

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Tuesday, September 20, 2005 - - 4:00 p.m.

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Councilman Ludwig P. Gaines (arrived at 6:15 p.m.), K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director, Planning and Zoning (P&Z); Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Culpepper, Deputy Director, T&ES; Mr. Josephson, Deputy Director, P&Z; Ms. Boyd, Director, Citizens Assistance; Mr. Neckel, Director, Finance; Mr. Kincannon, Director, Parks, Recreation and Cultural Activities; Mr. Johnson, Director, Office of Management and Budget; Ms. Fogle, Division Chief, P&Z; Mr. Sutton, Division Chief, P&Z; Mr. Sundland, Urban Planner, P&Z; Mr. Farnier, Division Chief, P&Z; Ms. Peterson, Urban Planner, P&Z; Mr. Dahlberg, Director, Code Enforcement, Ms. Barnett, Deputy Director, Parks, Recreation and Cultural Activities; Mr. Mason, Acting Public Information Officer; Mr. Skrabak, Division Chief, T&ES; Mr. Haynes, Transportation Coordinator, T&ES; Ms. Vosper, Landscape Architect Supervisor, Parks, Recreation and Cultural Activities; Ms. Durham, Urban Planner, Parks, Recreation and Cultural Activities; Ms. Simmons, ITS; Mr. Colevas, ITS; Mr. Farid, ITS; and Police Lt. Uzzell.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the Roll; all the Members of City Council were present, except Councilman Gaines, who arrived at 6:15 p.m.

NEW BUSINESS ITEM #1: Councilman Smedberg and Mayor Euille presented a check from the Gulf Coast Relief 5K Run/Walk held on September 17, 2005, in the amount of \$114,000 for Hurricane Katrina relief to the Alexandria Chapter of the American Red Cross. Also present for the presentation were Virginia Voght, Chairman, Alexandria Chapter of the American Red Cross; James Carville, organizer; Brian Collins, Pacers Running Store; and Chris Farley, Pacers Running Store.

2. Public Discussion Period.

(a) Fen Chen, 4520 King Street, #902, spoke about concerns with condo associations and how fees are utilized in maintenance of the condominium buildings.

(b) Larry Quetsch, 1575 Forest Villa Lane, McLean, Virginia, spoke about the possible closing of the Christ House and requested an update of the proclamation to Christ House outlining the services that are provided at Christ House. Mr. Quetsch noted the ministry is in jeopardy of continuing to service the less fortunate members of the community because of an investigation from the Health Department.

Mayor Euille noted that the matter has been brought to his attention and requested an update from staff on their findings.

Assistant City Manager Evans reported that the Health Department held a meeting with representatives of Christ House to review the food code and to work with them to reach a resolution soon. Assistant City Manager Evans stated that Council would receive a written report.

(c) Joseph Bennett, 5108 Donovan Drive, #402, spoke about the continuing problems with the Virginia Paving Company and how their Special Use Permit (SUP) violations are affecting the surrounding neighborhood. Mr. Bennett submitted a letter from the City Attorney addressing the violations for inclusion in the record.

(d) Arthur Impastato, 239 Medlock Lane, spoke about the continuing problems with the Virginia Paving Company located behind Cameron Station and he noted some of the environmental issues that are affecting the health of the residents. Mr. Impastato requested that the City work to ensure that Virginia Paving Company was compliant with all City and State regulations.

(e) Poul Hertel, 1217 Michigan Court, reported that the Mirant Plant will be reopening one of the boilers at the Potomac River Plant on September 21 and he noted that the plant created a new plan that will allow them to open, avoiding Virginia Department of Environmental Quality (VDEQ). Mr. Hertel noted that the environment will not be safe for the nearby residents if the plant is reopened and requested enforcement by the City to stop the reopening.

(f) Elizabeth Chimento, 1200 North Pitt Street, spoke about the reopening of

Mirant Potomac River Plant on September 21 and noted that Mirant did not need the approval of the VDEQ to reopen. She reported that if standards were violated, there would be immediate enforcement by the VDEQ. Ms. Chimento reported that Mirant claims to use the same modeling protocol approved by the VDEQ with inputs that reflect more realistic operating conditions hoping their model will surpass the standards of the VDEQ and Environmental Protection Agency (EPA). Ms. Chimento requested enforcement by the City to stop the reopening.

Council engaged in a discussion with members of staff on how to stop the plant from reopening.

City Attorney Pessoa noted that he has just become aware that the plant would be reopening and he would review the information with outside counsel and consultants to determine if the City needed to go to court in the morning to enjoin the operation of the plant.

(g) Julie Crenshaw, 816 Queen Street, requested that reports from outside entities be properly credited to companies that create them. Ms. Crenshaw also expressed concern about the reopening of the Mirant Plant, noting that stack #1 will be started. Ms. Crenshaw pointed out that Mirant has not conducted themselves honorably throughout the entire process.

(h) Van Van Fleet, 26 Wolfe Street, expressed concern about the reopening of the Mirant Plant and thanked all those working on the problem. Mr. Van Fleet also expressed concern about the violations committed by the Virginia Paving Company and he pointed out that the air quality in the entire City was in poor condition.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR¹ (3-7)

Planning Commission

3. SPECIAL USE PERMIT #2005-0067
820 SOUTH PICKETT STREET
STRIKEZONE BASEBALL & SOFTBALL ACADEMY, LLC
Public Hearing and Consideration of a request for a special use permit to operate an amusement enterprise and for a parking reduction; zoned I/Industrial.
Applicant: The StrikeZone Baseball & Softball Academy by Donald Conley and Karen Ford

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 3, 9/20/05, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2005-0071
212 QUEEN STREET
RESTAURANT

Public Hearing and Consideration of a request for a special use permit amendment to change the hours of operation, to allow on-premise beer and wine sales and to increase the number of seats at a restaurant; zoned CD/Commercial Downtown. Applicant: Yeon S. Son.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 4, 9/20/05, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2005-0074
1400 DUKE STREET
CHILD CARE CENTER

Public Hearing and Consideration of a request for a special use permit to operate a child day care center; zoned OCM(50)/Office Commercial Medium. Applicant: Deborah Tillman

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 5, 9/20/05, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2005-0069
650 SOUTH PICKETT STREET
RESTAURANT

Public Hearing and Consideration of a request for a special use permit amendment to allow on-and-off premise sale of beer and wine; zoned I/Industrial. Applicant: Gholamreza Sanjideh

PLANNING COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 6, 9/20/05, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT #2005-0081
2700 and 2706 JEFFERSON DAVIS HIGHWAY
AFGHAN RESTAURANT

Public Hearing and Consideration for a special use permit amendment to reallocate a portion of the indoor seating to the outdoor patio of a restaurant;

zoned I/Industrial. Applicant: Afghan Restaurant by Harry Hart, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 7, 9/20/05, and is incorporated as part of this record by reference.)

11. SPECIAL USE PERMIT #2005-0076
300 CALVERT AVENUE
NATURE BY DESIGN

Public Hearing and Consideration of a request for a special use permit to operate a plant nursery; zoned I/Industrial. Applicant: Randee Wilson and Carla Thomas

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 11, 9/20/05, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously, City Council approved the action consent calendar, with the inclusion of docket item #11.

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
11. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Macdonald	"aye"	Gaines	absent
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. Public Hearing and Consideration of the Open Space Steering Committee's Pocket Park Nominations. (#25, 9/13/05)

(A copy of the City Manager's Memorandum dated September 7, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 9/20/05, and is incorporated as part of this record by reference.)

This item was deferred.

9. Public Hearing and Consideration of the Report of the Open Space Steering Committee Including its Updated List of Priorities for Potential Acquisition or Protection. (#36, 6/14/05)

(A copy of the City Manager's Memorandum dated June 9, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 9/20/05, and is incorporated as part of this record by reference.)

This item was deferred.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

10. SPECIAL USE PERMIT #2005-0073
1767 KING STREET (Parcel Address: 1747 King Street)
STARBUCKS
Public Hearing and Consideration of a request for a special use permit to operate a coffee shop; zoned OCH/Office Commercial High. Applicant: LHO Alexandria 1 Lessee, LLC

PLANNING COMMISSION ACTION: Recommend Approval with amended conditions 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item. No. 10, 9/20/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing:

- (a) Michael Choury, 1747 King Street, general manager of the Hilton Hotel, spoke in support of the proposed project.
- (b) Julie Crenshaw, 816 Queen Street, spoke in opposition to the proposed project.

(c) Jim Melton, 105 Harvard Street, spoke in opposition to the proposed project.

(d) Van Van Fleet, 26 Wolfe Street, spoke in opposition to the proposed project.

(e) Ann C. Timberlake, 501 Summers Street, spoke in support of the proposed project.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Krupicka	"aye"
Pepper	"aye"	Gaines	absent
Euille	"aye"	Macdonald	"aye"
	Woodson		"aye"

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried 4-2, City Council approved the Planning Commission recommendation with the addition of a condition stating, "The applicant shall provide the City \$1000.00 for one Model SD-53 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street). The applicant will be responsible for the maintenance and upkeep of the litter receptacle." The voting was as follows:

Smedberg	"aye"	Krupicka	"aye"
Pepper	"aye"	Gaines	absent
Euille	"aye"	Macdonald	"no"
	Woodson		"no"

12. SPECIAL USE PERMIT #2004-0105
219 A NORTH WEST STREET (rear)
DEVELOPMENT w/o STREET FRONTAGE and PARKING REDUCTION
Public Hearing and Consideration of a request for a special use permit to construct a single family dwelling on a lot without street frontage and for a reduction in required parking; zoned RB/Residential. Applicant: Sarah Allen

PLANNING COMMISSION ACTION: Recommend Approval
with amended conditions 5-2

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 9/20/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing:

- (a) Harry P. Hart, 307 North Washington Street, spoke in support of the proposed project.
- (b) Sarah Allen, 221 North West Street, the applicant, spoke in support of the proposed project.
- (c) Leslie Zupan, 1309 Queen Street, spoke in support of the proposed project.
- (d) Ramona Hatten, 4652 Kirkpatrick Lane, spoke in support of the proposed project.
- (e) Thomasine Hollis, 1310 Queen Street, spoke in support of the proposed project.
- (f) Sharon J. Frazier, 1325 Cameron Street, spoke in support of the proposed project.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Gaines	absent
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

Note: Councilman Ludwig Gaines arrived at the meeting at 6:15 p.m.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 5-1-1, City Council approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Gaines	abstain
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"no"	

- 13. SPECIAL USE PERMIT #2005-0063
716 CHURCH STREET (Parcel Address: 714 Church Street)
CAPITAL BARTENDING SCHOOL

Public Hearing and Consideration of a request for a special use permit to operate a commercial school; zoned CL/Commercial Low. Applicant: Scott Shelton

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 9/20/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson		"aye"

WHEREUPON, upon motion Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson		"aye"

14. DEVELOPMENT SPECIAL USE PERMIT #2004-0010
6100 & 6110 LINCOLNIA ROAD
LINCOLNIA ROAD RESIDENCES

Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a residential building with underground parking; zoned CRMU-M/Commercial Residential Mixed Use Medium. Applicant: Diamond Lincolnia, L.L.C., by Harry P. Hart, attorney

PLANNING COMMISSION ACTION: Recommend Approval
with amended conditions 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 9/20/05, and is incorporated as part of this record by reference.)

The following person participated in the public hearing:

(a) Harry Hart, 307 North Washington Street, spoke in support of the

proposed project.

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

Note: City Council took a brief recess until 6:55 p.m.

Docket items #15 and #16 were heard together.

15. DEVELOPMENT SPECIAL USE PERMIT #2004-0041
2320 MILL ROAD & 551 ELIZABETH LANE
EISENHOWER CENTER III
Public Hearing and Consideration of a request for a development special use permit with site plan to redevelop an office/retail building and parking structure; zoned CDD-2/Coordinated Development District. Applicant: Eisenhower Mill Properties, LLC c/o Simpson Development Company, Inc., by Donald Simpson, Sr.

PLANNING COMMISSION ACTION: Recommend Approval
with amended conditions 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 9/20/05, and is incorporated as part of this record by reference.)

16. SPECIAL USE PERMIT #2005-0022
2320 MILL ROAD & 551 ELIZABETH LANE

EISENHOWER CENTER III - TRANSPORTATION MANAGEMENT PLAN
Public Hearing and Consideration of a request for a transportation management plan for the Eisenhower Center III office/retail building and parking structure; zoned CDD-2/Coordinated Development District. Applicant: Eisenhower Mill Properties, LLC c/o Simpson Development Company, Inc., by Donald Simpson, Sr.

PLANNING COMMISSION ACTION: Recommend Approval
with amended conditions 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 9/20/05, and is incorporated as part of this record by reference.)

The following person participated in the public hearings:

(a) Harry P. Hart, 307 North Washington Street, spoke in support of the request.

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council closed the public hearing on docket items #15 and #16. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council approved the Planning Commission recommendation for docket items #15 and #16. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

17. SPECIAL USE PERMIT #2005-0065
1556 & 1560 POTOMAC GREENS DRIVE
POTOMAC PLAZA (Parcel Address: 1550 Potomac Greens Drive)
RESTAURANT
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CDD-10/Coordinated Development District. Applicant: Matt McNamara

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 9/20/05, and is incorporated as part of the record by reference.)

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as following:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

18. SPECIAL USE PERMIT #2005-0083

901 SLATERS LANE

POTOMAC PLAZA (Parcel Address: 1550 Potomac Greens Drive)

COFFEESHOP

Public Hearing and Consideration of a request for a special use permit to operate a coffee shop with outdoor seating and live music and a request for a parking reduction; zoned CDD-10/Coordinated Development District. Applicant: Neighborhood Restaurant Group by Stephanie Babin

PLANNING COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 9/20/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

19. SPECIAL USE PERMIT #2005-0079
1200 NORTH QUAKER LANE
EPISCOPAL HIGH SCHOOL
Public Hearing and Consideration of a request for a special use permit to expand an existing private school by constructing two faculty houses; zoned R-20/Residential. Applicant: The Protestant Episcopal High School in Virginia

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 9/20/05, and is incorporated as part of this record by reference.)

The following person participated in the public hearing:

- (a) Duncan W. Blair, Esq., 524 King Street, spoke in support of the proposed project.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

20. SPECIAL USE PERMIT #2005-0084
3839 MT VERNON AVENUE
MY BAKERY RESTAURANT AND CAFE

Public Hearing and Consideration of a request for a special use permit to operate a restaurant/bakery; zoned NR/Neighborhood Retail. Applicant: My Bakery & Cafe, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 9/20/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing:

- (a) Duncan W. Blair, Esq., 524 King Street, spoke in support of the proposed project.
- (b) David Escobar, 3508 Courtland Drive, Falls Church, spoke in support of the proposed project.
- (c) Kyle Kennan, 147 Lynhaven Drive, spoke in support of the proposed project.
- (d) Angela Elder, 235 Evans Lane, spoke in support of the proposed project.
- (e) Deena Cordell, 147 Lynhaven Drive, spoke in support of the proposed project.
- (f) Dennis Cordell, 147 Lynhaven Drive, spoke in support of the proposed project.
- (g) Liz Cherry, 143 Lynhave Drive, spoke in support of the proposed project.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg		"aye"

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning

Commission recommendation with the following amendments: (1) addition of condition #19 stating, "Loading and unloading activities shall occur after 7:00 a.m. and before 6:00 p.m.," (2) change the operation hours to Sunday-Thursday until midnight and Friday and Saturday until 1:00 a.m.; (3) an automatic extension to 2:00 a.m. Friday and Saturday operation hours following a positive six months review and; (4) and a cover charge will be allowed periodically for certain events. The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

21. MASTER PLAN AMENDMENT #2005-0003 (A)
REZONING #2005-0004 (B)
TEXT AMENDMENT 2005-0004 (C)
HUNTING CREEK AREA PLAN

Public Hearing and Consideration of a request for:

(1) a revision to the Old Town Small Area Plan Addendum of the City's Master Plan to incorporate the Hunting Creek Area Plan; (2) amendments to the City of Alexandria zoning map to rezone certain properties affected by the construction of the Woodrow Wilson Bridge and identified on the City of Alexandria Tax Map, as follows 83.01-01-06 and 08 (1199 S. Washington St. and 1205 S. Alfred Street) from RC to UT; 83.02-01-02 (1100 S. Washington St.) from OCM (50) to UT; 83.02-01-03 (1150 S. Washington St.) from OCM (50) to RC and UT; and 83.02-01-05 and 06 (1202 and 1200 S. Washington St.) from RC to UT; and (3) amendments to Section 3-906 related to bulk and open space regulations and the addition of Section 3-908 of the Alexandria Zoning Ordinance to add design guidelines and standards for development for properties adjacent to South Washington Street (George Washington Memorial Parkway) south of the Capital Beltway. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION:

MPA#2005-0003 Recommend Approval with amended conditions 7-0

REZ#2005-0004 Recommend Approval 7-0

TA#2005-0004 Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 9/20/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this docket item:

(a) Howard Middleton, 3110 Fairview Park Drive, Falls Church, spoke in support of the proposed project and offered an amendment to Section 3.4.3 into the Hunting Creek Area Plan as follows, "In order to assure affordable housing within the City, the City may consider a zoning text amendment or a zone change to permit an increase in height with special use permit approval, if the project provides an

exceptional contribution to affordable housing."

(b) David Murphy, 1100 Ohio Drive, SW, Washington, D.C., spoke on behalf of the National Parks Service about the preservation of the Parkway around the buildings and possible building heights.

(c) Ellen Pickering, 103 Roberts Lane, spoke about open space, affordable housing and preservation of the Parkway to Mount Vernon.

(d) Nancy Carson, 301 West Masonic View, spoke on behalf of Housing Action about preserving the affordable housing in Hunting Towers and Hunting Terrace.

(e) Julie Crenshaw, 816 Queen Street, clarified her statement to the Planning Commission and requested that the item be deferred so that other possibilities may be explored, particularly for affordable housing, before a final decision is made on the proposed project.

(f) Phillip Bradbury, 1250 South Washington Street, spoke in support of the proposed project.

(g) Ardith Campbell Dentzer, 1204 South Washington Street, #823, spoke on behalf of the Hunting Towers and Hunting Terrace Tenants' Association, about affordable housing and the possible owners' stance on affordable housing, the maintenance of the building during the construction of the Woodrow Wilson Bridge and the historic component of the the building.

(h) David Kauleke Chun, 1202 South Washington Street, #414, spoke in general support of the proposed project and noted that he hoped that the City paid close attention to the details to protect the property.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

A MOTION was made by Councilman Krupicka and seconded by Councilman Gaines to approve the Planning Commission recommendation and reinstate the original language relating to affordable housing.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council requested that this item be docketed for consideration at the September 27, 2005 legislative meeting. The voting was as

follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

22. DEVELOPMENT SPECIAL USE PERMIT #2005-0003
4320 SEMINARY ROAD
INOVA ALEXANDRIA HOSPITAL

Public Hearing and Consideration of a request for an amendment of a development special use permit with site plan to construct an addition to the existing hospital building; zoned R-8 w/proffers/Residential. Applicant: Inova Alexandria Health Services Corporation by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 9/20/05, and is incorporated as part of this record by reference.)

Vice Mayor Pepper made a disclosure statement stating that she is able to vote on this matter even though her husband is a member of the staff of the hospital.

Mayor Euille disclosed that he would be voting on this docket item even though he serves on the the board.

The following persons participated in the public hearing:

(a) Duncan W. Blair, Esq., 524 King Street, spoke in support of the proposed project.

(b) Carolyn Griglione, 1416 North Ivanhoe Street, spoke in support of the proposed project.

(c) Ken Kozloff, 4320 Seminary Point, spoke in support of the proposed project.

(d) Paul Giddings, 1421 North Ivanhoe Street, spoke in support of the proposed project.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
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Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

23. VACATION #2005-0003
 418 WEST BRADDOCK ROAD
 Public Hearing and Consideration of a request to vacate a public right-of-way; zoned R-8/Residential. Applicant: Richard & Elizabeth Tonner

PLANNING COMMISSION ACTION: Recommend Approval
 with amended conditions 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 9/20/05, and is incorporated as part of this record by reference.)

The following person participated in the public hearing:

(a) Richard Tonner, 418 West Braddock Road, spoke in support of the proposed vacation.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Woodson and carried 6-0, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Woodson	"aye"	Gaines	absent
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Woodson and carried 6-0, City Council approved the Planning Commission recommendation. Mayor Euille appointed the following persons as viewers: Rodger Dilgilio (chair), Bill Brandon, and Kellie Meehan. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
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Woodson	"aye"	Gaines	absent
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

24. VACATION #2005-0002
632 SOUTH FAIRFAX STREET
STEVENS SWITCH, LLC

Public Hearing and Consideration of a request to vacate an area of public right-of-way; zoned CL/Commercial Low. applicant: Stevens Switch, LLC by Duncan Blair, attorney. (#18, 6/21/05)

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24, 9/20/05, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing:

(a) Duncan W. Blair, Esq., 524 King Street, spoke in support of the proposed vacation.

(b) Julie Crenshaw, 816 Queen Street, spoke in opposition to the proposed vacation.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Gaines and carried unanimously, City Council overturned the Planning Commission recommendation and denied the vacation. The voting was as follows:

Macdonald	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

25. Public Hearing and Consideration of an Appeal of the decision of the Planning Commission for Subdivision No. 2005-0005, 115-119 S. Royal Street, a request for an appeal of the Planning Commission's approval of a condition limiting and

restricting the use and development on the subject property; zoned R-8/Residential. Applicant and Appellant: 110 S. Pitt Street, LLC by Duncan W. Blair, Attorney.

(A copy of the Planning Department report dated September 13, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25, 9/20/05, as well as a copy of the appeal, marked Exhibit No. 1, and both are incorporated as part of this record by reference.)

The following person participated in the public hearing:

(a) Duncan W. Blair, Esq., 524 King Street, spoke in support of the appeal for the subdivision.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson		"aye"

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council upheld the Planning Commission recommendation with the deletion of condition #6 concerning open space. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson		"aye"

Board of Architectural Review

26. Public Hearing and Consideration of an Appeal of the Board of Architectural Review for Case No. 2005-0164, a decision approving a permit to demolish and capsluate at 1520, 1522 & 1524 King St, zoned OCH Office Commercial. APPLICANT: DSF Long King Street I, LLC. APPELLANTS: Douglas Thurman, Lillian J. White, Pat Troy, Katy Cannady and Boyd Walker, on behalf of petitioners.

(A copy of the Planning Department report dated September 20, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26, 9/20/05, as well as a copy of the appeal, marked Exhibit No. 1, and both are incorporated as part of this record by reference.)

The following persons participated in the public hearing:

- (a) Lillian J. White, 119 West Mason Avenue, spoke in support of the appeal.
- (b) Douglas Thurman, 804 Duke Street, spoke in support of the appeal.
- (c) Boyd W. Walker, 922 Cameron Street, spoke in support of the appeal.
- (d) Ellen Pickering, 103 Roberts Lane, spoke about the need to incorporate all of King Street into the Old and Historic District.
- (e) Julie Crenshaw, 816 Queen Street, spoke in support of the appeal.
- (f) Van Van Fleet, 26 Wolfe Street, spoke in support of the appeal.
- (g) Linda Couture, 505 Duke Street, spoke in support of the appeal.
- (h) Leslie Zupan, 1309 Queen Street, spoke in support of the appeal.
- (i) Michael E. Hobbs, 419 Cameron Street, spoke in support of the appeal.
- (j) Ernie Hazera, 114 Harvard Street, spoke in support of the appeal.
- (k) Jonathan Rak, 1750 Tysons Boulevard, #1800, McLean, Virginia, attorney for the applicant, spoke in support of the demolition and capsulation.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson		"aye"

A MOTION was made by Councilman Macdonald to grant the appeal and overturn the decision of the Board of Architectural Review. The motion failed for lack of a second.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 5-2, City Council denied the appeal and upheld the decision of the Board of Architectural Review. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"no"

Euille	"aye"	Macdonald	"no"
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS

27. Public Hearing, Second Reading and Final Passage of an Ordinance to Grant a Full Exemption From the Residential Refuse Fee to Elderly or Disabled Taxpayers Who Have Obtained a Deferral or Exemption of Real Estate Taxes. (#16, 9/13/05) **(ROLL-CALL VOTE)**

(A copy of the City Manager's Memorandum dated September 6, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27, 9/20/05, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 27, 9/20/05, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 27, 9/20/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Macdonald and carried unanimously by roll-call vote, City Council closed the public hearing and passed an ordinance to grant a full exemption from the residential refuse fee to elderly or disabled taxpayers who have obtained a deferral or exemption of real estate taxes. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4421

AN ORDINANCE to amend and reordain Section 5-1-34, Article C (SOLID WASTE COLLECTION GENERALLY) of Chapter 1 (SOLID WASTE CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article C (Solid Waste Collection Generally) of Chapter 1 (Solid

Waste Control) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by enacting an amended Section 5-1-34, to read as follows:

Section 5-1-34 City charge for collection and disposal service; billing.

(a) From time to time, the city council, by resolution, shall set an annual charge for the collection and disposal of solid waste, ashes, and yard debris from required user properties on a fiscal year basis, and all required users shall pay the charge so established by council. Any other person receiving collection and disposal service from the city shall pay an annual charge based on the average volume of refuse generated by the person compared with the average volume of refuse generated by a typical single family dwelling in the city.

(b) The city shall bill required users for the city's collection and disposal service by including the annual charge established by city council pursuant to subsection (a), as well as any penalties and interest assessed pursuant to subsection (e), in the real estate tax bill for required user properties, and the charge shall be paid no later than the time or times by which the real estate tax bill is to be paid. The city shall bill the owners of non-required user properties who receive collection and disposal service from the city for the annual charge established by the director pursuant to subsection (a), as well as any penalties and interest assessed pursuant to subsection (e), at times and pursuant to procedures established by the director, and any such charge shall be paid within 30 days of the date of the city's bill.

(c) The charges set by council and the director pursuant to this section shall be set so as to recover up to 100 percent of the estimated city cost of providing the collection and disposal service, including the cost of billing and collecting charges and inspecting properties, but no more.

(d) The owner of any required user property which loses its status as a required user property shall immediately notify the director of this change in property status. The owner of any non-required user property which qualifies as required user property shall immediately notify the director of this change in property status.

(e) Whenever the payment of a charge imposed pursuant to this section is not made when due, a penalty shall be added to the overdue charge equal to 10 percent of such charge. In addition, interest on the overdue charge and the penalty, calculated at an annual rate of 10 percent, shall commence on the first day following the date the charge was due and shall continue until the overdue charge and the penalty are paid.

(f) Any payment by a required user on a real estate tax bill for required user property shall, before being applied to real estate taxes, be applied in the following manner and order: (i) to any outstanding overdue charges assessed against the property pursuant to this section; (ii) to any outstanding penalties assessed against the

property pursuant to this section; (iii) to any interest that has accrued on overdue charges and penalties assessed against the property pursuant to this section; and (iv) to the current charge assessed against the property pursuant to this section.

(g) Any required user who has obtained a full or partial exemption from or a deferral of real estate property taxes pursuant to section 3-2-162 of this code shall be granted a full exemption from any charge imposed pursuant to this section.

Section 2. That this ordinance shall become effective immediately.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (28-29)

Planning Commission (continued)

28. SPECIAL USE PERMIT #2005-0077
1201 BRADDOCK PLACE
MERIDIAN AT BRADDOCK STATION
Public Hearing and Consideration of a request for a special use permit to operate a convenience store; zoned OCH/Office Commercial High. Applicant: Potomac Club Residences, LP by Michael D. Bushkoff

PLANNING COMMISSION ACTION: Deferred

29. SPECIAL USE PERMIT #2005-0042
5601 COURTNEY AVENUE; 730 S. VAN DORN ST; 750 S. VAN DORN ST; 720 S. VAN DORN ST.
VIRGINIA PAVING COMPANY
Public Hearing and Consideration of a request for a special use permit amendment to change the hours by which vehicles may exit and enter an existing asphalt plant; zoned I/Industrial. Applicant: Virginia Paving Company by Mary Catharine Gibbs, attorney

PLANNING COMMISSION ACTION: Deferred (Applicant's Request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the Public Hearing Meeting of September 20, 2005, at 11:30 p.m. The voting was as follows:

Pepper "aye" Gaines "aye"

Krupicka "aye" Macdonald "aye"
Euille "aye" Smedberg "aye"
Woodson "aye"

APPROVED BY:

WILLIAM D. EUILLE **MAYOR**

ATTEST:

Gloria Sitton Deputy City Clerk