strong support for their application. We have reviewed their landscaping plan and understand that they are requesting permission to remove two of the four large trees in their backyard. These two trees are hidden from our view by the others and all appear to be in serious decline. One of the two that is not the subject of this proceeding sustained major damage as an entire side of the tree came crashing down in clear weather completely blocking the street. The remaining ugly stumps, crumbling and rotting, may be testament of the condition of all four trees. The removal of any one, or all, of these poor specimens would be welcomed

We urge members of the Council to drive around King's Cloister and view the situation. For those who are unable to do so, please have professional photographs made of the trees to display at the Council hearing. You have our permission to use our property from which to take pictures for the hearing.

The landscaping plan proposed would be a significant improvement to their home and to the tree cover available in our development. The plan, including the new trees, would add to, rather than detract from, the scenic quality of this space, their home and our neighborhood.

Respectfully,

  
John W. Gray, Jr.

  
Nancy L. Gray

13  

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9-13-03

CLAUDE B. STANSBURY  
635 KINGS CLOISTER CIRCLE  
ALEXANDRIA, VIRGINIA 22302

September 8, 2003

Mayor William D. Euille  
Vice Mayor Redella S. Pepper  
Councilman Ludwig P. Gaines  
Councilman K. Rob Krupicka  
Councilman Andrew H. Macdonald  
Councilman Paul C. Smedberg  
Councilwoman Joyce Woodson

301 King Street  
Room 2300  
Alexandria, VA 22313

**Re: DSUP #2003-0033 (Amendment to DSUP No. 97-0076)  
635 Kings Cloister Circle**

Dear Mayor Euille, Vice Mayor Pepper and distinguished City Council Members:

I write today to urge you to approve our application for amendment of the development special use permit No. 97-0076 (Sept. 2, 1997) (**1997 DSUP**) relating to our historic home in Kings Cloister Circle. We believe, for the reasons set out in more detail below, that our proposed amendment represents a remarkable opportunity for the City of Alexandria to improve open space resources in this cluster development and to advance its Open Space Plan.

Our application is to amend the 1997 DSUP to allow removal of two trees in our rear yard so that we may complete a landscaping plan that would include planting 48 new, mostly native Virginia trees with a total aggregate caliper of approximately 120 inches. We believe that the proposed integrated landscape design developed with the help of our landscape architects, the Garden

Design Group, would be a real improvement to our historic home. Indeed, as with the four years of historic restoration of our home, we have spent considerable effort to develop a landscaping design that will provide some small area of private space within our rear yard that is complementary to and sympathetic with the historic structure and its flanking additions. We also believe that the 48 new trees we propose would mitigate the tragic loss of a number of large, mature trees in the central common area and in our adjoining front yard over the six years since the 1997 DSUP, including one specimen Copper Beach (disease), one near-specimen Red Oak (drought), and at least three other very large caliper, mature trees (a Horse Chestnut (disease), an American Linden (wind) and a second Red Oak (foul play by a former homeowner).

While the City of Alexandria, Department of Planning & Zoning staff (*Staff*) have been professional, courteous and patient in explaining their position, we respectfully disagree with their conclusions and recommendation for the reasons discussed further below.

#### **OUR PROPOSED LANDSCAPING PLAN**

As noted, we hope to complete a carefully considered landscaping plan for our historic home. We have spent more than a year developing this plan to provide a truly harmonious and appropriate design using mostly native Virginia species. Our integrated design balances broad leaf evergreens (Magnolias and Hollies), conifers (Austrian Pine, Emerald Arborvitae, Deodar Cedar and Japanese Cedar), deciduous shade trees (European Hornbeams, American Linden and London Plane tree) and flowering, ornamental trees (Serviceberries, Crepe Myrtles, Eastern Redbuds and Flowering Dogwoods).

The design would complement two recently completed flanking additions added (with the approval of the City of Alexandria Board of Architectural Review) and completed using queen sized, hand-molded brick, sand and lime mortar, true divided light windows, slate or standing seam copper roofing materials and in every other manner with highest attention to detail. At the same time, we have meticulously restored the center portion of our historic home, including substantial repointing/restoration work on both gable ends by a historic preservation mason who is a full time historic preservation mason at Mount Vernon.

Completion of our landscaping plan is important to completing the restoration and improvement of our historic home. The cluster development site plan approved in the 1997 DSUP placed our

home inside the new private road, Kings Cloister Circle. While this connected the front of our historic home visually with the central open space, it also placed the rear of our home facing the fronts of nine very large and densely concentrated new homes, many of which have side yards of only 7.5 feet. There is little or no screening for our home (only four existing trees) so that neighbors and passers-by on the road, including considerable foot traffic, can see into our home from all sides.

Our original concept for the recently completed flanking additions, which project to the rear of the historic home, was to enclose a semi-private space for our family's use. Completion of the pergola, seat wall and landscaping is an essential part of this integrated concept and to obtaining a very small measure of privacy.

**STAFF POSITION AND CONCERNS**

The report of the Staff issued in connection with our application (*2003 Staff Report*), recommends denial of our proposed amendment to the 1997 DSUP condition to permit removal of two trees. Specifically, Staff opposed our application on three grounds:

1. Allowing removal of the two trees in question would be inconsistent with the intent of the 1997 cluster approval.
2. These two trees are large and contribute to the natural setting of the historic home.
3. Allowing removal of these two trees would create a precedent for other homeowners in the development and within other cluster developments to remove protected trees.

**OUR PROPOSAL IS NOT INCONSISTENT WITH THE INTENT OF THE CLUSTER APPROVAL IN 1997**

We believe our proposal represents a significant opportunity for the City of Alexandria to advance its Open Space Plan, while doing no harm to the resources sought to be protected in the 1997 DSUP. Therefore, we believe that our proposal is entirely consistent with the intent of the 1997 cluster approval.

As you know, the City of Alexandria's Open Space Plan specifies that the city should "maximize its opportunities to enhance its tree coverage and protect existing woodland resources." (Emphasis added.) While we propose removal of two mature trees, there would be a net gain of 46 trees, each generally of greater qualitative value than the two we propose to remove. These new trees will not be saplings. Rather, most will be ten to 12 feet tall and several will be significantly larger (including the 5" caliper American Linden). The specific trees proposed and sizes according to our nursery supplier is as follows:<sup>1</sup>

Species	Number	Height (feet)	Caliper (inches)	Total Caliper
American Linden	1	15	5	5
Serviceberry	2	8-10	2	4
Deodora Cedar	1	10-12	3.5	3.5
Foster Holly	2	8-10	4	8
Nellie Stevens Holly	4	8-9	3.5	14
London Plane Tree	1	10	2.5	2.5
Austrian Pine	3	12	3.5	10.5
Arborvitae	12	8	2	24
Hornbeam	6	8-10	2	12
Redbud	3	7-8	2	6
Dogwood	2	8-10	2	4
Cryptomeria	2	12	3.5	7
Crepe Myrtle	3	8-10	2.5	7.5
Magnolia Grandiflora	5	10-12	3	15
Star Magnolia	1	8	2.5	2.5
<b>Total</b>	<b>48</b>			<b>125.5</b>

Moreover, our proposal is consistent with the intent of the cluster approval in DSUP 1997. Section 11-602 of the Alexandria Zoning Ordinance permits "variations in lot areas and lot widths" in order to "preserve open and usable space to serve recreational, open space, scenic, public service, and other purposes related thereto, while retaining the densities established under the applicable zoning district."

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<sup>1</sup> This table is based upon a firm bid from Area Landscaping, Inc. and our site plan. A copy of this proposal was provided to Staff with our original application. Caliper size is based upon estimates provided by Area Landscaping, Inc.



Six years ago, the Staff recommended and the Planning Commission and City Council approved the 1997 DSUP under which the developer was permitted to use a cluster approach in exchange for retaining our historic home and designating 35 trees for preservation, generally concentrated in a central open space in front of our home. The Staff report to the 1997 DSUP (*1997 Staff Report*) states at page 14 that Staff generally supported the cluster approach because Staff believed, "that the proposed layout—new development around the perimeter of the site, with the historic home, open space and mature trees saved in the center—is consistent with the intent of the cluster provisions." (Emphasis added.) In short, the cluster provisions allowed a central tree save area in front of our historic home. Indeed, 13 of the preserved trees were located on our lot and nine of these were in our front yard adjacent to the central outlot.

In our view, this intent is advanced by our proposal. The concentration of mature trees in a central open area around which our home and the other homes were sited is the key to the qualitative value of retained mature trees; i.e., to preserve a concentrated wooded area in an open and natural setting.

Our proposal would add 14 trees in front of our home, which has a common and unmarked boundary with the central common area. Indeed, most residents in the development are confused about where our lot ends and the common area in front begins. Adding 14, mostly native trees in front of our home (including, Serviceberries, Linden, Hollies, Sycamore, among others), would greatly enhance the scenic, wooded qualities of this central area.

Moreover, the 14 new trees in front of our home would help mitigate the loss of five large protected trees in front of our home or in the central common space, including (i) the specimen 26" Copper Beach, (ii) the near specimen 34" Red Oak, which succumbed to the drought and is awaiting removal, (iii) the 30" American Linden that was lost to wind on June 1, 2003, (iv) the 30" Red Oak taken down by a homeowner without permission of Staff or the cluster's home owners association last year, and (v) a Horse Chestnut that succumbed to disease and was removed in 2001.

Indeed, at the present pace at which the originally protected trees have been lost over the past six years since 1997, the central common area will be entirely denuded in less than 20 years and the entire parcel will be denuded in about 30 years. It is this steady loss of trees in the central open space, rather than our proposed amendment, that threatens the intent of the 1997 cluster

6|9

approval. And this is precisely why Alexandria's Open Space Plan focuses not only on preserving existing trees, but also on enhancing tree coverage (*i.e.*, obtaining new trees).

Our proposal would take down two qualitatively insignificant trees not located in the central common area or the contiguous area in front of our home in order to complete a landscaping plan that would leave the parcel as a whole with more trees than were in existence at the time of the 1997 DSUP, including 14 new trees visually within the central open space. We respectfully suggest that accepting this exchange would enhance the City of Alexandria's tree coverage and further its Open Space Plan. In our view it manifestly is consistent with the intent of the cluster approach reflected in the 1997 DSUP because it would help to ensure the long term vitality of the central wooded area set aside under the 1997 cluster design.

**THE TWO TREES ARE LARGISH, BUT THEIR OTHER DETRIMENTAL ATTRIBUTES COMPLETELY OFFSET THIS QUALITY AND THEY DO NOT CONTRIBUTE TO THE NATURAL SETTING OF OUR HISTORIC HOME.**

The Norway maple and Eastern red cedar we seek approval to remove are "largish", but not anywhere near the size of the specimen or near specimen trees in the central outlot. Whether they contribute to the natural setting of our home is debatable and any such contribution is small. But these are only two measures of their relative qualitative value. In fact, the two trees in question have detrimental qualities that completely outweigh their "largish" and "natural" appearance.

The larger tree, the Norway maple, is a recognized invasive alien plant species in the Commonwealth of Virginia according to the Virginia Department of Conservation and Recreation, Division of Natural Heritage and the Virginia Native Plant Society.<sup>2</sup> The Norway maple also is listed as an invasive species of concern (high risk category) in Maryland according to the Maryland Invasive Species Council, which notes that the Norway maple is "widely recognized by biologists and natural resource managers to degrade natural resources and/or

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<sup>2</sup> See information publicly available at the websites of the Virginia Department of Conservation and Recreation, Division of Natural Heritage ([www.dcr.state.va.us/dnh/invlist.pdf](http://www.dcr.state.va.us/dnh/invlist.pdf)) and the Virginia Native Plant Society ([www.vnps.org/invasive.html](http://www.vnps.org/invasive.html)).

negatively impact native species."<sup>3</sup> On balance, this factor largely offsets the tree's "largish" qualities. We also suggest that an alien invasive species *by definition* cannot be considered to enhance the "natural" setting for a historic Virginia home.

The smaller tree is a fairly scrawny, scrubby Eastern red cedar, listed as 12" caliper in the 1997 DSUP site plan. While designated for protection in the 1997 DSUP by virtue of being barely over the arbitrary cutoff for preservation of 10" caliper, the tree is not mentioned by species in the 1997 Staff Report, which noted at least 16 varieties of trees that were included among the 76 mature trees on the parcel.<sup>4</sup> Certainly there is nothing in the 1997 Staff Report that indicates Staff thought this particular tree to be significant. Furthermore, for the reasons noted above, it is even less significant because it is situated behind our home and separated from the central open space tree conservation area. Further still, the Eastern red cedar, though a native species in Virginia, is banned in a number of counties of the Commonwealth because it is a host for cedar apple rust disease (*gymnosporangium juniperi-virginianae*).

Staff's focus on size as the only significant relevant quality for preservation also reflects disregard of the fact that trees are a wasting resource. In thirty years, when these two trees and most of the other "large" protected trees are gone, our new trees will be the ones considered "large", "mature" and "natural".

Finally, we respectfully submit that focusing on only the loss of the two trees in question, without considering the opportunity presented by our entire proposal, has caused Staff (and some members of the Planning Commission) to measure our amendment only by perceived costs without measuring real benefits. Our proposal would:

- Restore three varieties of native Virginia trees lost during construction or subsequently due to wind damage (two varieties of magnolia (six trees), and one American Linden).

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<sup>3</sup> See Maryland Invasive Species Council ([www.mdinvasivesp.org/invasive\\_species\\_md.html](http://www.mdinvasivesp.org/invasive_species_md.html)).

<sup>4</sup> The 1997 DSUP implicitly sanctioned the developer's removal of 41 trees, including four specimen or near specimen trees and all Black Oaks, Scarlet Oaks, Poplars and Magnolias.

- Bring to the parcel seven trees representing four new varieties of native Virginia trees: (i) Serviceberry, (ii) Eastern Redbud and (iii) Flowering Dogwood, and a widely used hybrid of the Sycamore.
- Add to the already represented indigenous varieties on the parcel with two new cultivars of Holly.
- Add species variety within an integrated design that includes new conifers (Austrian Pine, Emerald Arborvitae, Deodar Cedar and Japanese Cedar), broad leaf evergreens (Magnolias and Hollies), deciduous shade trees (European Hornbeams and a London Plane tree) and flowering, ornamental trees (Serviceberries, Crepe Myrtles, Eastern Redbuds and Flowering Dogwoods).
- Add 48 trees as part of an integrated design proposal for a small elevated terrace and larger stone, grade-level patio, stained wood pergola and stone seat wall that will tie the two recently approved and constructed flanking additions to enclose a very small area of our yard for our semi-private space while adding to the visual appearance of our historic home in a sympathetic manner.

**APPROVING OUR AMENDMENT WOULD NOT CREATE A PRECEDENT FOR OTHER HOMEOWNERS IN THIS DEVELOPMENT OR OTHER CLUSTER DEVELOPMENTS TO REMOVE PROTECTED TREES.**

Our application presents no adverse precedent with respect to trees protected pursuant to the cluster development procedures. To the contrary, our case presents the helpful precedent that to obtain permission to remove a protected tree, a homeowner in a cluster development must present a compelling case that the City's Open Space Plan and the intent of the particular cluster development approval would be advanced by their proposal. Moreover, there can be no harm if another applicant were successful in making a compelling case of real benefit, as allowing the removal in that context would be in the best interest of the citizenry of Alexandria, the Open Space Plan and the residents of the relevant cluster development.

However, the fact is that most homeowners in a cluster development won't be able to demonstrate a compelling benefit to the city because their lots simply don't have the required size or location to offer the specific advantages that our home's unique location and lot size permit.

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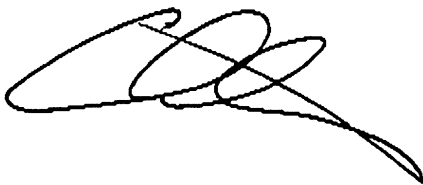
Our home, with a lot size three to four times the size of any other home lot in our cluster, and with its central location and expansive front grounds adjoining the central tree save open space, is uniquely situated so that a great number of trees may be added to our property in a natural setting that compliments the main central outlot. Indeed, no other lot in our cluster could support even one-third of the number of trees that will be added comfortably to our parcel and all but two are separated from the central outlot by a road (and these two face the road not the central outlot).

Finally, as has already been demonstrated in the case of a very large Oak in this cluster development, a homeowner that desires to take down a protected tree located on his or her parcel will do so without seeking approval of the City. Only persons, like us, that are both dedicated to preservation and the community and subject to a restriction on external lot changes, will seek City approval.

#### CONCLUSION

We respectfully disagree with the recommendations of the Staff and with the decision of the Planning Commission. We hope that each of you will consider our application and reach the conclusion we have, that our proposal would bring a true benefit to the City of Alexandria and the Kings Cloister development.

Very truly yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long tail extending to the right.

cc: Jeffrey Farnar, Acting Division Chief, Development  
Alexandria Department of Planning & Zoning

13  
9-13-03

**CHARLES HENRY SMITH**  
604 Kings Cloister Circle  
Alexandria, Virginia 22302  
703.548.9866

September 8, 2003

The Hon. William D. Euille  
Members of City Council  
City of Alexandria  
301 King Street  
Room 2300  
Alexandria, VA. 22313

**Re: DSUP #2003-0033 (Amendment to DSUP No. 97-0076)  
635 Kings Cloister Circle**

Mayor Euille and Member of City Council:


As a neighbor and adjoining property owner, I am writing **in support** of the Stansburys' request for this amendment to the development special use permit for Kings Cloister. In considering the application, Council should recognize the following:

1. The location of the trees proposed to be removed is not visible from any public right-of-way or publicly owned property (Kings Cloister Circle is a private road maintained by the homeowners association).
2. The Kings Cloister Homeowners Association does not oppose the removal of the trees.
3. There is no opposition from the adjoining property owners, who are the people most affected. In fact, many actively support the plan because it will substantially improve the landscaping of the Stansburys' lot.
4. The two trees to be removed are not significant trees. The Norway maple is an invasive poorly formed tree, and the cedar tree is one of the most ubiquitous trees in the state that is the first to sprout on every acre of abandoned farmland throughout the countryside.
5. The proposal of additional landscaping and trees far exceeds the mitigation requirement, and will add tree cover adjoining the central common area, which has lost several canopy trees to drought.

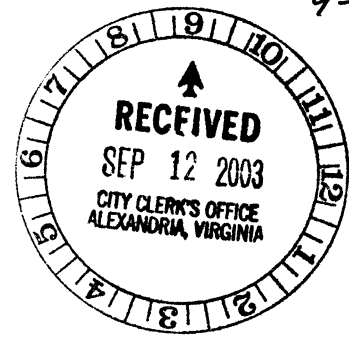
September 8, 2003  
Page 2

This is a "win-win" opportunity for the homeowners of Kings Cloister and for the Stansburys. I urge you to approve the proposed revision.

Very truly yours,



Charles Henry Smith

#12+13  
9-13-03

September 11, 2003

Dear Mayor Euille and City Council Members:

Saving the trees in Alexandria is a major concern of many Alexandria citizens. There are two specific instances that deserve your immediate attention: Duncan Library and Kings Cloister.

I understand that the mature tree in question at the Duncan Library is on city property and the architect and some residents of Del Ray would like the tree removed to better show off the new addition from the street. I am in strong support of the city staff in keeping this tree intact for its beauty, shade, and character it gives to the neighborhood. In addition, destroying mature trees needlessly displays a lack of respect for our environment.

Regarding Kings Cloister, the city government would BE SETTING A PRECEDENT by allowing the homeowner to cut down large trees on his property when he already agreed when purchasing the property to the cluster zoning that meant keeping the trees. What is the point of laws and regulations if we don't abide by them?

We would all appreciate your thoughtful consideration of these matters.

Yours truly,

Ann Kaupp  
longtime resident of Alexandria



emailed to cc 9/11/03

12:13

9-13-03



"Ann Kaupp"  
<Kaupp.Ann@NMNH.SI.  
EDU>

09/11/2003 02:43 PM

To: <alexmayor@aol.com>, <eileen.fogarty@ci.alexandria.va.us>, <jackie.henderson@ci.alexandria.va.us>, <Ahmacdonald@his.com>  
cc:  
Subject: Trees at Duncan Library and Kings Cloister

September 11, 2003

Dear Mayor Euille and City Council Members:

Saving the trees in Alexandria is a major concern of many Alexandria citizens. There are two specific instances that deserve your immediate attention: Duncan Library and Kings Cloister.

I understand that the mature tree in question at the Duncan Library is on city property and the architect and some residents of Del Ray would like the tree removed to better show off the new addition from the street. I am in strong support of the city staff in keeping this tree intact for its beauty, shade, and character it gives to the neighborhood. In addition, destroying mature trees needlessly displays a lack of respect for our environment.

Regarding Kings Cloister, the city government would BE SETTING A PRECEDENT by allowing the homeowner to cut down large trees on his property when he already agreed when purchasing the property to the cluster zoning that meant keeping the trees. What is the point of laws and regulations if we don't abide by them?

We would all appreciate your thoughtful consideration of these matters.

Yours truly,

Ann Kaupp  
longtime resident of Alexandria

emailed to CC 9/11/03

12 & 13  
9-13-03



DiEppler@aol.com  
09/11/2003 02:41 PM

To: jackie.henderson@ci.alexandria.va.us  
cc:  
Subject: Saving trees in Alexandria

To: Jackie Henderson, City Clerk

I ask that you give a copy of the following letter to every council member.

Thank you,  
Dianne E. Adams

September 11, 2003

Dear Mayor Euille and City Council Members:

You have also received the following letter from Ann Kaupp, my neighbor. Since I am in total agreement with her sentiments, I am forwarding the same to signify my strong desire for your positive actions in these matters. Ann writes:

Saving the trees in Alexandria is a major concern of many Alexandria citizens. There are two specific instances that deserve your immediate attention: Duncan Library and Kings Cloister.

I understand that the mature tree in question at the Duncan Library is on city property and the architect and some residents of Del Ray would like the tree removed to better show off the new addition from the street. I am in strong support of the city staff in keeping this tree intact for its beauty, shade, and character it gives to the neighborhood. In addition, destroying mature trees needlessly displays a lack of respect for our environment.

Regarding Kings Cloister, the city government would BE SETTING A PRECEDENT by allowing the homeowner to cut down large trees on his property when he already agreed when purchasing the property to the cluster zoning that meant keeping the trees. What is the point of laws and regulations if we don't abide by them?

We would all appreciate your thoughtful consideration of these matters.

Yours truly,

Ann Kaupp  
longtime resident of Alexandria  
In mutual agreement,

Dianne E. Adams  
501 Slaters Lane #422  
Alexandria, VA 22314

13  
9-13-03

*Lisa Wilson Vohra*  
*636 Kings Cloister Circle*  
*Alexandria, VA 22302*  
*703-519-4563*  
*lwvohra@mindspring.com*

City Council  
City of Alexandria  
301 King Street, Room 2300  
Alexandria, VA 22313

Re: 635 Kings Cloister Circle

Dear Members of the Alexandria City Council:

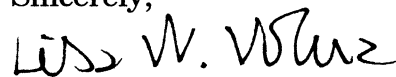
We live at 636 Kings Cloister Circle, across the street from the Stansbury home at 635 Kings Cloister Circle. We are aware that at the September 4, 2003 meeting of the Planning Commission, the Stansbury's application for permission to remove two trees from their backyard was rejected.

My husband and I respectfully request that their reapplication at the Saturday, September 13th City Council meeting be approved. We have reviewed their landscaping plan, and our impression is that the improvement would benefit the neighborhood. Not only from the standpoint of replenishing the dwindling number of trees in our development, but from aesthetic reasons as well.

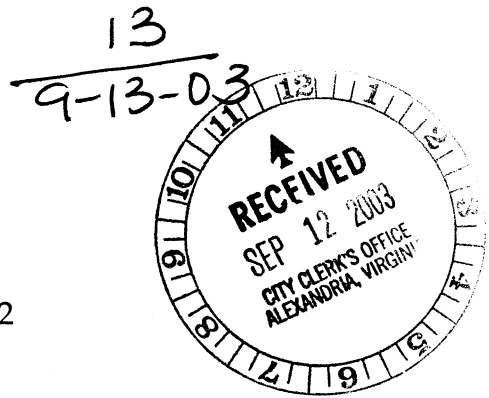
The two trees in the back yard that the Stansbury's would like removed are in decline. The opportunity to improve the attractiveness of the back yard of their property, which so many of the houses in our neighborhood front to, is an opportunity not to be missed.

We ask your consideration of their request to remove the two trees from the back yard, and respectfully ask that you approve it in light of the benefits the new landscaping plan would bring to the Kings Cloister Community.

Sincerely,



Lisa Wilson Vohra



**DAN R. CASSIL**  
634 KINGS CLOISTER CIRCLE  
ALEXANDRIA, VIRGINIA 22302

September 8, 2003

City Council  
City of Alexandria  
301 King Street  
Room 2300  
Alexandria, VA. 22313

Dear Members of the Alexandria City Council,

I live at 634 King's Cloister Circle, and am writing this letter to express my support for the application for approval of a landscaping plan for Claude and Erin Stansbury, 635 Kings Cloister Circle. The Stansburys are requesting to remove two trees from their lot in order to execute a comprehensive landscaping plan. My home is located northeast of the Stansbury's home. I have reviewed their landscaping plan, understand that they request permission to remove two trees in their backyard and believe their plan would be a great improvement to their home and our development.

I understand that two trees will be removed pursuant to the Stansbury's plans. However, the trees the Stansburys seek to remove are unattractive and detract from the beauty of our development and the wonderful work this family has put into their home. I also understand from my review of their plans that the Stansburys plan to plant over 40 new trees on their property which will more than make up for the removal of the two unsightly trees in question. The Kings Cloister community and the City of Alexandria are extremely lucky to have residents such as the Stansburys, who are willing to devote the enormous amount of time and resources it takes to revitalize an historic home in our community. The landscaping plan they have submitted, which is part of a city-approved renovation of their home, will substantially enhance both the beauty and the value of our community and our city. As a member of Stansbury's neighborhood and a citizen of Alexandria, I respectfully request that the Alexandria City Council approve the Stansbury's landscaping plan as submitted.

Very truly yours,

Dan R. Cassil

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9-13-03

**MICHELLE R. MANGRUM**  
602 KINGS CLOISTER CIRCLE  
ALEXANDRIA, VIRGINIA 22302

September 6, 2003

City Council  
City of Alexandria  
301 King Street  
Room 2300  
Alexandria, VA. 22313

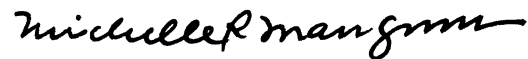
**Re: 635 Kings Cloister Circle**

Dear Members of the Alexandria City Council,

I live at 602 Kings Cloister Circle, to the northeast of the Stansbury's home at 635 Kings Cloister Circle. I write to express my support for the Stansbury's application for approval of their landscaping plan. I have reviewed their landscaping plan and understand that they request permission to remove two trees in their backyard. I believe the Stansbury's landscaping plan would be a great improvement to their home and our development.

I understand that two trees will be removed pursuant to the Stansbury's plans. The trees Stansburys seek to remove, however, are unattractive and detract from the beauty of our development and the wonderful work the Stansburys have done on their house. I also understand from my review of their plans that the Stansburys plan to plant more than 35 new trees on their property which will more than make up for the removal of the two unsightly trees in question. As a member of Stansbury's neighborhood and a citizen of Alexandria, I respectfully request that the Alexandria City Council approve the Stansbury's landscaping plan as submitted.

Very truly yours,



Michelle R. Mangrum

cc: Claude and Erin Stansbury

#13  
9-13-03

Mr. Mayor Vice Mayor Members of Council

The Taylor run Citizens Association board unanimously voted to uphold the special use permit for the Kings Cloister Cluster development.

I believe you have the letter signed by our president Peter Newbold stating our position.

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Mr Mayor Members of Council

A deal is a deal

In this case residents in the Kings Cloister knew that there were restrictions placed upon the property when they bought their homes.

Trees were to be retained and they were noted on each plat.

Some of the trees to be retained even had a bond placed on them should they die within a certain time after construction was completed.

We should all thank the Stansbury family for planning to plant trees.

It is easy to understand why they would like some privacy in their back yard and new trees will provide that for them.

Since many of the trees proposed to be planted will be ornamental, they will add welcomed color to the area.

Half the trees on the landscape list according to the City Arborist are not native Virginia trees but in my book are still wonderful trees and I for one have no objection to their being planted.

The problem revolves around removing two trees that are designated to be saved and which require a legislative action, on your part, to over turn the recommendation of the Planning Commission and to change the special use permit that so designated that the trees be saved.

The City Arborist deems these two trees to be healthy.

Other trees on the Stansbury property could be considered as waning but they are not being requested to be removed.

The doomed trees are simply in the way of the landscape plan.

Surely.... The Garden Design Group hired by the Stansburys has worked around existing trees before and can design a patio and place the pergola in such a way that everyone's goals can be met.

Conservative landscape designers usually like to plant a replacement tree before removing one.... giving the young tree a chance to grow and establish itself.

This back yard plan will have a lot of hard cover area which could impede any existing tree or newly planted trees if great care is not taken.

Nothing in the Special use permit precludes the Stansbury's from planting as many trees as they like . But it does preclude them from removing certain trees.

I urge you to thank the Stansbury for planting more trees but hang on to the two in question.... Nature has a way of taking care of thing in its own time.

September 13, 2003

emailed to cc 9/11/03

13  
9-13-03



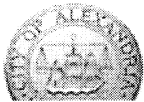
**Jackie Henderson**  
09/11/2003 04:12 PM

To: alexvamayor@aol.com, council@joycewoodson.net,  
delpepper@aol.com, ludwig@gainwithgaines.com,  
macdonaldcouncil@msn.com, rob@krupicka.com,  
smedbergpc@aol.com

cc:  
Subject: Re: Citizen Comments about Kings Cloister Item

**Jackie M. Henderson**  
City Clerk and Clerk of Council

----- Forwarded by Jackie Henderson/Alex on 09/11/2003 04:09 PM -----



**Gloria Sitton**  
09/11/2003 03:52 PM

To: Jackie Henderson/Alex@Alex  
cc:  
Subject: Re: Citizen Comments about Kings Cloister Item

Lois Kleso Hunt would like the following message delivered to City Council regarding docket item # 13 for Saturday's public hearing. Her message is as follows:

Please don't allow the removal of trees in Kings Cloister. The developer promised to save the trees when approval was given. Please save the trees. -- Lois Kleso Hunt

Gloria Sitton  
Deputy City Clerk  
City of Alexandria  
703-838-4550  
gloria.sitton@ci.alexandria.va.us