

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, February 21, 2009 - - 10:30 a.m.**

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Spera, Acting City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Mr. Josephson, Deputy Director, P&Z; Ms. Davis, Director, Office of Housing; Ms. Ryan, Urban Planner, P&Z; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Catlett, Director, Office of Building and Fire Code Administration; Ms. Boyd, Director, Office of Citizen Assistance; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Culpepper, Deputy Director, T&ES; Mr. Moritz, Deputy Director, P&Z; Ms. Wright, Division Chief, P&Z; Ms. Gron, Planner, P&Z; Ms. Durham, Open Space Coordinator, Recreation, Parks, and Cultural Activities; Ms. Blackford, Communications Officer, City Manager's Office; Mr. Hunt, Office of Building and Fire Code Administration; Police Captain Reyes; Mr. Mann, Urban Planner, P&Z; Ms. Hamblin-Katnick, Watershed Program Administrator; T&ES; Ms. Beeton, Division Chief, P&Z; Mr. Kagawa, Park Planner III, Recreation, Parks and Cultural Activities; Ms. Carton, Park Planner, Recreation, Parks and Cultural Activities; Ms. Davis, Principal Planner, P&Z, Police Captain Ogden; Mr. Outlaw, ITS; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All members of Council were present.

2. Public Discussion Period.

The following people participated in the public discussion period:

(a) Annabelle Fisher, 5001 Seminary Road, spoke about streamlining the number of advisory groups and task forces that are created by Council. Ms. Fisher suggested that Council consider having community meetings in the neighborhoods and compiling the ideas of the citizens to address issues in the City.

(b) Gary Carr, 216 Aspen Street, spoke about improving the conditions of the running tracks at Francis Hammond and George Washington Middle Schools. Mr. Carr requested that all groups interested in running come together to brainstorm about ways to improve the tracks throughout the City. Mr. Carr also requested that track improvement be included in some of the upcoming Master Plans.

Councilman Gaines requested a budget memo from staff outlining the feasibility as part of the master planning process, what is required from potential private sector funding, and what the City can and cannot afford with regard to running tracks.

Director of Parks, Recreation and Cultural Activities Kincannon responded to questions Council about the probability of planning for updating running tracks and including them in the master planning process.

(c) Mindy Lyle, 5235 Tancreti Lane, representing the Cameron Station Civic Association, stated that the current administrative Special Use Permit (SUP) process, even though streamlined, still proves to be cumbersome. Ms. Lyle noted that a couple of businesses in the Cameron Station community were having a hard time expanding their businesses because of obstacles still present in the SUP process. Ms. Lyle requested that Council revisit the administrative SUP process and make it so small businesses are encouraged to operate in the City.

City Council requested that the City Manager and the Director of Planning and Zoning respond to the concerns about the difficulties that the businesses in the Cameron Station community are facing with the administrative SUP process. City Council also requested the SUPs in question be amended and redocketed for consideration as soon as possible. City Council also requested an update on the possibility of an ongoing permanent policy for signage at Cameron Station.

(d) Cathy Puskar, 215 East Oak Street, representing the Alexandria Chamber of Commerce, stated that the Chamber of Commerce welcomes the opportunity to continue the discussion about further streamlining the SUP process to make it easier for businesses to succeed in Alexandria, while at the same time being mindful of the needs of the community and the citizens. Ms. Puskar invited everyone to attend the Chamber of Commerce's Legislative Reception on April 1, 2009, at the Westin Carlyle at 8:00 p.m. Ms. Puskar also encouraged everyone to continue to support Alexandria businesses and "Buy Alexandria" during these tough economic times.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. SPECIAL USE PERMIT #2008-0086
610 MONTGOMERY STREET
PIZZA PAN

Public Hearing and Consideration of a request for an amendment to allow delivery at an existing restaurant; zoned CDX/Commercial Downtown (Old Town). Applicant: Richard Smith

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report dated February 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 02/21/09, and is incorporated as part of this record by reference.)

4. DEVELOPMENT SPECIAL USE PERMIT #2008-0020
4001 EISENHOWER AVENUE
CAMERON RUN REGIONAL PARK

Public Hearing and Consideration of a request for a development special use permit, with site plan, to install and operate a group picnic shelter; zoned POS/Parks and Open Space. Applicant: Northern Virginia Regional Park Authority

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 02/21/09, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2008-0082
1 GROVES AVENUE
HOME DAY CARE

Public Hearing and Consideration of a request to operate a home child day care; zoned R2-5/Single-Family. Applicant: Heather Christiani

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 02/21/09, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor

Pepper and carried unanimously, City Council approved the Action Consent Calendar as follows:

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

The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

- 6. 221 WEST GLEBE ROAD
Public Hearing on a Report on the feasibility of redeveloping the old Safeway site located at the intersection of Mt. Vernon Avenue and West Glebe Road, 221 West Glebe Road. Staff: City of Alexandria, Department of Planning and Zoning

(A copy of the Planning Commission report dated December 23, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 02/21/09, and is incorporated as part of this record by reference.)

Mr. Josephson, Deputy Director of Planning and Zoning, gave a presentation on the feasibility of redeveloping the site located at the intersection of Mount Vernon Avenue and West Glebe Road and responded to questions from City Council about the recommendations in the staff report.

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

- (a) Wilma Probst, 3803 Brighton Court, stated that it may be time to revisit the Arlandria Plan that currently exists. Ms. Probst requested that any future discussion include a view of Arlandria as a new gateway to the City and view the redevelopment of this area as a city-wide issue. Ms. Probst noted that there should be a redevelopment study performed and the inclusion of the arts district area.

(b) Kevin Beekman, 3905 Elbert Avenue, representing the Lenox Place Sunnyside Homeowners Association, noted that there was a gang incident at the corner of Elbert Avenue, Mt. Vernon Avenue and Four Mile Run and he also pointed out that a business owner reached out to him to explain the effects that gang violence has had on the Arlandria neighborhood and its businesses. Mr. Beekman stated that most of the elements in the Arlandria Plan, including park improvements, streetscape improvements, new businesses coming to the area and an increased police presence would help improve the area. Mr. Beekman also noted that the effort had to be sustained over a long period of time, that there needed to be affordable housing included in the redevelopment and that there needed to be an accountability level for all involved in implementing the plan.

(c) Nathan Brown, 145 Dale Street, stated that safety should not be the deciding factor in spurring redevelopment in the Arlandria area, noting the redevelopment efforts in many District of Columbia neighborhoods.

(d) Nick Partee, 54 Dale Street, Hume Springs Citizens Association, stated that there has been change to some degree in the Arlandria area but he noted that the Action Plan on the website has not been updated for over two years and many of the items in the plan have not been addressed. Mr. Partee stated that the Hume Springs Citizens Association has been working with the Alexandria Economic Development Partnership to keep the facade improvement program open to encourage some of the businesses to engage in the program. Mr. Partee noted that the Hume Springs Citizens Association is also considering funding some of the wayfinding signage to give the area an identity, which it currently lacks. Mr. Partee suggested that the City investigate other methods of financing to possibly move the progress of the plan along and provide incentives for businesses to come to the area.

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

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried unanimously, City Council received the report and requested the following: (1) that staff return to Council with a clear action plan that addresses the Council and citizen comments and that outlines how to move forward with the concepts in the Arlandria Master Plan; (2) schedule a community walk this spring that includes the Alexandria Economic Development Partnership, Code Administration, Recreation, Parks and Cultural Activities and other appropriate bodies with interests in the area; and (3) assemble a group to monitor the implementation of the Arlandria Master Plan. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

7. MASTER PLAN AMENDMENT #2008-0008
 LANDMARK/VAN DORN SMALL AREA PLAN
 LANDMARK/ VAN DORN CORRIDOR PLAN
 Public Hearing and Consideration of a request for a revision of, supplement to,
 and an amendment of the Landmark/Van Dorn Small Area Plan to include the
 Landmark/Van Dorn Corridor Plan.

PLANNING COMMISSION ACTION: Resolution Adopted 7-0

(A copy of the Planning Commission report dated February 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 02/21/09, and is incorporated as part of this record by reference.)

Mr. Moritz, Deputy Director, Planning and Zoning gave a presentation on the Landmark/Van Dorn Small Area Plan and outlined the vision for the area, noting the mixed-uses, transportation changes and design detail. Mr. Moritz responded to questions from Council about the plan concerning financing, the multi-modal bridge location, and design elements.

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

(a) Mindy Lyle, 5235 Tancreti Lane, representing the Cameron Station Civic Association, spoke in support of the Landmark/Van Dorn Small Area Plan. Ms. Lyle pointed out that the City should explore alternative methods of funding improvements, such as Tax Increment Financing (TIF), in order to increase development in the area. Ms. Lyle responded to questions from Council about financing and the catalyst stage of the redevelopment.

Deputy City Manager Jinks explained to Council the financing options that might possibly be available to finance development in the Landmark/Van Dorn Small Area.

(b) Nancy Jennings, 2115 Marlboro Drive, stated that the proposed plan would change the industrial and suburban areas into mixed-use residential development and she noted that the proposed change of Landmark Mall into a town center was much to the liking of many of the neighbors. Ms. Jennings expressed concern that the above ground parking structures would be part of the floor-area ratio and that the building heights at the mall were too high for a project yet to be designed. Ms. Jennings pointed out that the transportation and infrastructure projects might be too little, too late, much to the concern of many of the residents in the West End. Ms. Jennings noted that for this plan to be successful the infrastructure needs to be in place

to support it.

(c) Dorathea Peter, 4513 Peacock Avenue, representing the West End Business Association, stated the Association supported the Landmark/Van Dorn Plan. Ms. Peters noted that the West End Business Association had the overriding concern of the lack of a concrete transportation plan and the inclusion of targeted implementation to spur development in the area. Ms. Peters noted that the redevelopment of Landmark Mall was essential for the success of the plan, particularly since Springfield Mall is ahead of the area in prospects for redevelopment.

(d) Charles Banta, 5000 Seminary Road, representing the Alexandria Chamber of Commerce, expressed the Chamber's support for the Landmark/Van Dorn Plan and pointed out that the Plan will further the goals of the economic sustainability report in the City. Mr. Banta requested that Council ensure that the appropriate flexibility, incentives and financing tools are in place to encourage development, particularly during these tough economic times.

(e) M. Catharine Puskar, 2200 Clarendon Blvd., attorney for Edens and Avant, owners of the Van Dorn Plaza, spoke in support of the plan and asked Council to be mindful that it was a long-range plan. Ms. Puskar noted that Landmark Mall redevelopment would be a great catalyst for encouraging redevelopment and was encouraged that the City was investigating different methods of financing and other incentives to encourage redevelopment. Ms. Puskar noted her client would like to revitalize the Plaza in the interim and she submitted a letter dated February 19, 2009 outlining the changes her client would like made to the plan including parking, floor-area ratio changes and language changes.

(f) Gregg Hamm, 10275 Little Patuxent Park, representing General Growth Properties, spoke in support of the plan and noted that the undoing of the mall has been a difficult process because of the economic climate in the country. Mr. Hamm pointed out that staff has put together a document that will encourage and enhance the revitalization of Landmark Mall. Mr. Hamm stated that design protections and other options will be able to address the parking issues.

(g) Annabelle Fisher, 5001 Seminary Road, requested that Council consider deferring approval of the plan to get some of the major aspects of the plan in place before moving ahead. Ms. Fisher noted that Council could allow interim redevelopment until a more concrete plan was formulated by staff.

(h) Brian Downie, 7801 Wisconsin Avenue, Bethesda, Maryland, representing Saul Holdings Limited Partnership and Saul Centers, owners of the BJ's Wholesale Club, stated that they supported the plan in general. Mr. Downie submitted language to Council and staff that would address his company's concern about access to their property once redevelopment starts, the unintended consequences affecting the street framework, including the right-of-way underneath the ramp leading from Duke Street up to Van Dorn Street and the position and street arrangement in the proposed

plan.

(i) Kathleen Burns, 1036 North Pelham Street, requested that the plan be deferred until staff addressed major issues of the plan that were not fully addressed, such as inclusion of schools, parking structures being in place prior to redevelopment, and the implementation of a transportation and traffic plan that is in sync with the City's current Transportation Master Plan and Eco-City Plan.

(j) Sherry Sadai, 8 South Van Dorn Street, #401, spoke in support of the proposed plan and noted that transportation improvements would provide the residents with a link to the Metro stations, as well as to other parts of the City and areas further west. Ms. Sadai stated that the additional density proposed by the plan would create economic incentives for redevelopment and the mixed-use zoning would improve the type of retail and safety of the area. Ms. Sadai pointed out that the plan was lacking space for religious institutions and requested that the plan revisit that community benefit.

(k) Lee Quill, 9 West Walnut Street, architect representing the Choi property, requested that the height of their property be considered from the actual site, that Council consider incorporating language that address embellishments at the tops of buildings that would not count in the height of the building and that a particular corner (Duke Street and I -395) of their site be allowed a little more height to correspond with to the other side to create an entry condition.

(l) Mary Catherine Gibbs, 307 North Washington Street, attorney representing Virginia Paving, thanked staff for incorporating language with regard to the multi-modal bridge and spoke in support of the plan in its current form.

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

Pepper	"aye"	Gaines	"aye"
Wilson	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

*** City Council went into recess from 2:29 p.m. to 2:55 p.m.***

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Wilson and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments: (1) accept the changes in the letter from Cathy Puskar, attorney, dated February 19, 2009 including: (a) page 56, the underlying zoning districts would apply to development proposed without a CDD Special Use Permit, except that the development should conform to the design guidelines established in Chapter 6.0 in order to ensure that development under zoning is

compatible with the pattern of framework streets and the pattern of adjacent uses to be developed under the plan, and does not preclude the ultimate redevelopment of the site for mixed-use as envisioned in the plan...; (b) page 58, delete the 50,000 square feet minimum office recommendation from Table 4-4 and add that gross floor area to a neighboring property with a significant viable office component; (c) page 58, note 8. Density can be transferred among development blocks within a CDD as part of a CDD SUP; (d) page 112, the plan recommends that in all projects 25% of the site area excluding streets be provided as a ground-level open space except that such open space may be provided above the ground level or may be reduced with a contribution to an open space fund if such alternatives better meet the Plan objectives; and (e) page 153, medical offices, grocery stores, and restaurants are uses that typically require more parking than would be permitted under their general use classes. This letter was submitted to the City Clerk for the record:

(2) on page 153, rewrite the provisions related to above-ground parking to read:

I. PARKING

-Above-grade parking for retail or office use may be allowed for a block which includes retail or office uses with a combined gross floor area of approximately or more than 100,000 square feet as part of a CDD DSUP. This provision shall apply only to projects constructed during the first or catalyst phase of development as described in Chapter 9, Implementation.

-Reasonable efforts will be made to provide underground parking with a gross floor area of the project site for which parking is being provided before above-grade parking is permitted. This site area for this calculation does not include area dedicated for streets, parks, or other public areas.

-Floor area of at-or-above grade parking structures shall be counted for the purposes of calculating the total FAR of the development except that above grade collector parking structures for a block that includes retail or office uses may be excluded from the total FAR as part of the CDD DSUP.

II. RIGHT-OF-WAY (p. 33)

Add a third sentence to the next-to-last paragraph on page 33 that states the following: "The Plan also recommends that the City make its final decision at this same time on its plans for the right-of-way at the existing ramp from Duke Street to Van Dorn Street."

III. CURB CUTS (p.106)

Add the following: No permanent curb cuts or service alleys shall be permitted along "A" street frontages with the exception of parking structure entrances under the proposed New High Street Bridge or as reasonably required for access or service due to site constraints.

IV. HEIGHTS

-Add language 7.75 Building Heights allowing additional height for tops and embellishments for buildings of not less than 150 feet in height or higher.

-Assign a 250 feet height to Choi property for portion adjoining Duke Street and a letter from planning staff to qualify the measuring of the property.

Delete the language on page 204 added by the Planning Commission stating, "While the Plan recognizes that the redevelopment economics of this area are challenging, especially in the short term, there should be no expectation on the part of the private landowners or developers that public funds will be expended for private, on-site improvements." The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Wilson	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

8. DEVELOPMENT SPECIAL USE PERMIT #2006-0018
COORDINATED SIGN PROGRAM SUP #2008-0089
2001 MAIN STREET AND 2301 MAIN STREET
POTOMAC YARD - LANDBAYS I AND J

Public Hearing and Consideration of a request a development special use permit, with site plan, for a residential development, temporary sales trailer, and a temporary coordinated sign program within Potomac Yard; zoned CDD-10/Coordinated Development District. Applicant: Potomac Yard Development, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: DSUP Recommend Approval
w/amendments 7-0
SUP Recommend Approval 7-0

(A copy of the Planning Commission report dated February 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 02/21/09, and is incorporated as part of this record by reference.)

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

(a) Duncan W. Blair, Esq., 524 King Street, attorney for Potomac Yard Department, LLC, spoke in support of the SUP application and requested that Council delete the language added by the Planning Commission addressing the right to assemble in the public open space in the development. Mr. Blair participated in a discussion with Council about the SUP and responded to questions from Council.

(b) Stewart Dunn, 418 South Lee Street, representing the Planning Commission, stated that the Planning Commission added condition 10(l) to address the

First Amendment right to assemble in the open space, particularly in the Potomac Yard development.

City Council participated in a discussion with staff and the speakers about public access easements and the right to assemble in areas that the City obtains through easements.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation deleting the added condition (l) to assure that any future City policy on the issue of public rights of assembly in private open spaces will be applicable to the Neighborhood Open Space at Landbay I. City Council issued a directive to staff to create a city-wide policy to bring back for Council discussion concerning the public's right to free speech and assembly on private land obtained with a public access easement. City Council pointed out that the policy should be as broad and as inclusive as possible as it relates to the proposed property, as well as to other properties in the future. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

PLEASE NOTE: This item was heard prior to docket item no. 8.

9. CDD CONCEPT PLAN #2008-0004
CDD #10 AMENDMENTS - POTOMAC YARD
LANDBAYS E AND K

Potomac Yard is generally bordered by the Arlington County line to the north, Jefferson Davis Highway to the west, George Washington Parkway to the east and Braddock Road to the south.

Public Hearing and Consideration of a request to amend the conditions of CDD #10 to permit alterations to Landbay E consistent with the Four Mile Run Master Plan and to revise the timing and construction for the pedestrian bridge in response to the Metro Feasibility Task Force studies; zoned CDD-10/Coordinated Development District. Applicant: Potomac Yard Development, LLC by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated February 3, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 02/21/09, and is incorporated as part of this record by reference.)

Planning and Zoning Urban Planner Ryan gave a presentation on the proposed SUP request.

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

(a) M. Catharine Puskar, 2200 Clarendon Blvd., attorney representing Potomac Yard Development, LLC, spoke in support of the SUP and offered to respond to any questions from Council.

(b) Roland Meisner, 710 Scarborough Way, urged Council to approve the first paragraph of the application because it fully complies with the applicant's initial request. Mr. Meisner requested that the rest of the application be denied because the City has already made a determination the Potomac Yard Metro Station would be built at Landbay D and that the pedestrian bridge would be built at either of the three sites south of the proposed Metro Rail site, noting that the Potomac Greens site was the best site for the pedestrian bridge. Mr. Meisner requested that the SUP be deferred until the Metro Station feasibility study is completed, then a final decision can be made regarding the bridge.

City Council discussed with staff the proposed SUP concerning the location of the pedestrian bridge and the Metro Station feasibility study.

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

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

Board of Architectural Review

10. Public Hearing and Consideration of an Appeal of the Board of Architectural Review's decision approving, as amended, a request for approval of modifications to previously approved plans for signage for Case BAR 2008-0225 at 119 S. Washington Street, zoned CD Commercial. APPLICANT: TD Bank, N.A. APPELLANT: TD Bank, N.A.

(A copy of the Board of Architectural Review Report dated February 21, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 02/21/09, and is incorporated as part of this record by reference.)

This item has been withdrawn at the request of the appellant.

ORDINANCES AND RESOLUTIONS

11. Final Passage of an Ordinance to Establish a "do-not-deliver" List of Addresses

at Which the Owner or Resident Has Elected Not to Receive Unsolicited Newspaper Deliveries; To Regulate the Delivery of Such Newspapers to Addresses on the List, and To Prohibit Delivery Contrary to the Regulations. (#10, 1/24/09, #23, 1/13/09, #25, 6/17/06 and #21, 6/13/06)

(A copy of the City Manager's memorandum dated June 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 02/21/09, 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. 11; 02/21/09, 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. 11; 02/21/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried unanimously, City Council tabled the current ordinance before Council and instructed the Acting City Attorney to create a new ordinance and present it at the first legislative meeting on March 10, 2009 and schedule it for public hearing, second reading and final passage on March 14, 2009. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Lovain	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

12. Public Hearing, Second Reading and Final Passage of an Ordinance to adopt Master Plan Amendment No. 2008-0007, to amend the Master Plan to change the land use designation of property at 520 South Van Dorn Street and 631, 641 South Pickett Street to CDD and amend height limits. (#9, 2/10/09)

(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. 1 of Item No. 12; 02/21/09, 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. 2 of Item No. 12; 02/21/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council closed the public hearing

and approved an ordinance to adopt Master Plan Amendment No. 2008-0007, to amend the Master Plan to change the land use designation of property at 520 South Van Dorn Street, and 631, 641 South Pickett Street to CDD and amend height limits. The voting was as follows:

Wilson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4578

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2008-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2008-0007, an application has been made to amend the Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by changing the land use designation of the property at 520 South Van Dorn Street and 631, 641 South Pickett Street, from General Commercial to Mixed Use, and the proposed zoning designation of said property from I/Industrial and CG/Commercial General to CDD/Coordinated Development District, and to increase the applicable height limitation from 50 feet to 60 feet.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan and Proposed Zoning Maps of the Landmark/Van Dorn Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby are, amended by changing the land use designation of the property at 520 South Van Dorn Street and 631, 641 South Pickett Street, from General Commercial to Mixed Use, and the zoning designation from I/Industrial and CG/Commercial General to CDD/Coordinated Development District, as shown on the sketch plan entitled "MPA #2008-007, CDD #2008-0003, REZ

#2008-0002, DSUP #2006-0021” dated January 6, 2009, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Landmark/Van Dorn Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Landmark/Van Dorn Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Rezoning No. 2008-0002, to Rezone Property at 520 South Van Dorn Street and 631, 641 South Pickett Street from Industrial and Commercial General to CDD. (#10, 2/10/09)

(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. 1 of Item No. 13; 02/21/09, 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. 2 of Item No. 13; 02/21/09, and is incorporated as part of this record by reference.)

Acting City Attorney Spera noted a typographical error in the proposed ordinance on line 30 that should read as follows: 520 South Van Dorn Street. City Council noted the change before approval.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council closed the public hearing and approved an ordinance to adopt Rezoning No. 2008-0002, to rezone property at 520 South Van Dorn Street and 631, 641 South Pickett Street from Industrial and

Commercial General to CDD, noting the typographical error on line 30 as noted by the City Attorney. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4579

AN ORDINANCE to amend and reordain Sheet No. 67.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 520 South Van Dorn Street and 631, 641 South Pickett Street from, I/Industrial and CG/Commercial General to CDD/Coordinated Development District in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2008-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2008-0002, an application has been made to rezone the property at 520 South Van Dorn Street and 631, 641 South Pickett Street from I/Industrial and CG/Commercial General to CDD/Coordinated Development District;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 67.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

The portion of the property at 520 South Van Dorn Street and 631, 641 South Pickett Street (Tax Map and Zoning Map Parcel Nos. 067.02-02-05, 067.02-02-06 and 067.02-02-07), comprising approximately 274,945 square feet of land, more or less, as shown on the sketch plan entitled "MPA #2008-007, CDD #2008-0003, REZ #2008-0002, DSUP #2006-0021" dated January 6, 2009, attached hereto and incorporated fully herein by reference.

From: I/Industrial and CG/Commercial General
To: CDD/Coordinated Development District

Section 2. That the director of Planning and Zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 67.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Zoning Ordinance to Establish a New CDD #17 (Landmark Gateway). (#11, 2/10/09)

(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. 1 of Item No. 14; 02/21/09, 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. 2 of Item No. 14; 02/21/09, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council closed the public hearing and approved an ordinance to adopt the zoning ordinance to establish a new CDD #17 (Landmark Gateway). The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4580

AN ORDINANCE to amend and reordain Table 1 (COORDINATED DEVELOPMENT DISTRICTS) of Section 5-602(A), under Section 5-600 (CDD/COORDINATED DEVELOPMENT DISTRICTS), by adding thereto a new CDD No. 17 (LANDMARK GATEWAY), and to amend and reordain Sheets 067.02-02-05, 067.02-02-06 and 067.02-02-07 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND

DISTRICT BOUNDARIES), to designate land zoned CDD No. 17, all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment and rezoning heretofore approved by city council as Text Amendment No. 2008-0009 and Rezoning No. 2008-0002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2008-0009 and Rezoning No. 2008-0002, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, approved an application to establish a new CDD No. 17, for approximately 274,945 square feet known as 520 South Van Dorn Street, and 631 & 641 South Pickett Street; Zoning and Tax Map Parcel Nos. 067.02-02-05, 067.02-02-06 and 067.02-02-07;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Table 1 of Section 5-602(A) be, and the same hereby is, amended to by adding thereto the following new language for CDD No. 17, Landmark Gateway:

CDD #	CDD Name	Without a CDD Special Use Permit	With a CCD Special Use Permit
			Maximum FAR and/or Development Levels Maximum Height Uses
17	Landmark Gateway	CG/Commercial General and I/Industrial regulations shall apply (as distinguished on the Zoning Map)	The development controls for land within this CDD shall be as shown in the approved CDD Concept Plan. In addition, any proposed development for land within this CDD shall conform to the Landmark/Van Dorn Corridor Plan. The maximum heights shall conform to the CDD Concept Plan. Multifamily residential and retail

Section 2. That Sheets 067.02-02-05, 067.02-02-06 and 067.02-02-07 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby are, amended by changing the zoning of the property described above and as shown on the sketch plan entitled "MPA #2008-007, CDD #2008-0003, REZ #2008-0002, DSUP #2006-0021" dated January 6, 2009, attached hereto and incorporated fully by reference as Exhibit 1,

From: CG/Commercial General and I/Industrial
To: CDD No. 17

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text and map amendments.

Section 4. That Section 5-602(A), as amended pursuant to Section 1 of this ordinance, and Sheets 067.02-02-05, 067.02-02-06 and 067.02-02-07 of the "Official Zoning Map, Alexandria, Virginia," as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

15. SPECIAL USE PERMIT #2008-0088
1101 QUEEN STREET
SMILE MARKET

Public Hearing and Consideration of a request to allow a restaurant within an existing grocery store and a request for a parking reduction; zoned CL/Commercial Low. Applicant: Asegdech Kelecha

PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferral.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council adjourned the public hearing meeting of February 21, 2009 at 4:46 p.m. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria A. Sitton, CMC Deputy City Clerk