

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, March 14, 2009 - - 9:30 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. Snow, Assistant City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Harris, Communications Officer, City Manager's Office; Mr. Mason, Special Assistant to the City Manager; Mr. Gates, Assistant City Manager; Police Captain Ogden; Ms. Smith-Page, Director, Real Estate Assessments; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lambert, Pedestrian and Bicycle Coordinator, Transportation and Environmental Services; Ms. Triggs, Director, Finance Office; Ms. Hamer, Director, Planning and Zoning; Mr. Josephson, Deputy Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Beeton, Planning and Zoning; Mr. Johnson, Chief Financial Officer; Mr. Catlett, Director, Office of Building and Fire Code Administration; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of Council were present.

2. Public Discussion Period.

(a) Amy Slack, 2307 E. Randolph Avenue, said the land use committee of the Del Ray Citizens Association discussed at its meeting this past Thursday the response to the Board of Zoning Appeals report to the City Council, and she said the Councilmembers could have perspective from other than just staff on the issue, and she noted that she would be more than happy to relay the discussion they had. Ms. Slack said the land use committee also discussed the green building policy and in general, the committee feels it is a good direction for the City to be going in, and she

noted the different concerns with the LEEDS standards, as it begins parsing what a developer or homeowner will do to comply with LEEDS but that it can't quite comply with, and where does it give them credit and extra incentives. She noted that there also seems to be a disconnect between the neighborhood planning efforts of Planning staff and the portion of staff that actually execute those efforts. Ms. Slack said that Councilman Krupicka made a comment about Councilmembers not being able to campaign, and she said that if anyone has been coming to the various budget meetings and work sessions and going to the businesses they have been working on, that is probably the most effective campaigning Council can be doing.

(b) Gary Carr, 216 Aspen Street, spoke about the idea of trading Braddock Road west for Landbay L, which he said is a terrible idea. He noted that the communities of Warwick Village, Del Ray, and those at Cora Kelly and George Mason would like to hear the same presentation given to the Rosemont Citizens Association. Mr. Carr said it is a five minute walk from the field to the school, so it is useless to the children at the school. He said if the City makes this swap, the track is done. Mr. Carr pointed out the civil rights stamps issued and noted that Charles Houston is one of those. He invited attention to the track and field invitational at T.C. Williams on May 2 and he asked that they try to get as many kids in for free as possible. He noted the 50th anniversary of the integration of schools in Alexandria according to the original Titan's website and there should be commemoration for that.

(c) Pamela Smith, 1206 Stonnell Place, president, George Washington Middle School PTA, said she learned recently about the proposal to exchange the playing fields in front of GW for the triangular parcel called Landbay L, which is in poor condition, and it would need very expensive work to be usable for any purpose. She said the parcel would not be suitable for the same type of sports, the swap is not a good deal, is irrevocable and shouldn't be accepted.

(d) Kimberley Moore, 710 Mt. Vernone Avenue, speaking on behalf of the Ballyshaners, along with Jasmine Dawson, expressed support for the St. Patrick's Day Parade last weekend to the Council, Police Chief Baker, City staff, and the Police Officers who worked with them to make the parade such a huge success, and she noted the comments made by the businesses that day, noting how busy they were.

(e) David Fromm, 2307 E. Randolph Avenue, president, Del Ray Citizens Association, thanked the City departments, major programs, services and organizations who came out Monday evening to participate in their 8th annual meet and greet at George Washington Middle School. He noted that over 150 people came out to the event and it was a big success.

(f) Anita Kirk, 1225 Martha Custis Drive, #719, spoke about the budget cuts threatening the Community Service Board homebased program used by her family. She noted that her son was diagnosed at age seven with Obsessive Compulsive Disorder (OCD), and her dealings with the CSB and the schools. She said her family could not have made it without the help of the CSB and asked Council to consider the

enormous savings on the financial budget when using private placement and CSB services versus the overwhelming cost of a 24 hour residential program.

(g) Leslie Zupan, 1309 Queen Street, president, Inner City Civic Association, spoke about the Transportation and Environmental Services construction crews building the bulb-outs along Fayette Street, which were mandated as part of the SUP's for the Monarch and the Prescott, noting that they suddenly disappeared and the bulb-outs have not been completed, and some of the crosswalk improvements were left undone and the trees weren't planted. She also noted that a recent inquiry from one of their past presidents to T&ES has gone unanswered for several weeks about when the bulb-outs will be done. She asked for a commitment for a firm date for that completion.

Mayor Euille asked the City Manager to respond to that.

(h) Charlotte Hall, 205 The Strand, said she wished to publicly recognize and acknowledge the hard work and dedication that deputy director of Planning and Zoning Rich Josephson has shown to the business community, noting that he has guided the business community through opportunities and challenges, he has always returned phone calls, responded to emails and made time to sit and discuss new ideas. She said the business community is sorry to see him go, and she thanked Mr. Josephson for allowing the business community to try new things.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-8)

Planning Commission

3. ENCROACHMENT #2008-0007
SPECIAL USE PERMIT #2008-0085
315 MADISON STREET (Parcel Address: 806 N. Fairfax Street)
A LA LUCIA
Public Hearing and Consideration of a request for an encroachment into the public right-of-way, a request for a special use permit amendment to allow outdoor seating at an existing restaurant, and a request for a parking reduction; zoned CRMU-X/Commercial Residential Mixed Use (Old Town North).
Applicant: Mehran Nayer

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 3/14/09, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2008-0094
5308 & 5310 EISENHOWER AVENUE

SPORTROCK CLIMBING CENTERS

Public Hearing and Consideration of a request for a special use permit to operate a health and fitness club by expanding an existing amusement enterprise, to increase hours of operation and for an expanded parking reduction; zoned OCH/Office Commercial High Applicant: SportRock, Inc. Lillian Choa-Quinlan

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 3/14/09, and is incorporated as part of this record by reference.)

5. **SPECIAL USE PERMIT #2008-0093**
820 & 822 NORTH FAIRFAX STREET
PERKS COFFEE SHOP

Public Hearing and Consideration of a request for an amendment to expand an existing restaurant, to allow additional seating and alcohol sales; zoned CRMU-X/Commercial Residential Mixed Use (Old Town North). Applicant: Ms. Perky, LLC by Philip McCombie

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 3/14/09, and is incorporated as part of this record by reference.)

6. **SPECIAL USE PERMIT #2008-0095**
411 EAST BRADDOCK ROAD (Parcel Address: 405 E. Braddock Road)
7-ELEVEN, INCORPORATED

Public Hearing and Consideration of a request for the continuance of a convenience store use; zoned CSL/Commercial Service Low. Applicant: 7-Eleven, Inc., by Michael Vanderpool, Esquire

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 3/14/09, and is incorporated as part of this record by reference.)

7. **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: Recommend Approval 7-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 3/14/09, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2008-0092
217 KING STREET
THOMAS SWEET
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Mohammend Kabir

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 3/14/09, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council adopted the consent calendar, with the deferral of item #6 and the removal of item #7, 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.
6. This item was deferred at the request of the applicant.
8. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

7. 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: Recommend Approval 7-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 3/14/09, and is incorporated as part of this record by reference.)

In response to a request from City Council, Deputy Director of Planning and Zoning Josephson went over the history of the request, the history of the requested alcohol sales, and noting that today there is no request for alcohol sales either on and off-premises, and he responded to questions of City Council.

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

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing and Consideration of Proposed City Comments on the Virginia Department of Transportation (VDOT) I-95/395 HOV/Bus/HotLanes Project.

(A copy of the City Manager's memorandum dated March 10, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 9; 3/14/09, and is incorporated as part of this record by reference.)

Director of Transportation and Environmental Services Baier, along with Bicycle Coordinator Lambert, made a presentation of the staff report and responded to questions of City Council.

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

(a) Josefa O'Malley, 1225 Martha Custis Drive, #513, spoke in opposition to the HOTLanes proposal, asked Council to adopt the recommendation of the City Manager and that Council amend the recommendation to include the comments provided to Council from the Parkeast Condo Board of Directors. She asked that Council include the concerns of the Shirlington area neighborhoods in the resolution.

(b) Ellis D. Chaplin, 3435 Valley Drive, member of the board of directors of ParkFairfax, said a lot of the members are not opposed to the lanes, but there are

concerns with the circle, the six stoplights, the need for more and better sound barriers, preservation of trees, and where construction equipment will be kept. They ask that the City communicate with residents and that ParkFairfax concerns be included in the Mayor's letter to the VDOT.

(c) Geoffrey M. Goodale, 493 Naylor Place, president, Brookville-Seminary Valley Civic Association, spoke about the concerns expressed to VDOT on the need for studies relating to the environmental documentation. He said they request that in the attachment to the letter, it is noted that the City has a question as to whether VDOT's plans for the HOTLanes would preclude VDOT from creating an off-ramp that would have direct egress and ingress to the new BRAC-133 project. They also ask that reference be made to the categorical exclusion modeling concerns raised by Arlington County and that VDOT work with all the neighboring municipalities in Northern Virginia.

(d) Joanne Lepanto, 4009 N. Garland Street, president, Seminary Hill Association, spoke in opposition to the HOTLanes and said they have several concerns. She said they are opposed to any off-ramps onto Seminary Road east, and they do not support any additional off-ramps onto Seminary Road west, however, if desired by the citizens living west of I-395 and supported by the City, it must be designed in such a way that would not allow vehicles to enter the interchange and head east on Seminary Road. She said what is needed is direct access to and from all I-395 lanes into the BRAC-133 site at Mark Center. Ms. Lepanto said they are opposed to a transit station being built in the middle of the Seminary Road interchange, and the plans for changes to the Shirlington Circle with so many additional traffic signals are troubling. She questioned the wisdom of extending HOV or HOTLanes from so far south heading north onto I-395. She also spoke of the signage and where they will be and what they will look like and more information is needed on the sound walls and how many trees will be lost. She asked for more information on the HOTLanes not including penalties to be paid to the operator in the event the HOTLanes do not generate sufficient toll revenue. She asked what would happen to all the vehicles as they approach the Pentagon at the 14th Street Bridge.

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"	Lovain	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka and seconded by Smedberg, City Council directed staff to prepare a final letter for the Mayor's signature to transmit the City of Alexandria's comments of withholding support for the HOV/Bus/HOTLanes project until such time as the issues detailed in attachment 1 be adequately addressed and satisfactorily resolved. The amendment to the letter from

the Mayor's signature is in the second paragraph, first line, to remove the word "has" and replace it with the words "cannot support this project at this time because of our" and then continue with the rest of the sentence.

Councilman Smedberg said they need to make known that NVTC has raised several questions about the project that have yet to be answered and make reference to that in the letter. Councilman Smedberg said also important is the average speed along the span and how it will be determined what the average speed is. Also, the bus rapid transit was a main selling point for the project and he hasn't heard that they have come back with a study saying it's viable, and there are a lot of public safety issues, and that needs to be highlighted, along with the technology issue and the ParkEast discussion by Ms. O'Malley about how close the building is to major improvements for the project. Councilman Smedberg said shoulder widths should be emphasized, and there are pedestrian and safety issues.

Council asked that Council direct staff to draft the resolution with the points made today and have it ready for the next legislative meeting on March 24, and to have the letter in advance of the 24th.

The voting was as follows:

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

10. Public Hearing and Consideration of the Report of the Ad Hoc Motorcoach Task Force (#20, 2/24/09)

(A copy of the City Manager's memorandum dated February 19, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10; 3/14/09, and is incorporated as part of this record by reference.)

Director of Transportation and Environmental Services Baier made a presentation of the staff report and responded to questions of City Council.

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

(a) Charlotte Hall, 205 The Strand, Potomac Riverboat Company, spoke in favor of the recommendations of the motorcoach task force report, provided they satisfy the concerns of the residents and businesses, and if they remain unsatisfied, then she recommended that they rethink the strategy, working with the City departments. She encouraged a full seasonal study over 8-10 months, from March to October.

(b) Andrea Stowers, 524 Tobacco Quay, Tobacco Quay, Founders Park Community Association, spoke of the noise from the motorcoaches from her bedroom

window and the incidents with the motor coach drivers and the Police Department. She said she has asked for signs to be put on Pendleton Street and no signs were put up. She asked that more attention be made to the problem.

(c) Grace Reidy, 330 South West Street, said the bus parking is the final straw in her neighborhood, and she found it to be an insult to have a bus parking lot next to the National Cemetery. Ms. Reidy suggested they put the parking at the end of S. Fayette beyond where the cemetery extends to where the former animal shelter is, and that there be weekend parking at the PTO. She noted that where Jamieson and West meet is not a good area for buses and would be hard for buses to make the turn.

(d) Jim Naughton, 110 S. Washington Street, vice president and financial manager with Citibank, spoke of the concerns of Citibank, specifically with Citibank being blocked from view and the narrowing of South Washington Street, and if a motorcoach were to be parked there, the noise would be outrageous. The site is also next to the Commonwealth's Parole Office, which had a murder there in 2007. He said the motorcoaches would also restrict access to Restoration Hardware's loading dock area.

(e) Thomas Byrne, 508 Cameron Street, noted how few people are in the majority of the buses that come through. He spoke of the regulation of the bus traffic by the City, asking that Council pursue the authority from Richmond to regulate bus traffic through the residential areas. He asked that Council give the same amount of attention to the negative impact that the large buses have on the character and fabric of the historic area.

(f) Poul Hertel, 1217 Michigan Court, noted the statement of constraints the Old Town Civic Association adopted, which articulates the problems with the large scale of the buses articulating in the small scale of Old Town, and the conclusions the membership themselves drew, which lack of enforcement, and the need for an educational process. He noted that parking on Washington Street is a serious issue, and he asked that it be brought back to the task force.

(g) Rob Aronson, 429 Cameron Street, said the main issue is acquiring the authority to regulate, and he spoke about the tourist industry of the area and the traffic brought in by it, and he noted the weight of the vehicles.

(h) David Fromm, 2307 E. Randolph Avenue, president, Del Ray Citizens Association, said the problem spreads beyond Old Town and he spoke of a request that was made for bus tours in other areas of the City. He said it is important for Council to go after the authorization to oversee and monitor motorcoaches, not just in Old Town but in other areas.

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"	Lovain	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council held the public hearing, implementing recommendations 1-7 today and referring recommendations 8-10 to the Traffic and Parking Board for consideration and comment and have them report back to the City Manager and City Council by March 24, 2009. The voting was as follows:

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

11. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2009. (The Public Hearing Will Be Held on April 18, 2009)

(A copy of the City Manager's memorandum dated March 11, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 11; 3/14/09, 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; 3/14/09, 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; 3/14/09, and is incorporated as part of this record by reference.)

A MOTION WAS MADE by Councilman Gaines to set the real estate tax rate on residential property for calendar year 2009 from \$.84.5 to \$.91.5. The motion failed for lack of a second.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Smedberg and carried unanimously, City Council passed the ordinance on first reading and advertised for public hearing on April 18, 2009, with second reading and final passage on Monday, April 27, 2009. The ordinance reflects a base real estate tax rate on residential property for calendar year 2009 from \$.84.5 to \$.90.5; an add-on real estate tax rate on non-residential, commercial and industrial property for calendar year 2009 to be dedicated for transportation purposes of \$0.00 per one hundred dollars of valuation; was silent on the dedication of 0.3 percent of real estate tax revenues for

the Open Space Trust Fund account; and a personal property tax rate on vehicles and business tangible property for calendar year 2009 of \$4.75 per one hundred dollars of valuation. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. TEXT AMENDMENTS #2009-0001

VALIDITY PERIODS FOR SITE PLANS

Public Hearing and Consideration of a request for an amendment to the Zoning Ordinance to extend the validity period of approved site plans. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 3/14/09, and is incorporated as part of this record by reference.)

Planning and Zoning Division Chief Wright made a presentation of the report and noted that when the Planning Commission heard this, there was one word deleted on page five, paragraph D of the report, the word "final" was deleted and she asked Council to make that notation.

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

(a) Amy Slack, 2307 E. Randolph Avenue, representing the Del Ray Citizens Association Land Use Committee, spoke in support of the text amendment.

(b) Jack Sullivan, 4300 Ivanhoe Place, representing the Seminary Hill Association, spoke in opposition to the text amendment. He noted that the Seminary Hill Association Board voted for a compromise period of two years validity.

(c) Joanna Frizzell, attorney with McGuire Woods, 1750 Tysons Blvd., Suite 1800, McLean, president, urban chapter for the Northern Virginia Building Industry Association, spoke in support of the text amendment.

(d) Katy Cannady, 20 East Oak Street, spoke in opposition to the text amendment.

(e) Don Beyer, 312 Queen Street, spoke in support of the text amendment.

(f) Geoffrey M. Goodale, 493 Naylor Place, said he is speaking on his own behalf as a citizen, spoke in opposition to the text amendment and noted that two years is more reasonable.

(g) Poul Hertel, 1217 Michigan Court, spoke in opposition to the text amendment and stated that a two year period would be good.

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"	Lovain	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried unanimously, City Council approved the Planning Commission recommendation, noting the removal of the word "final" in paragraph (D) on the recommendations from the Planning Commission, with an amendment that it require a written status report to the City Council after 18 months from the applicant and staff, updating on the status of the effort. The voting was as follows:

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

13. **SMALL BUSINESS ZONING CHECKLISTS**

Public Hearing and Consideration of a request to adopt administrative special use permit checklists. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Adoption 6-0

(A copy of Planning Department report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 3/14/09, and is incorporated as part of this record by reference.)

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

(a) Amy Slack, 2307 E. Randolph Avenue, Del Ray Citizens Association Land Use Committee, said the item needs the help of an editor and needs the eye of someone who is not part of the Planning Department and said it is not friendly toward non-english speakers and toward those who are not attorneys.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried 6-0, City Council held open the public hearing and deferred this item until it works with staff to discuss the issues raised today. The voting was as follows:

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

Councilman Krupicka suggested that Planning staff sit down with the Small Business Development Center, some land use attorneys, and some small business owners themselves to get some feedback.

14. SPECIAL USE PERMIT #2009-0004
4007 MOUNT VERNON AVENUE
24 EXPRESS STORE
Public Hearing and Consideration of a special use permit for a convenience store; zoned NR/Neighborhood Retail. Applicant: UAC Land and Building trading as 24 Express by William Thomas, Jr., agent

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 3/14/09, and is incorporated as part of this record by reference.)

Deputy Director of Planning and Zoning Josephson made a presentation of the report and responded to questions of City Council.

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

(a) Jim Rorke, 3816 Charles Avenue, president, Lenox Place at Sunnyside Homeowners Association, stated that this legitimizes procrastination and it shouldn't be on the docket. He stated there should be an alcohol policy.

(b) William (Tom) Thomas, Jr. 11320 Random Hills Road, Fairfax, attorney representing the applicant, spoke in favor of the request.

(c) Charles Niphadkabin, 6032 Picketts Walk, owner, 24 Express, spoke in favor of the request.

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

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

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

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

ORDINANCES AND RESOLUTIONS

- 15. Public Hearing, Second Reading and Final Passage of an Ordinance to Authorize City Council to Reduce the Size of the Board of Commissioners of the Alexandria Redevelopment and Housing Authority From 9 to 7 Members. (#12, 2/10/09) **[ROLL-CALL VOTE]**

This item was tabled.

- 16. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Permit Surface Vehicle Parking as an Ancillary Use for an Existing Car Dealership Within CDD No. 7. (#8, 3/10/09) **[ROLL-CALL VOTE]**

(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. 16; 3/14/09, 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. 16; 3/14/09, and is incorporated as part of this record by reference.)

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

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

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance to adopt permit surface vehicle parking as an ancillary use for an existing car dealership. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4581

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 amending CDD No. 7 (ROUTE 1 PROPERTIES), all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2008-0006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2008-0006, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, approved an application to amend CDD No. 7 (Route 1 Properties), to permit automobile sales and surface vehicular parking as an ancillary use for a car dealership within 100 feet of Commonwealth Avenue, with special use permit approval;
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 by inserting new language for CDD No. 7, Route 1 Properties, as shown:

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit
			Maximum F.A.R. and/or Development Levels Maximum Height Uses
		RB zone regulations apply	

7	Route 1 Properties	<p>along Reed Avenue, the RC zone regulations apply along Commonwealth Avenue to a depth of 100 feet except as provided below and the OC zone regulations apply on the remainder of the site provided that:</p> <ul style="list-style-type: none"> - heights in the area along Commonwealth Avenue shall not exceed 45 feet; - the use of automobile and trailer rental or sales be permitted with a special use permit on the portion of the site governed by the OC zone regulations and surface parking associated with the use of automobile and trailer rental or sales within 85 feet of Commonwealth Avenue and car lift parking within the remaining 15 feet be permitted with a special use permit. 	<p>For the north side of East Reed Avenue, a maximum 27 dwelling units per acre, provided that a minimum of 10 percent of the total number of units are made affordable as defined in the city affordable housing policy. Development shall comply with the CDD guidelines adopted in the Potomac West Small Area Plan. 45 feet Mix of uses including office, retail, residential, hotel and open space.</p> <p>On the north side of East Reed Avenue, the preferred land use is residential townhouse uses; however, stacked townhouse uses may be permitted, provided they are arranged on the site to create variety in the streetscape, minimize the number of curb cuts along East Reed Avenue, and provide ground-level, usable open space.</p>
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Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 5-602(A), as amended pursuant to Section 1 of this ordinance, 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, 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.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Regulate Delivery of Unsolicited Publications. (#9, 3/10/09, #11, 2/21/09, #10, 1/24/09, #23, 1/13/09, #25, 6/17/06 and #21, 6/13/06) **[ROLL-CALL VOTE]**

(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. 17; 3/14/09, 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. 17; 3/14/09, and is incorporated as part of this record by reference.)

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

(a) Peter C. Labovitz, 510 Wolfe Street, owner, *Connection Newspapers*, spoke in support of the ordinance, although noting his objections with the provision for removal of the unwanted paper.

(b) Alice Lucan, 4403 Greenwich Parkway, NW, Washington, D.C. representing the *Washington Examiner*, spoke in support of the ordinance, noting their proposed amendments that were passed out earlier to Council today regarding timing of the notice to the distributor.

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 Gaines and which failed by a vote of 3-4, City Council moved to defer this item to the next legislative meeting. The voting was as follows:

Krupicka	"aye"	Pepper	"no"
Gaines	"aye"	Lovain	"no"
Euille	"aye"	Smedberg	"no"
	Wilson	"no"	

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried unanimously by roll-call vote, City Council adopted the ordinance to regulate delivery of unsolicited publications, with the following changes: with the removal of the newspapers, to Section 9-14-3(a) and (b) to make it a violation of subsection 2(b)(2). The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4582

AN ORDINANCE to amend and reordain Title 9 (Licensing and Regulation) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Chapter 14 (Delivery of Unsolicited Publications).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by adding thereto a new Chapter 14 to read as follows:

Chapter 14

Delivery of Unsolicited Publications

Sec. 9-14-1 Definitions.

As used in this chapter:

(a) Deliver means to deliver, distribute, deposit, throw, cast or place, or cause or permit to be delivered, distributed, deposited, thrown, cast or placed, a publication, directly or indirectly by contractor, agent, employee or otherwise, but shall not include delivery by the United States Postal Service, delivery by handing or transmitting directly to the owner or occupant then present on the property, or delivery by placing within a receptacle or container expressly maintained by the owner or occupant of property for the receipt of newspaper deliveries.

(b) Distributor means an entity who engages in the business of circulating or delivering newspapers.

(c) Publication means any printed material issued monthly or more frequently, whether printed in broadsheet, tabloid or other sheet or booklet form, and shall include without limitation a newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with statute or regulation, any collection of advertising or solicitations appended together in booklet or magazine form and any newspaper distributed without cost to or subscription by the recipient.

(d) Publisher means a person who engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication.

(e) Unsolicited publication means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has not requested.

Sec. 9-14-2 Obligations of Publishers and Distributors

(a) Any publisher delivering or causing delivery of an unsolicited publication to a location within the City of Alexandria shall:

(1) provide reasonable methods, including but not limited to, telephonic means, e-mail means and regular mail means, to allow owners and/or occupants of premises located within the City of Alexandria to communicate to the publisher that they do not wish to receive the unsolicited publication issued by the publisher; notice of all such methods shall be regularly included in, on or with the unsolicited publications issued by the publisher;

(2) implement a process or system whereby the addresses of all persons making requests for no delivery pursuant to section (a)(1) hereto are timely communicated to any and all applicable distributors responsible for distributing the unsolicited publication issued by the publisher;

(3) timely communicate the address of all persons making requests for no delivery made pursuant to section (a)(1) hereto to all applicable distributors pursuant to the process or system implemented pursuant to section (a)(2) hereto;

(4) implement and communicate to the requesting person a means of tracking requests for no delivery made pursuant to section (a)(1) hereto, including, by way of example, the assignment of a tracking number or some other reference system, so as to allow all persons making such requests to reference same in the event there is the need for follow-up or further communication;

(5) implement and utilize a process or system to timely follow up with all applicable distributors to ensure compliance with requests made pursuant to section (a)(1) hereto;

(6) upon written request from the Director of the Office of Citizen Assistance or designee, provide the City of Alexandria with contact information for any applicable distributor to allow the City to follow up with that distributor on any complaint received by the City from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereto; and

(7) the requirements set forth in sections (a)(1) through (a)(6) hereto shall not apply to requests made by residents for temporary cessation of deliveries.

(b) Any distributor delivering unsolicited publications in the City of Alexandria shall:

(1) not distribute to any address where the owner or occupant has made a request for no delivery pursuant to section (a)(1) hereof and such request has been

communicated to the distributor by the publisher pursuant to sections (a)(2) and (a)(3) hereto;

(2) in making deliveries, use their best efforts to place publications in proximity to the entrances of the units to which the distributor intends delivery; unsolicited publications (other than those in properly located and maintained newspaper boxes or racks) should not be placed on streets, sidewalks, public rights-of-way, or other public property and shall not be distributed by placing them at intervals along a block, or by placing several near the entrance to a multi-unit building, other than in direct relation to the number of publications requested by the occupants of the block or building;

(3) implement and utilize a system or procedure for tracking and executing a publisher's direction regarding requests for no delivery made pursuant to section (a)(1) hereto;

(4) upon written request from the Director of the Office of Citizen Assistance or designee, use their best efforts to provide the City of Alexandria with facts and details related to complaints received by the City from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereto;

(5) take any corrective measures requested by the City of Alexandria after its completion of any investigation into complaints received by the City from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereof; and

(6) the requirements set forth in sections (b)(1) through (b)(5) hereto shall not apply to requests made by residents for temporary cessation of deliveries.

Sec. 9-14-3 Removal.

(a) If the publication can be located, the distributor thereof shall remove any publication delivered in violation of Section 9-14-2(b)(2) within 24 hours following notice and demand by the owner or occupant of the premises.

(b) If the publication can be located, the distributor thereof shall remove any publication delivered in violation of Section 9-14-2(b)(2) within 24 hours following notice and demand by the Director of the Office of Citizen Assistance or designee.

(c) Violation of this section 9-14-3 shall constitute a separate and independent violation from the antecedent violation of section 9-14-2.

Sec. 9-14-4 Enforcement by the City

(a) Any resident of the City of Alexandria wishing to make a complaint regarding delivery of an unsolicited newspaper in violation of this chapter to the property at which they reside or which they own shall provide the following information

to the Director of the Office of Citizen Assistance or designee:

- (1) the name of the requesting person;
- (2) the address that was the subject of the request;
- (3) the date of and method used to make the request;
- (4) the tracking number or other reference information provided by the publisher in response to the request; and
- (5) the name and publication date of the unsolicited publication that is the subject of the complaint.

(b) Any resident of the City of Alexandria wishing to make a complaint regarding a publisher's failure to provide a tracking number or other means of reference for a no delivery request in violation of section 9-14-2(a)(4) of this chapter shall provide the following information to the Director of the Office of Citizen Assistance or designee:

- (1) name of the requesting person;
- (2) the address that was the subject of the request;
- (3) the date of and method used to make the request; and
- (4) the name and publication date of the unsolicited publication that is the subject of the complaint.

(c) Any person wishing to make a complaint unrelated to a no delivery request and regarding improper placement of unsolicited publications by a distributor of unsolicited publications in violation of section 9-14-2(b)(2) of this chapter shall provide the following information to the Director of the Office of Citizen Assistance or designee:

- (1) the name of the complaining person;
- (2) the location of the alleged improper placement and time the condition was observed; and
- (3) the name and publication date of the unsolicited newspaper that is the subject of the complaint.

(d) Any person wishing to make a complaint for failure to remove an improperly delivered unsolicited publication in violation of section 9-14-3(a) shall provide the same information as is required in section 9-14-4(a), plus the date, time and manner of communication of the request to remove.

The City shall have no obligation to take any action on a complaint that does not contain the required information set forth above.

Sec. 9-14-5 Penalties.

(a) Violation of section 9-14-2 shall constitute a class five civil violation, pursuant to section 1-1--11 of this code; provided, however, that for the purpose of determining whether a subsequent violation is subject to an enhanced penalty, delivery

of the same publication to the same address within a 12-month period shall constitute a violation arising from the same set of operative facts.

(b) Violation of section 9-14-3 shall constitute a class four civil violation, pursuant to section 1-1--11 of this code; provided, however, that for the purpose of determining whether a subsequent violation is subject to an enhanced penalty, the failure to remove the same publication from the same address within a 12-month period shall constitute a violation arising from the same set of operative facts.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

18. Public Hearing, Second Reading and Final Passage of an Ordinance Regarding the Extension of the Pilot Program for Temporary Portable Signs for Retail Businesses in the Central Business District. (#10, 3/10/09) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated March 4, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 18; 3/14/09, 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. 18; 3/14/09, 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. 18; 3/14/09, and is incorporated as part of this record by reference.)

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

(a) Amy Slack, 2307 E. Randolph Avenue, said she is a board member of the Federation of Civic Associations and one of three members that were appointed to the Wayfinding Work Group. Ms. Slack suggested MP3 downloads would be a way of being able to have a database of who is on the side streets. She suggested the Chamber of Commerce administer the signs and keep it current.

(b) Charlotte Hall, 205 The Strand, with Potomac Riverboat Company, spoke in favor of the ordinance.

(c) Sheila McGurk, 123 N. Washington Street, owner, Circe Aveda Salon Spa, spoke in favor of the ordinance.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council adopted the ordinance regarding the extension of the pilot program for temporary portable signs for retail

businesses in the Central Business District. 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. 4583

AN ORDINANCE to extend the pilot program established by City Council by Ordinance No. 4566 to authorize portable signs in the public right-of-way for businesses in the Central Business District, with administrative approval.

WHEREAS, the City Council finds and determines that:

1. There is an economic downturn that is affecting all businesses in the City of Alexandria and in the Central Business District, and there is a particular hardship being experienced by restaurants, retail merchants, and small businesses;

2. Many such businesses within the Central Business District, on blockfaces close to but not on King Street, are small businesses which contribute to the unique character of Old Town, and are particularly vulnerable to the current economic downturn, and the loss of such businesses would cause irreparable harm to the character and economic viability of Old Town and the City;

3. Adoption of Ordinance No. 4566 in November of 2008 was necessary and desirable to aid such businesses by increasing their visibility to visitors and customers during the recent holiday season, to secure the appropriate balance between competing uses in and along the public right-of-way, and to preserve the health, safety and general welfare of the residents of the City, and

4. The economic conditions that existed at the time of the implementation of this pilot program persist and justify extension of this program until November 1, 2009 or such earlier time as the City may adopt and implement a way-finding program; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That temporary portable signs shall be permitted to encroach into the public sidewalk right-of-way along King Street, within the Central Business District as defined in Section 8-300 of the Zoning Ordinance, until November 1, 2009, or earlier if superseded as part of an adopted way-finding program; provided that such permission shall be subject to the provisions set forth below.

Section 2. That no such encroachment shall be permitted unless and until an

application therefore, which shall include a plan reasonably depicting the location, size, text, appearance and method of installation of the proposed sign to be located on the public right-of-way, and such additional information as the Director of Planning and Zoning may reasonably require, has been approved by the Director of Planning and Zoning, after determining that the proposed encroachment will be reasonable, attractive and promote pedestrian and retail vitality in the Central Business District, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic. No material change to the approved plan shall be made without prior written approval by the Director.

Section 3. That any such encroachment shall be subject to the following terms and conditions:

- (A) A maximum of four signs may be located at the intersection of King Street and each intersecting street thereto, one on each corner.
- (B) For each sign, eligible businesses include restaurants, retail uses and retail oriented businesses, which include restaurants and retail and personal services uses, as those terms are defined by the zoning ordinance, located on an adjacent blockface on a street within the Central Business District, which street intersects with or is parallel to King Street. Eligible business shall not include banks, savings and loans, credit unions, and contractor or other offices.
- (C) A maximum of one coordinated temporary sign is permitted for all eligible businesses on any eligible blockface.
- (D) Signs may not exceed 42 inches in height and a width of 30 inches. Illuminated signs are prohibited.
- (E) Pedestrian safety shall be preserved through the placement and securing of signs so as to permit safe and adequate pedestrian thoroughway along the sidewalk, crossing of streets, entry and alighting from cars and buses, and access to curb ramps.
- (F) All signs, including installation materials, placed in the right-of-way shall be temporary and shall be readily removable without any damage to the surface of the right-of-way.
- (G) Signs shall comply with all applicable city, state and federal laws and regulations.
- (H) Signs shall comply with such additional, reasonable terms and conditions as the Director of Planning and Zoning may include in the permit.

Section 4. That this ordinance shall preempt any contrary provision of law,

general or special.

Section 5 That this ordinance shall become effective on the date and time of its final passage and shall apply to all such applications which may be filed after such date; provided, however, that this ordinance shall expire on November 1, 2009, or earlier if superseded as part of an adopted way-finding program.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

19. SPECIAL USE PERMIT #2009-0001
2018 MT VERNON AVENUE
THAI PEPPERS RESTAURANT
Public Hearing and Consideration of a request to change the ownership of a restaurant and for a special use permit amendment to allow increased seating, delivery service, alcohol service, and a request for a parking reduction; zoned CL/Commercial Low. Applicant: Tasneeya Gordon

PLANNING COMMISSION ACTION: Deferred

20. DEVELOPMENT SITE PLAN #2007-0011
SPECIAL USE PERMIT #2008-0084
ENCROACHMENT #2008-0005
532 NORTH WASHINGTON STREET
OFFICE BUILDING ADDITION
Public Hearing and Consideration of a request for a development site plan for an addition to an office building, a parking reduction and a request to for an encroachment into the public right of way; zoned OC/Office Commercial. Applicant: North Parkway, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Deferred (applicant's request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the withdrawals.

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 March 14, 2009 at 2:52 p.m. The voting was as follows:

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

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC, City Clerk