

EXHIBIT NO. 1

DOCKET ITEM #7

Special Use Permit #2009-0021

5150-5184, 5200-5228, 5230-5258 Eisenhower Ave

6
6-13-09

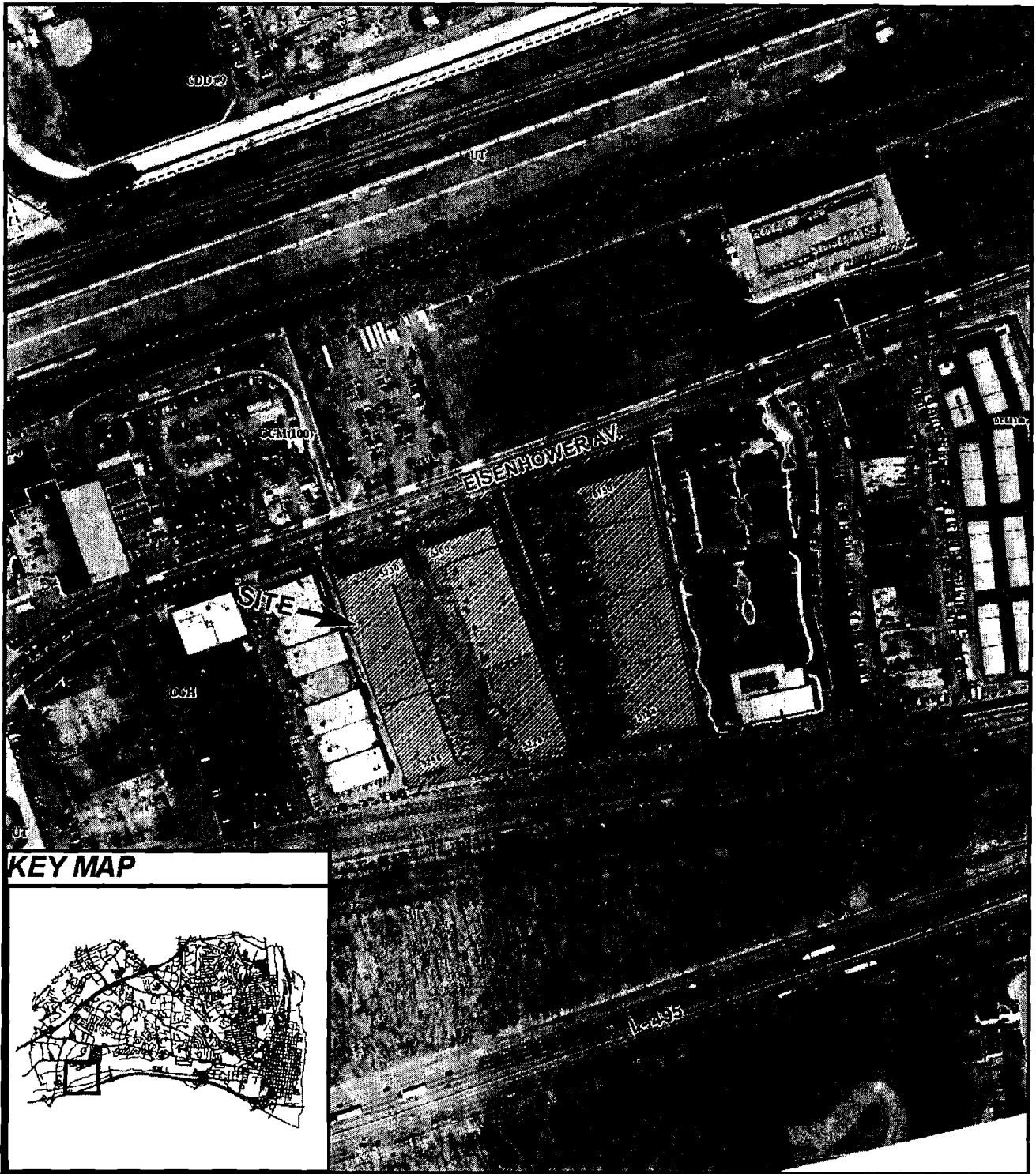
Application	General Data	
Request: Consideration of a request for an amendment to extend the deadline for City Council review and to change ownership of an umbrella SUP	Planning Commission Hearing:	June 2, 2009
Address: 5150-5184, 5200-5228, 5230-5258 Eisenhower Avenue	Zone:	OCM(100)/Office Commercial Medium(100) and OCH/Office Commercial Hotel
Applicant: Velsor Properties, LLC	Small Area Plan:	Landmark/Van Dorn

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, JUNE 2, 2009: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



SUP #2009-0021

06/02/09



I. DISCUSSION

REQUEST

The applicant, Velsor Properties, LLC, requests a special use permit amendment to extend the deadline for a City Council review and to change ownership of an existing umbrella SUP for the property located at 5150, 5200 and 5230 Eisenhower Ave.

SITE DESCRIPTION

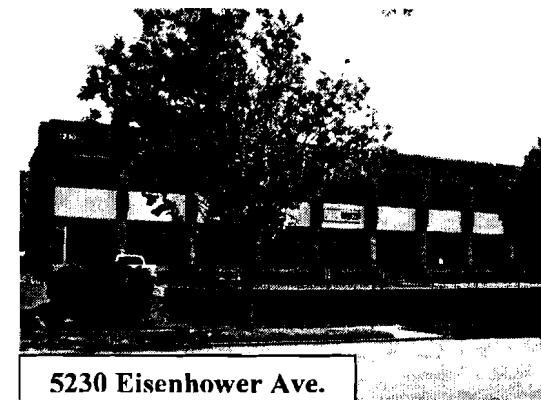
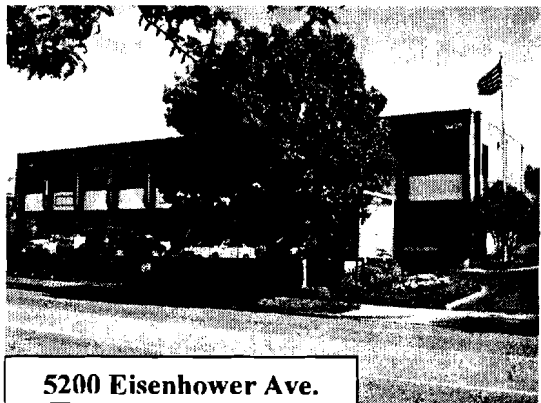
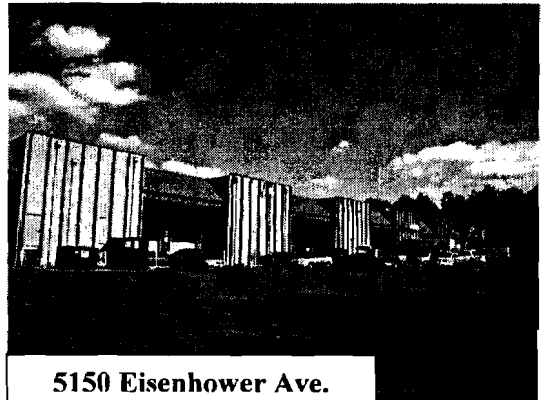
The subject site comprises two lots of record. The first, 5150 Eisenhower Avenue, has 360 feet of frontage on Eisenhower Avenue, an average depth of 600 feet and a total lot area of 194,320 square feet (4.46 acres.) The site is developed with a one-story industrial/flex building of 82,355 square feet. The second lot, 5200/5230 Eisenhower Avenue, has 367 feet of frontage on Eisenhower Avenue, an average depth of 570 feet and a total lot area of 210,076 square feet (4.82 acres.) The site is developed with two one-story industrial/flex buildings totaling 120,731 square feet. The total square footage of the three buildings on site is 203,274.

The surrounding area is occupied by a mix of industrial, residential, and commercial office uses. To the north are the Covanta waste-to-energy plant, parking lots, and an office building. To the south are railroad and Metro tracks. To the east are residential apartments, known as The Reserve at Eisenhower, and to the west is another industrial flex space center.

BACKGROUND

Uses allowed under the umbrella special use permit are derived from three mechanisms: noncomplying uses that have existed since prior to June, 1992, I/Industrial zone uses, and OCH/Office Commercial High special uses.

Based on occupancy as of June 24, 1992, the following noncomplying uses are permitted to continue to occupy the following amount of space in the Center, by zone, without a special use permit:



OCM(100)	
Storage	22,940 sq. ft.
Manufacturing and assembly	13,695 sq. ft.
OCH	
Storage	18,000 sq. ft.
Research and testing	6,644 sq. ft.
Manufacturing and assembly	90,400 sq. ft.
Printing	<u>6,000 sq. ft.</u>
Total Area	157,679 sq. ft.

In addition to the right to the specific uses above, the existence of noncomplying uses also carries with it the right to change those uses to other ones pursuant to Section 12-302(B)(2) of the Zoning Ordinance. This provision states that a noncomplying use may be changed, with a special use permit, to any use allowed in the zone in which such noncomplying use is first listed in the ordinance.

The relevant noncomplying uses first appear in the Zoning Ordinance in the I/Industrial zone. Therefore, under the above provision, the applicant may apply for any use in the I/Industrial zone with a special use permit, at least for 157,679 square feet of space.

Finally, under the current OCM(100) and OCH zone, the applicant has available to it certain uses with approval of a special use permit.

On February 24, 1996, City Council granted SUP#95-0180 as an umbrella Special Use Permit to allow a variety of uses without separate special use permit approval for each one. Neither the applicant nor tenants are required to apply for a Special Use Permit each time an individual tenant space is filled with a new use listed in Condition #2 of this report. At the time of approval, a condition was placed in the umbrella Special Use Permit requiring City Council review in 10 years (February 2006.)

The applicant applied in 2003 for a 20-year extension of the City Council review period arguing that with greater certainty it would be able to sign long-term leases with prospective tenants. On March 13, 2004, City Council granted Special Use Permit #2003-0124 for an extension of the City Council review condition for 15 years.

On May 12, 2009 staff visited the subject property to determine if the business was in compliance with the conditions of its special use permit. Staff found no violations of the special use permit.

PROPOSAL

The applicant proposes to change ownership of the umbrella SUP and to amend Condition #8 to extend the scheduled City Council review date for the umbrella SUP to March 2024, which is five years beyond the previously-approved City Council review date of March 2019. The intent behind the requested extension of the deadline for the review period is for financing purposes for the proposed new owner of the property. No other changes to the umbrella SUP are proposed.

PARKING

Parking for the three buildings was approved per Site Plan #71-037, Site Plan #72-015 and Site Plan #74-013, which required a total of 117 parking spaces. There are at least 237 parking spaces at the site.

ZONING/MASTER PLAN DESIGNATION

The subject property is zoned OCM(100) and OCH. The proposed uses are consistent with the Landmark/Van Dorn Small Area Plan chapter of the Master Plan which designates the property OCM(100) and OCH, or are noncomplying.

II. STAFF ANALYSIS

Staff does not object to the applicant's request to change ownership or to amend Condition #8 to add five years to the deadline for the City Council review of this umbrella SUP. With the amendment, City Council will be required to review the permit in 2024 instead of in 2019.

The umbrella SUP was originally approved with a limited life because it is located on the western portion of Eisenhower Avenue, an area occupied by many industrial and service uses, but one that many hope will redevelop differently in the future. Each amendment of the SUP has extended the time period but retained a limitation. The area is already zoned for dense commercial office development, with residential uses as a special use. Further, the City is studying the potential for the area to be redeveloped for mixed use development, to bring economic development to the area generally, as an extension of the East Eisenhower development activity and in order to support the Van Dorn Metro. On the other hand, the preliminary findings of the Eisenhower West Industrial Land Use Study, presented at a public meeting on May 13, 2009, demonstrate that large-scale redevelopment is unlikely to occur in this area during the next 15 years, for economic reasons. This conclusion is based on several factors including the large cost of moving and removing existing industrial uses and the fact that other nearby areas, such as Potomac Yard and Carlyle/Eisenhower East, are available for redevelopment now.

Although the redevelopment may be only a long term prospect, it is still the goal of the City and the community. It is for that reason that the unusual step of including a limited term was originally imposed, and is still maintained for this umbrella SUP. The current request, to extend the period for an additional five years, until 2024, is sought by the applicant, who is the proposed

new purchaser of the property, in order to provide it with the greater certainty it needs in order to pursue acceptable mortgage terms. In addition, the applicant has discussed its interest in being the eventual redeveloper of the property which, according to the applicant, may occur prior to the new review date.

In terms of compatibility, staff notes that residential apartments are now located directly to the east of the 5150 Eisenhower property. That development was approved with a special use permit, and with the understanding that the subject light industrial, flexspace center would be located next door. Further, much of the greater neighborhood is still largely industrial. Staff finds that the uses allowed under this umbrella SUP are reasonable and appropriate for this neighborhood, both residential and industrial. Staff supports the use of the umbrella SUP in cases such as this one because it allows the owner of an industrial/warehouse building maximum flexibility in leasing its space. Staff also notes that it is not aware of any complaints at the property and that the site appears well-maintained.

In addition to changing Condition #8 regarding City Council review, staff has recommended new standard conditions regarding transit, training and a standard one-year review.

Trash Can, Litter and Street Tree Requirements

The recommended conditions include significant requirements as to landscaping, including new plant material, street trees, and compliance with a prior site plan for part of the property. In addition, the applicant will be required to pay for one new trash can to be installed in sidewalk area. These conditions may change as a result of Council's policy discussion on these issues scheduled for June 9.

Staff concludes that the applicant's requests are reasonable changes it needs to purchase and finance the property and to allow the continued operation of the uses permitted under the umbrella Special Use Permit. Staff recommends approval of the request subject to all applicable codes and ordinances and the conditions contained in Section III of this report.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP#95-0180)

2. **CONDITION AMENDED BY STAFF:** The following uses are permitted on the subject property:

**Uses permitted through noncomplying use provisions
(section 12-302(b)(2):**

Warehouse and storage
Research and testing
Manufacturing and assembly
Printing and publishing facilities
Carpenter shop and repair services
Building materials storage and sales
Catering operation (in OCH zone)
Retail (in OCH zone)

**Special Uses allowed in
both OCM(100) and OCH*:**

Light automobile repair
Wholesale business
Convenience store
Social service use

**Special Uses allowed
only in OCM(100)*:**

Catering operation
Research and testing

***Staff notes that light automobile repair and catering in OCM(100) may be considered an Administrative Special Use or a Special Use but that in either case the two uses are covered under this umbrella Special Use Permit and a separate Special Use Permit or Administrative Special Use Permit would not be required. (P&Z) (SUP#95-0180)**

3. No more than 157,679 square feet of building area may be occupied by uses that are only available through the noncomplying use provisions (section 12-302(B)(2)) of the zoning ordinance. (P&Z) (SUP#95-0180)
4. This approval is valid as long as the existing buildings remain unchanged. A "change" of the existing buildings sufficient to invalidate this approval is one that requires a site plan under section 11-403 of the zoning ordinance. (P&Z) (SUP#95-0180)
5. Any motor vehicle repair operation shall comply with the following conditions: (P&Z) (SUP#95-0180)

- A. All vehicles stored on the property shall be parked in a neat and orderly fashion at all times.
 - B. All repair work shall be done inside the building and none shall be done outside.
 - C. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.
 - D. No vehicles shall be displayed, parked, or stored on a public right-of-way.
 - E. The area around the garage shall be kept free of debris and maintained in an orderly and clean condition.
 - F. No vehicles shall be loaded or unloaded on the public right-of-way.
 - G. No debris or vehicle parts shall be discarded on the public right-of-way.
 - H. No amplified sound shall be audible at the property line.
6. Any convenience store operation shall comply with the following conditions:
- A. No quantity of beer smaller than a six-pack and no fortified wines (any wines with alcohol content of 14 percent or greater) shall be sold.
 - B. The hours of operation shall be limited to between 6:00 A.M. and 11:00 P.M. (P&Z) (SUP#95-0180)
7. **CONDITION AMENDED BY STAFF:** No single tenant may occupy more than 25% of the total floor area of the subject building space, or ~~49,080~~ 50,819 square feet, for one of the above uses except warehouse and storage. (P&Z) (~~SUP#95-0180~~)
8. **CONDITION AMENDED BY STAFF:** This special use permit shall be reviewed ~~fifteen years from the date of approval~~ by City Council in March ~~2019~~ 2024. (P&Z) (City Council)
9. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2003-0124)
10. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2003-0124)
11. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2003-0124)

12. All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground. (T&ES) (SUP#2003-0124)
13. The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Division of Environmental Quality on 703/519-3400, extension 166. (T&ES) (SUP#2003-0124)
14. No paint or coatings shall be applied outside of a paint spray booth and no material shall be disposed of by venting into the atmosphere. (T&ES) (SUP#2003-0124)
15. **CONDITION ADDED BY STAFF: The applicant shall require businesses whose employees drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall require businesses to also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES)**
16. **CONDITION ADDED BY STAFF: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)**
17. **CONDITION ADDED BY STAFF: The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)**
18. **CONDITION ADDED BY STAFF: Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)**
19. **CONDITION ADDED BY STAFF: Applicant shall provide the City \$1150.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)**
20. **CONDITION ADDED BY STAFF: The applicant shall replace dead and missing plantings, including street trees, consistent with the approved Landscape Plan for 5150 Eisenhower Ave., dated July 11, 1974. Work shall be completed within 6 months of City Council approval, to the satisfaction of the Directors of RP&CA and P&Z. (RP&CA)**

21. **CONDITION ADDED BY STAFF:** The applicant shall replace (2) street trees along the 5200 Eisenhower Ave. property frontage. Work shall be completed within 6 months of City Council approval, to the satisfaction of the Directors of RP&CA and P&Z. (RP&CA)
22. **CONDITION ADDED BY STAFF:** Existing plantings shall be well maintained and be free of weeds, debris, and litter at all times. (RP&CA)
23. **CONDITION ADDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Gwen Wright, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All waste products including, but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers, or be discharged onto the ground. (T&ES)
- R-6 The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Office of Environmental Quality on 703-519-3400, extension 166. (T&ES)
- R-7 All repairs of motor vehicles shall be conducted inside a building or structure that is approved by the Director of Planning and Zoning. (T&ES)
- R-8 No paint or coatings shall be applied outside of a paint spray booth and no material shall be disposed of by venting into the atmosphere. (T&ES)
- R-9 The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES)
- R-10 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of

business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)

- R-11 Applicant shall provide the City \$1150.00 for one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent public right-of-way (monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60-days of approval). Contact T&ES Solid Waste Division (703/751-5130) regarding information on ordering and installation. (T&ES)
- R-12 The applicant shall require businesses whose employees drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall require businesses to also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).
- C-2 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)

Code Enforcement:

- F-1 No Comment

Health Department:

- F-1 No Comment

Parks and Recreation:

- R-1 The applicant shall replace dead and missing plantings, including street trees, consistent with the approved Landscape Plan for 5150 Eisenhower Ave., dated July 11, 1974. Work shall be completed within 6 months of City Council approval, to the satisfaction of the Directors of RP&CA and P&Z. (RP&CA)
- R-2 The applicant shall replace (2) street trees along the 5200 Eisenhower Ave. property frontage. Work shall be completed within 6 months of City Council approval, to the satisfaction of the Directors of RP&CA and P&Z. (RP&CA)
- R-3 Existing plantings shall be well maintained and be free of weeds, debris, and litter at all times. (RP&CA)

- F-1 The property at 5150 Eisenhower Ave. has an approved Landscape Plan dated July 11, 1974. The plan is available from T&ES. (RP&CA)
- F-2 The applicant is being required to replace dead and missing plantings, including street trees, as depicted on the property's approved Landscape Plan, and (2) street trees in front of 5200 Eisenhower Ave. Therefore, a monetary street tree contribution is not being required. (RP&CA)
- C-1 Property owner shall control weeds along public sidewalks, curb lines and within tree wells which are within 12 feet of the owners front property line. (City Ord. No. 2698, 6/12/82, Sec. 2; Ord. No. 2878, 11/12/83, Sec. 1)

Police Department:

- F-1 The Police Department has no objections to the special use permit extending for an additional 5 years through March 2024.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 20090001

PROPERTY LOCATION: 5150-5184, 5200-5228, & 5230-5258 Eisenhower Avenue

TAX MAP REFERENCE: 068.03-01-11, 077.01-01-09 **ZONE:** OCM (100), OCH

APPLICANT:
Name: Velsor Properties, LLC

Address: 1420 Spring Hill Road, # 335, McLean, VA 22102

PROPOSED USE: Request for an amendment to condition #8 of existing umbrella SUP 2003-0124 to extend the SUP for an additional 5 years through March 2024.

THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Jonathan P. Rak, Esquire
Print Name of Applicant or Agent

J. P. Rak
Signature
for Jonathan Rak

4/3/09
Date

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Mailing/Street Address

(703) 712-5411
Telephone #

(703) 712-5231
Fax #

McLean, VA 22102
City and State Zip Code

jrak@mcgulrewoods.com
Email address

ACTION-PLANNING COMMISSION: _____	DATE: _____
ACTION-CITY COUNCIL: _____	DATE: _____

SUP # 2007-00011

PROPERTY OWNER'S AUTHORIZATION

As the property owners of 5150-5184, 5200-5228, & 5230-5258 Eisenhower Avenue I, hereby
(Property Address)

grant the application authorization to apply of the extension of the existing SUP use as
(use)
described in this application.

Name: Pro Logis Trust Phone: _____
Please Print

Address: P.O. Box 34472, Washington, DC 20043 Email: _____

Signature: [Handwritten Signature] Date: 4/3/09

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

Required floor plan and plot/site plan attached.

Requesting a waiver. See attached written request.

2. The applicant is the (check one):

Owner

Contract Purchaser

Lessee or

Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

SUP # _____

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license

No. The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The applicant, Velsor Properties, is the contract purchaser of the Eisenhower Business Center at 5150-5230 Eisenhower Avenue ("Property"). The applicant is interested in continuing the current leases on the Property and is considering redeveloping the Property after the expiration of the leases. However, in order to obtain acceptable mortgage financing during these difficult economic times, the financing needs to be secured by a definite income stream from the existing uses rather than speculative development. For further information regarding the financing concerns please see the attached letter from Phillips Realty Capital.

In 2004, the City Council approved an umbrella special use permit that allows the continuation of noncomplying and special uses at the Eisenhower Business Center at 5150-5230 Eisenhower Avenue. The 2004 application extended the umbrella special use permit for 15 years through March 2019. However, the remaining period of less than 10 years prior to the expiration of the existing uses is not sufficient to secure the appropriate financing.

Further, the existing uses at the site are not heavy industrial uses that have a negative impact on the community. These types of uses are compatible with the surrounding neighborhood and provide services to the community.

Therefore, the applicant requests that the special use permit be extended for an additional 5 years through March 2024 in order to give this applicant the full 15 years of income stream necessary to properly finance the purchase of this Property. The applicant is not requesting any other changes to the conditions of Special Use Permit 2003-0124.

Waiver of Requirement to Submit a Site Plan

The applicant respectfully requests a waiver of the requirement to submit a Site Plan with the Special Use Permit application because the only change requested to the Special Use Permit with this application is an extension of the validity of the permit. The applicant is not changing anything on the site or requesting a change to any of the conditions of the existing Special Use Permit. Therefore, there is no change that needs to be reviewed on a Site Plan.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
[] a new use requiring a special use permit,
[] an expansion or change to an existing use without a special use permit,
[] an expansion or change to an existing use with a special use permit,
[X] other. Please describe: Extension of the date when the existing SUP is to be reviewed.

5. Please describe the capacity of the proposed use:

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

N/A

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

N/A

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

N/A

7. Please describe any potential noise emanating from the proposed use.

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

N/A

- B. How will the noise be controlled?

N/A

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

N/A

9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

N/A

B. How much trash and garbage will be generated by the use? (i.e.# of bags or pounds per day or per week)

N/A

C. How often will trash be collected?

N/A

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

N/A

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

11. Will any organic compounds, or example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

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

N/A

ALCOHOL SALES

13.

A. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

N/A

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use: **N/A**

- _____ Standard spaces
- _____ Compact spaces
- _____ Handicapped accessible spaces
- _____ Other

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No

B. Where is required parking located? (*check one*) **N/A**

on-site

off-site

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

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION. **N/A**

Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use: **N/A**

A. How many loading spaces are available for the use? _____

Planning and Zoning Staff Only Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____ Does the application meet the requirement? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

SUP # _____

B. Where are off-street loading facilities located? _____

N/A

C. During what hours of the day do you expect loading/unloading operations to occur?

N/A

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

N/A

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

N/A

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? Yes No

Do you propose to construct an addition to the building? Yes No

How large will the addition be? **N/A** square feet

18. What will the total area occupied by the proposed use be? **N/A**

_____ sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)

19. The proposed use is located in: (check one)

- a stand alone building
- a house located in a residential zone
- a warehouse
- a shopping center. Please provide name of the center: _____
- an office building. Please provide name of the building: _____
- other. Please describe: _____

End of Application

PHILLIPS
REALTY CAPITAL
REAL ESTATE EXPERTISE SINCE 1933

April 1, 2009

Jonathan P. Rak, Esquire
McGuire Woods, LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102-3915

RE: Mortgage Financing
Eisenhower Business Center

Dear Mr. Rak:

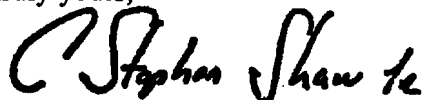
We are the mortgage bankers for Velsor Properties, LLC, which is the holder of a contract to purchase Eisenhower Business Center. Velsor has informed us that the Special Use Permit allowing the current industrial and business uses at Eisenhower Business Center will terminate on March 13, 2019.

It is vital that the SUP be extended for 15 years, in order to obtain appropriate longer term institutional mortgage financing.

As you know, because of the current credit crisis it is very difficult to obtain any financing for commercial real estate. Credit for speculative development projects is not currently available. Financing for this acquisition must, therefore, be based on the known income stream from existing tenants. Therefore, the term of the loan must be prior to the "sunset" of the existing uses. If we are limited to the current 2019 expiration, it means that we can probably only obtain financing for a 5 year term, which simply may not be available. Lenders will also insist upon having a term of years after the SUP expiration date to protect their interest, as they could then, if necessary, sell the property with some years of use of the existing improvements remaining. Failure to obtain institutional financing will result in an excessively high interest rate adversely affecting the net operating income of the property.

We strongly recommend that you obtain an extension of the SUP for at least 15 years.

Very truly yours,



C. Stephen Shaw, Jr.
President and CEO

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Joanna C. Frizzell
Direct: 703.712.5349

McGUIREWOODS

jfrizzell@mcguirewoods.com
Direct Fax: 703.712.5217

May 19, 2009

Nathan Randall
Department of Planning and Zoning
City of Alexandria
301 King Street, Room 2100
Alexandria, Virginia 22314

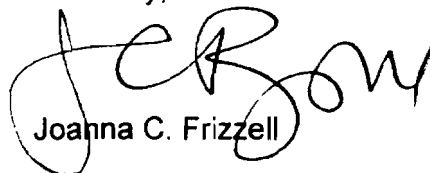
Re: 5150-5184, 5200-5228, 5230-5258 Eisenhower Avenue
Change of Ownership

Dear Nathan:

On behalf our client, Velsor Properties, LLC, I hereby request a change of ownership for the Special Use Permit applicable to the above-referenced properties.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,



Joanna C. Frizzell

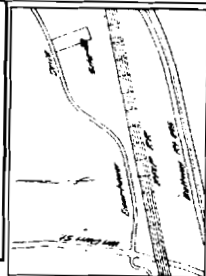
JCF/gec

19129018.1

Eisenhower Industrial Center							
Building #1 - 5150 - 5184 Eisenhower Avenue							1970's site plans
Company Name	S.F.	Type of Use	zoning category	Hours of Operation	S.F.		
1 GSA	13,820	DHS	business and professional office	M-F 8-5			
2 D. C. Party Rentals, LLC	9,160	pick up and delivery of inventory	warehouse	intermittent staffing, tenant not always there			
3 S&D Coffee	4,650	pick up and delivery of inventory	warehouse	intermittent staffing, tenant not always there			
4 GSA	9,160	misc items storage	storage	Tues and Thurs 7am - 1pm			
5 Olympus Imported Parts Corp	22,800	auto parts inventory, office for admin, small retail	business and professional office	M-F 8-5			
6 GSA	9,120	misc items storage	storage	M-F 7-3			
7 WP Company, LLC	13,715	pick up location for paper carriers	warehouse	late night only			
Building 1 Total:	82,425					83,541	
Building #2 - 5200 - 5228 Eisenhower Avenue							
8 Coastal International Security, Inc.	5,493	admin offices, training classrooms	Business and Professional Office	M-F 8-5			
9 Mount Vernon Foursquare Church	3,444	church	church	M-F 8-5 sun - 8:30 - 1:30			
10 Olympus Imported Auto Parts Corp	2,994	admin offices	Business and Professional Office	M-F 8-5			
11 VACANT (old United Trading)	3,600	n/a	vacant	n/a			
12 PPG AutoGlass, LLC	14,400	pick up/deliver of inventory, auto glass replacement	warehouse	M-F 8-5			
13 GSA	10,800	misc items storage	storage	intermittent staffing, tenant not always there			
14 GSA	7,200	misc items storage	storage	intermittent staffing, tenant not always there			
15 Forex Cargo, Inc.	7,200	shipping company, small admin office area	Business and Professional Office	M-F 8-5			
16 ProLogis Management, Inc.	3,600	storage of supplies	storage	intermittent staffing, tenant not always there			
17 Autumn Contracting, Inc.	6,000	inventory pick up/delivery, small admin area	warehouse	M-F 8-5			
Building #2 total:	64,731					63,200	
Building #3 - 5230 - 5256 Eisenhower Avenue							
18 Carrier Sales & Distribution, LLC	34,088	inventory pick up/delivery in WH, admin office, retail	warehouse	M-F 8-5			
19 Foodservice Technologies, Inc.	24,200	inventory pick up/delivery in WH, and admin office	warehouse	M-F 8-5			
Building #3 total:	58,288					56,533	
total:	205,444					203,274 1.06%	
Total storage and warehouse:	146,093						

24

Revision - 20 March 1973
 PROPOSED ADDITIONAL BUILDING

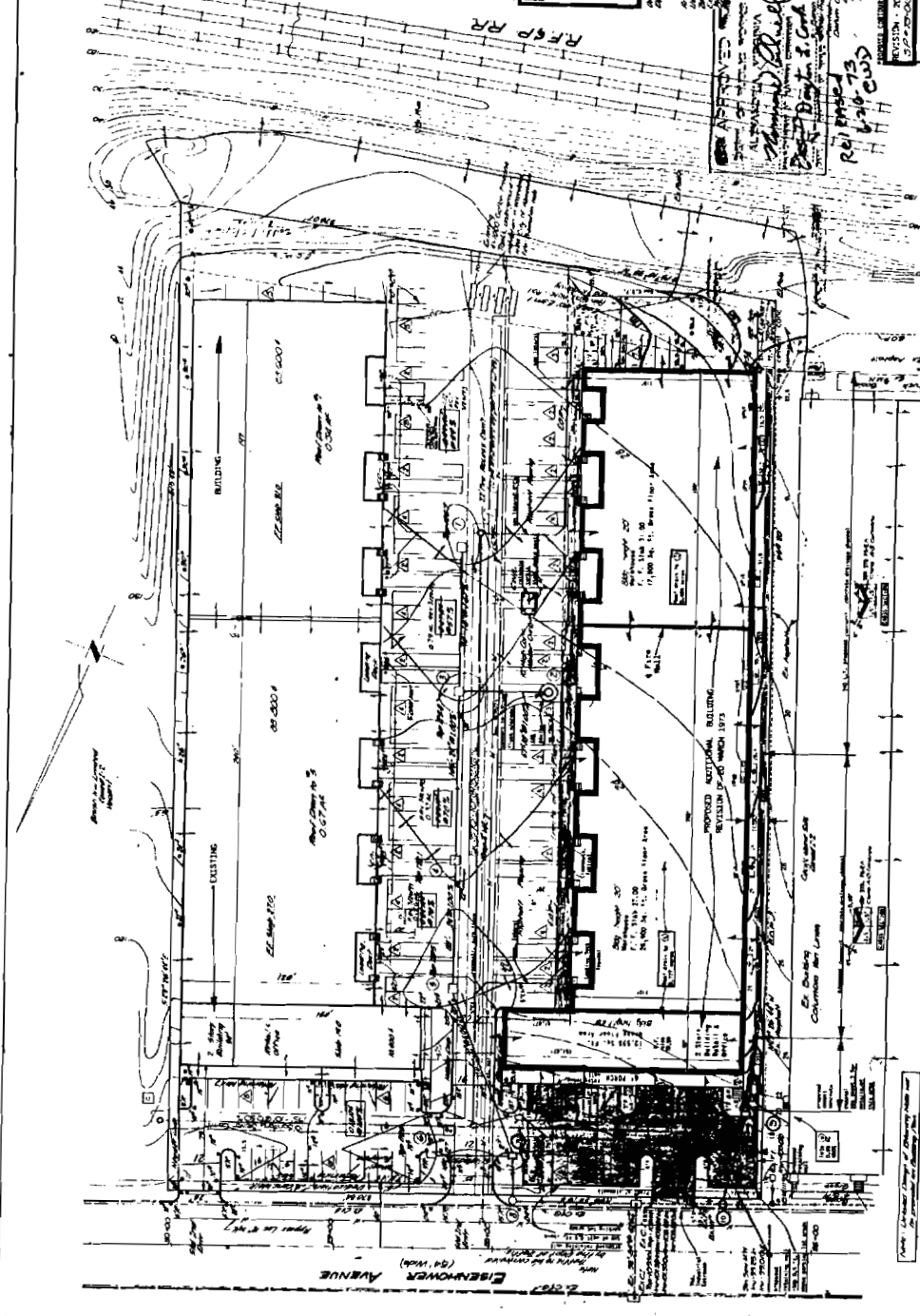


APPROVED
 3/20/73

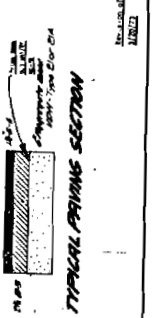
APPROVED
 3/20/73

APPROVED
 3/20/73

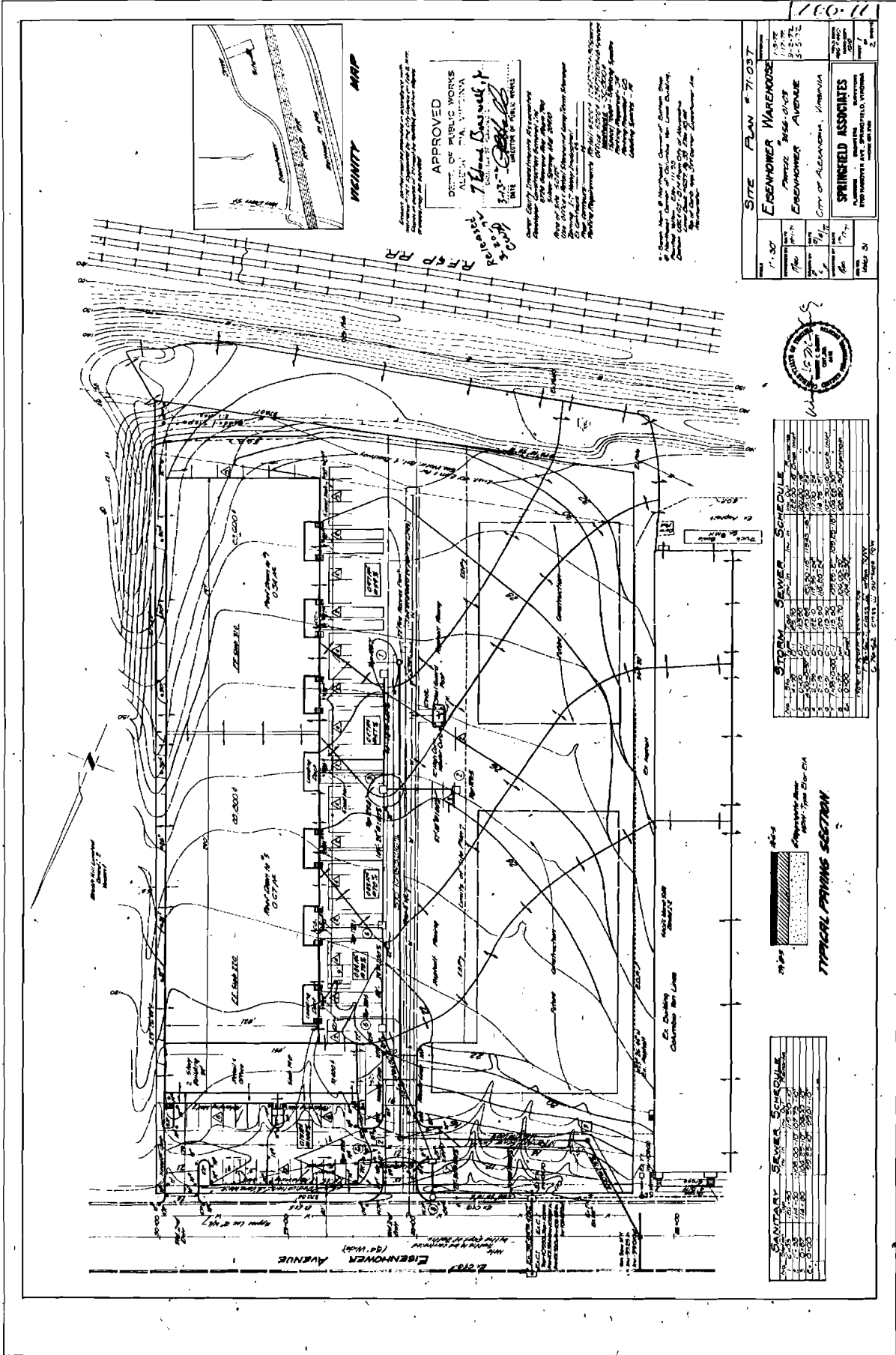
SITE PLAN FOR ERENHOWER WAREHOUSE 10000 ERENHOWER AVENUE CITY OF ALEXANDRIA, VIRGINIA	
PROJECT NO.	510-015
DATE	3/20/73
DESIGNED BY	SPRINGFIELD ASSOCIATES
CHECKED BY	
APPROVED BY	
SCALE	1" = 30'



STORM SEWER		SANITARY SEWER	
1	12" DIA.	1	12" DIA.
2	18" DIA.	2	18" DIA.
3	24" DIA.	3	24" DIA.
4	30" DIA.	4	30" DIA.
5	36" DIA.	5	36" DIA.
6	42" DIA.	6	42" DIA.
7	48" DIA.	7	48" DIA.
8	54" DIA.	8	54" DIA.
9	60" DIA.	9	60" DIA.
10	66" DIA.	10	66" DIA.
11	72" DIA.	11	72" DIA.
12	78" DIA.	12	78" DIA.
13	84" DIA.	13	84" DIA.
14	90" DIA.	14	90" DIA.
15	96" DIA.	15	96" DIA.



SANITARY SEWER SCHEDULE	
1	12" DIA.
2	18" DIA.
3	24" DIA.
4	30" DIA.
5	36" DIA.
6	42" DIA.
7	48" DIA.
8	54" DIA.
9	60" DIA.
10	66" DIA.
11	72" DIA.
12	78" DIA.
13	84" DIA.
14	90" DIA.
15	96" DIA.



APPROVED
 DEPT. OF PUBLIC WORKS
 ALEXANDRIA, VIRGINIA
T. H. [Signature]
 10-25-73
 DATE

SPRINGFIELD ASSOCIATES
 1408 N. [Address]
 SPRINGFIELD, VIRGINIA
 [Phone Number]

160-11

SITE PLAN # 71-037

NO.	DATE	BY	DESCRIPTION
1	10-25-73	T.H.	Final Plan
2	10-25-73	T.H.	Final Plan
3	10-25-73	T.H.	Final Plan
4	10-25-73	T.H.	Final Plan

SPRINGFIELD ASSOCIATES
 1408 N. [Address]
 SPRINGFIELD, VIRGINIA
 [Phone Number]



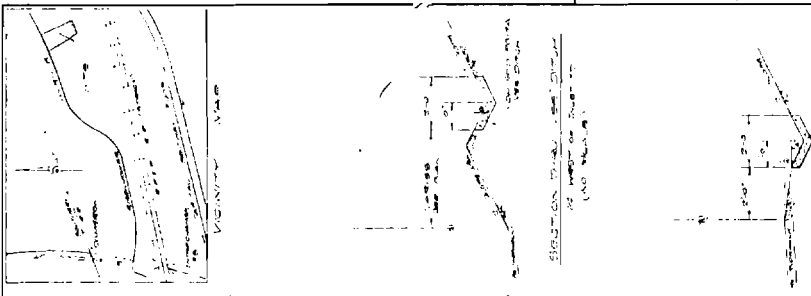
SANITARY SEWER SCHEDULE

NO.	DATE	BY	DESCRIPTION
1	10-25-73	T.H.	Final Plan
2	10-25-73	T.H.	Final Plan
3	10-25-73	T.H.	Final Plan
4	10-25-73	T.H.	Final Plan



SANITARY SEWER SCHEDULE

NO.	DATE	BY	DESCRIPTION
1	10-25-73	T.H.	Final Plan
2	10-25-73	T.H.	Final Plan
3	10-25-73	T.H.	Final Plan
4	10-25-73	T.H.	Final Plan

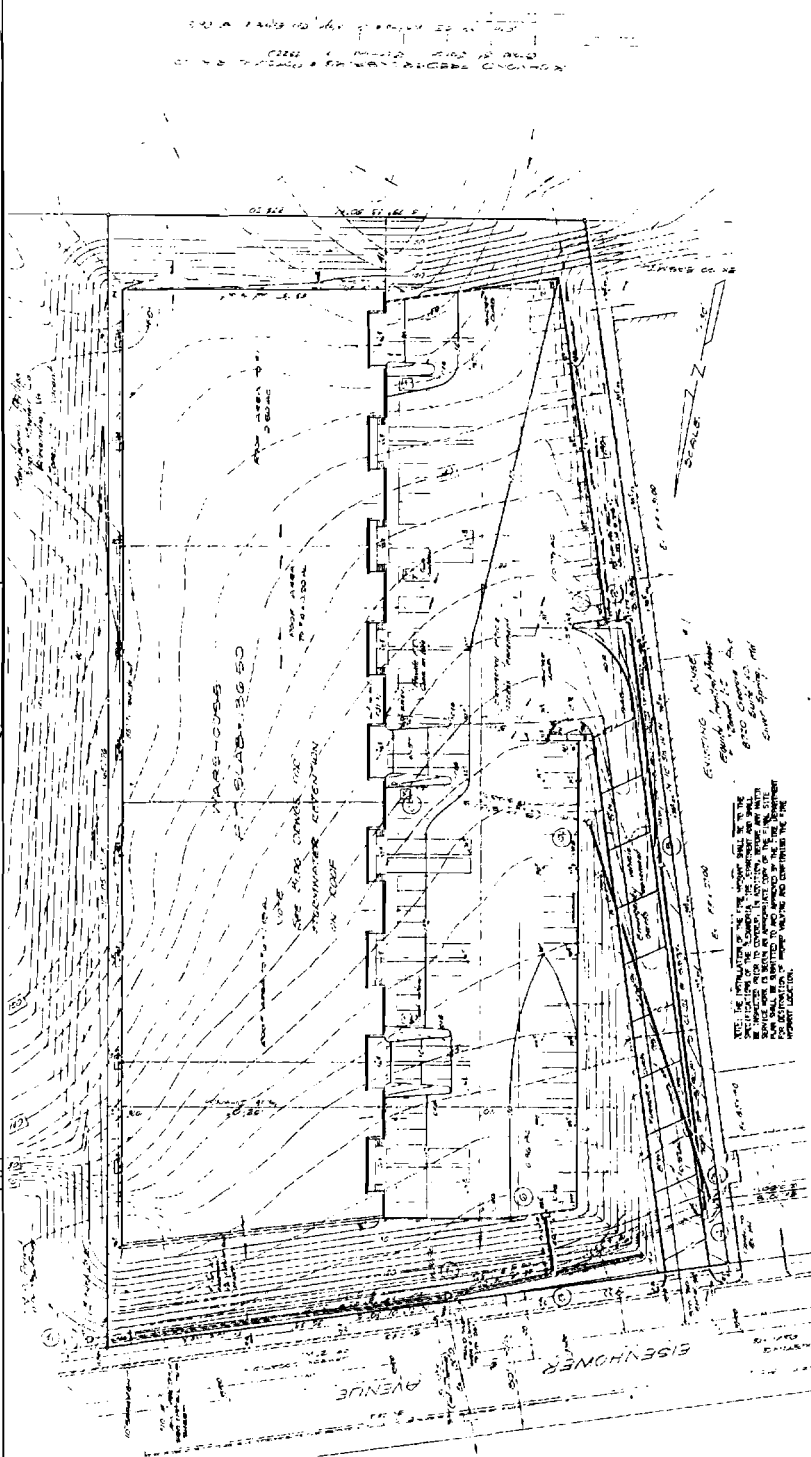


APPROVED
 THE DEPT. OF TRANSPORTATION
 AND ENVIRONMENTAL SERVICES
 ALEXANDRIA, VIRGINIA
Theresa J. Callahan
 CHAIRMAN OF PLANNING COMMISSION
Robert L. Cook
 DIRECTOR OF TRANSPORTATION
 AND ENVIRONMENTAL SERVICES

Released
7-11-74
CWD 74-013



RECEIVED
 DEPT. OF TRANSPORTATION
 AND ENVIRONMENTAL SERVICES
 ALEXANDRIA, VIRGINIA



- NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF ALEXANDRIA SPECIFICATIONS AND DETAILS.
 2. THE DEPARTMENT OF PUBLIC WORKS, CITY OF ALEXANDRIA, IS AUTHORIZED TO ENFORCE TRAFFIC CONTROL DEVICES AT ALL INTERSECTIONS.
 3. EXISTING CURBS SHALL BE REPAIRED IN ACCORDANCE WITH CITY SPECIFICATIONS.
 4. STREET WIDTHS SHALL BE MAINTAINED BY THE OWNER, AS AUTHORIZED BY THE CITY DEPARTMENT OF PUBLIC WORKS.
 5. SLOPES SHALL NOT EXCEED 2:1. SLOPES STEEPER THAN 2:1 SHALL BE STABILIZED.

- STIPULATIONS:**
1. LAND ZONED FOR RESIDENTIAL USE.
 2. LAND AREA - 1.5027 AC.
 3. PROPOSED USE - RESIDENTIAL (SINGLE-FAMILY).
 4. PARKING PROVIDED - 12 SPACES.
 5. PARKING PROVIDED - 12 SPACES (6' x 20').
 6. PARKING PROVIDED - 12 SPACES (8' x 20').
 7. EXISTING CURBS SHALL BE REPAIRED.
 8. EXISTING CURBS SHALL BE REPAIRED.
 9. EXISTING CURBS SHALL BE REPAIRED.
 10. EXISTING CURBS SHALL BE REPAIRED.
 11. EXISTING CURBS SHALL BE REPAIRED.
 12. EXISTING CURBS SHALL BE REPAIRED.

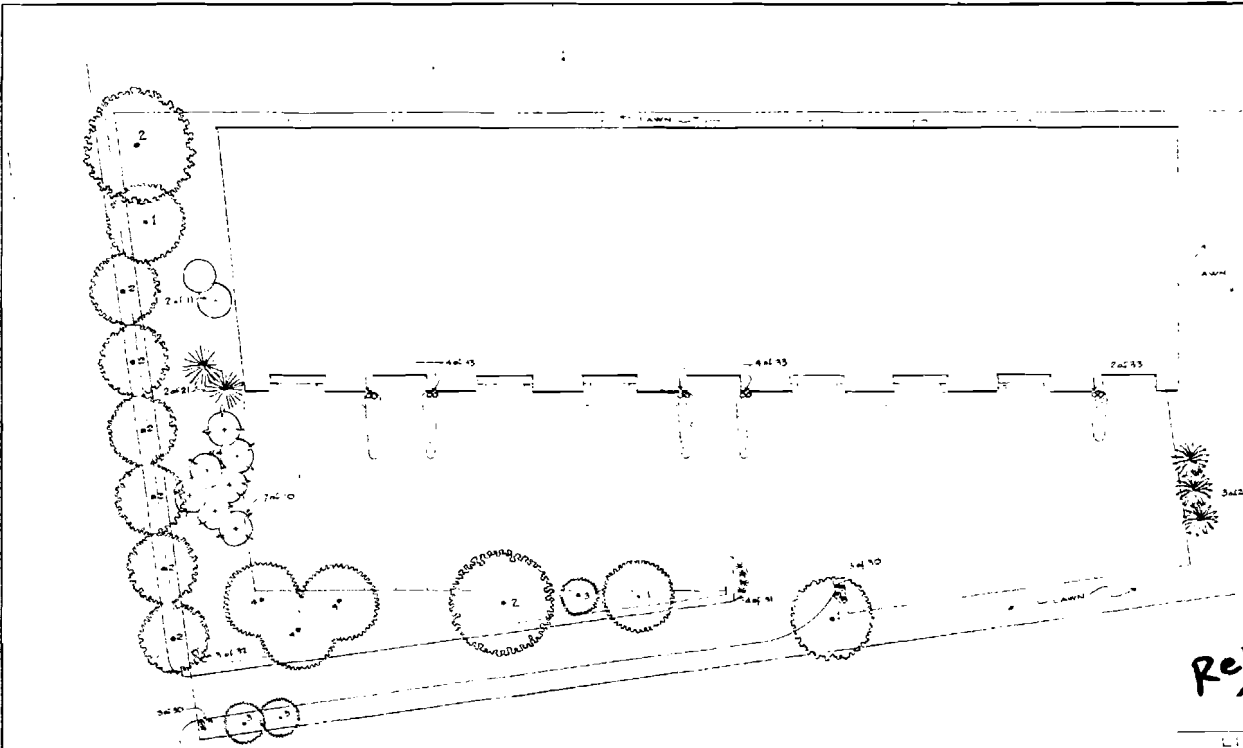
DATE: 7/11/74
 BY: Robert L. Cook
 TITLE: Director of Transportation and Environmental Services

SITE PLAN - EISENHOMER MARSHOUSE
 8270 EISENHOMER AVENUE
 SILVER SPRING, MARYLAND 20910

74-013

LANDSCAPING

88



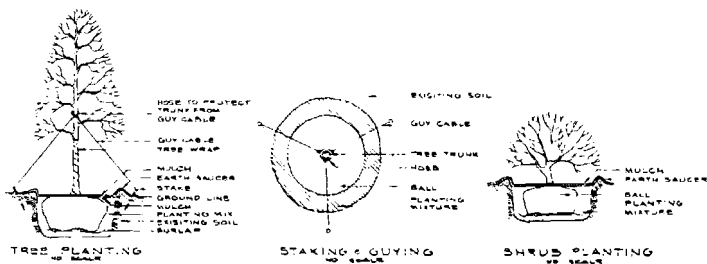
APPROVED
 THE DEPT. OF TRANSPORTATION
 AND ENVIRONMENTAL SERVICES
 ALEXANDRIA, VIRGINIA
Norman D. Rhoad
 CHAIRMAN OF PLANNING COMMISSION
 DATE 7-10-74 *Dayton K. Cook*
 DIRECTOR OF TRANSPORTATION
 AND ENVIRONMENTAL SERVICES

Released
 7-11-74
 CWD

AND AREA: 200,400 SQ. FT.
 LESS: 183,241 SQ. FT. (COVERED WAREHOUSE)
 17,159 SQ. FT. (COVERED WAREHOUSE)
 13,492 SQ. FT. AREA COVERED BY
 TREES AND SHRUBS
 TO BE PLANTED
 (CALCULATED BY ARCHITECT)

LIST OF PLANT MATERIALS

NO.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	PRICE	QUANTITY	COVERAGE
DECIDUOUS SHADE TREES							
1	2	CALYPTROGYNUS PARVIFLORUS	RED GUM	24"	1.24	3	4,140
2	1	QUERCUS FALLENBERGII	SHAW OAK	20"	1.52	1	5,040
3	1	CESTRALUX FRAXINIFOLIA	WASHINGTON HAWTHORN	24"	1.91	3	1,473
4	1	FRAXINUS PENNSYLVANICA	GREEN ASH	48"	1.95	3	4,140
DECIDUOUS FLOWERING TREES							
5	2	SPYRIDAEUS FLORIDA	DOGWOOD	20"	1.12	2	4,554
6	1	MAHOGNIE FLORIBUNDA	CRABAPPLE	20"	1.14	1	524
EVERGREEN TREES							
7	10	PINUS STROBUS	WHITE PINE	60"	1.84	1	2,724
8	2	TSUGA CANADENSIS	CANADIAN HEMLOCK	60"	1.84	2	3,152
SHRUBS							
9	20	SPYRIDAEUS	DOGWOOD	12"	1.12	20	6
10	20	SPYRIDAEUS	DOGWOOD	12"	1.12	20	6
11	10	SPYRIDAEUS	DOGWOOD	12"	1.12	10	6
12	10	SPYRIDAEUS	DOGWOOD	12"	1.12	10	6
13	10	SPYRIDAEUS	DOGWOOD	12"	1.12	10	6
14	10	SPYRIDAEUS	DOGWOOD	12"	1.12	10	6
TOTAL: 25,620 SQ. FT.							



74-013

74-013

NO.	DATE	REVISION

LANDSCAPING PLAN
 EISENHOWER WAREHOUSE III

STUBBS, ZEMMERS & ASSOCIATES, ARCHITECTS
 9301 ANNAPOLIS ROAD
 LANSING, MARYLAND, 20801

SCALE: 1" = 20'
 DATE: 7/10/74
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

3,4,5,6,9,14,16
6-13-09

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 11, 2009
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER 8
SUBJECT: APPLICATION OF TREES AND TRASH CAN POLICY TO JUNE SUP
CASES

ISSUE: How to apply the new policy for funding street trees and trash cans to the SUP cases on Council's June docket.

RECOMMENDATION: That Council apply the new policy and condition language regarding trees and trash cans to the June SUP cases as outlined below.

BACKGROUND: One June 9, Council acted to adopt a policy with regard to SUP conditions for streetscape funding. Specifically, Council directed staff to include the following condition in all new SUP cases, including those approved administratively. The condition is not to be applied to cases seeking to amend an existing SUP or where there is a separately established funding stream for the same features.

The applicant shall contribute \$500 to the City's Streetscape Improvement Fund for street trees and trash cans.

The above condition makes for consistent application and is to replace the site specific analysis and application of requirements for street trees and trash cans, tailored to the circumstances of a particular location, that had previously been staff's practice.

APPLICATION OF THE NEW RULE TO JUNE SUP CASES

There are seven SUP cases on Council's June docket. Two are new SUP cases to which Council's new condition language applies. The remaining five cases seek amendments to previously approved SUPs, and the new language does not apply in those cases. Staff drafted the June staff reports, including conditions, based on its prior practice, however, staff indicated to the Planning Commission and the applicant that the conditions might change as a result of Council's discussion on June 9. To apply its new policy to the June cases, Council needs to make the following changes to the cases below at its June 13 hearing.

New SUP Cases

SUP #2009-0015, Bashford Lane Apartments parking reduction by RPJ (docket item #4):
Add new condition language.

SUP #2009-0016, Dove Street Cat Shelter (docket item #5):
Add new condition language; and
Remove condition #9 requiring \$575 contribution for litter fund.

SUP Amendment Cases

SUP #2009-0014, Café Pizzaiolo Restaurant (docket item #3):
No changes.

SUP #2009-0021, Umbrella SUP Extension (docket item #6):
Remove Condition # 19 requiring \$1150 contribution for new trash can; and
Remove Condition # 21 requiring the replacement of two new street trees.

SUP #2009-0018, Momo Sushi (docket item #9):
No changes.

SUP #2009-0020, Landinis (docket item #14)
Remove condition 30 requiring \$575 contribution for litter fund.

SUP #2008-0047, Gold Crust Bakery (docket item #16)
Remove condition 23 requiring \$575 contribution for litter fund.

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2009-0021

PROPERTY LOCATION: 5150-5184, 5200-5228, & 5230-5258 Eisenhower Avenue

TAX MAP REFERENCE: 068.03-01-11, 077.01-01-09 **ZONE:** OCM (100), OCH

APPLICANT:
Name: Velsor Properties, LLC

Address: 1420 Spring Hill Road, # 335, McLean, VA 22102

PROPOSED USE: Request for an amendment to condition #8 of existing umbrella SUP 2003-0124 to extend the SUP for an additional 5 years through March 2024.

[] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[] **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Jonathan P. Rak, Esquire
Print Name of Applicant or Agent

Jonathan P. Rak
Signature
for Jonathan Rak

4/3/09
Date

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Mailing/Street Address

(703) 712-5411
Telephone #

(703) 712-5231
Fax #

McLean, VA 22102
City and State

Zip Code

jrak@mcguirewoods.com

Email address

By unanimous consent, recommended approval	6-2-09
ACTION-PLANNING COMMISSION:	DATE:
CC approved PC recommendation 7-0	6/13/09
ACTION-CITY COUNCIL:	DATE: