

EXHIBIT NO. 1

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11-21-09


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11-10-09~~

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 2, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: ORDINANCE TO ADOPT A TEXT AMENDMENT TO THE ZONING ORDINANCE TO APPLY THE ZONING REGULATIONS GOVERNING CERTAIN SMALL BUSINESSES TO SUCH BUSINESSES LOCATED IN THE CAMERON STATION DEVELOPMENT

ISSUE: Consideration of text amendment to allow the zoning approval regulations for small businesses to apply to such businesses located in the Cameron Station development.

RECOMMEDATION: That City Council pass the ordinance on first reading; and set it for public hearing, second reading, and final passage on Saturday, November 21.

DISCUSSION: This text amendment was recommended to the City Council for approval by the Planning Commission on October 6, 2009, which recommendation was approved by City Council at the public hearing on October 17, 2009. The proposed ordinance implements the City Council's approval.

ATTACHMENTS:

Attachment I – Proposed Ordinance and Cover

Attachment II – October 6, 2009 Docket Memo to the Planning Commission

STAFF:

Faroll Hamer, Director, Planning and Zoning

Barbara Ross, Deputy Director, Planning and Zoning

Christopher P. Spera, Deputy City Attorney

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| 1 | Introduction and first reading: | 11/10/09 |
| 2 | Public hearing: | 11/21/09 |
| 3 | Second reading and enactment: | 11/21/09 |

INFORMATION ON PROPOSED ORDINANCE

8 Title

10 AN ORDINANCE to amend and reordain Section 11-513 (ADMINISTRATIVE SPECIAL USE
 11 PERMIT), Division B (DEVELOPMENT APPROVALS), Article XI (DEVELOPMENT
 12 APPROVALS AND PROCEDURES), all of the City of Alexandria Zoning Ordinance, in
 13 accordance with the text amendment heretofore approved by city council as Text Amendment No.
 14 2009-0003.

16 Summary

18 The proposed ordinance amends the Zoning Ordinance to apply the zoning regulations
 19 governing certain small businesses to such businesses located in the Cameron Station
 20 development, as recommended to the City Council by the Planning Commission on October 6,
 21 2009, which recommendation was approved by the City Council at public hearing on October
 22 17, 2009.

24 Sponsor

28 Staff

30 Faroll Hamer, Director, Planning and Zoning
 31 Barbara Ross, Deputy Director, Planning and Zoning
 32 Christopher P. Spera, Deputy City Attorney

34 Authority

36 §2.04(w), §9.12, Alexandria City Charter

38 Estimated Costs of Implementation

40 None

42 Attachments in Addition to Proposed Ordinance and its Attachments (if any)

44 10/6/2009 Docket Memo to Planning Commission

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), Division B (DEVELOPMENT APPROVALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES), all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2009-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2009-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 6, 2009 of a text amendment to the Zoning Ordinance to make the zoning regulations governing certain small businesses apply to the Cameron Station development, which recommendation was approved by the City Council at public hearing on October 17, 2009;

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 Section 11-513 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language, as shown:

Section 11-513 Administrative Special Use Permit.

Section 11-513 (O) Application to Certain Development Special Use Permits. The provisions of this section 11-513 have no application to any CO Planned Residential/Commercial Development and shall not preempt any conditions in any DSUP or CDD Concept Plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

- (1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park Drive, the provisions of this section 11-513 and Ordinance #4573 are applicable with regard to restaurants, day care centers, private schools, academic or commercial, with a maximum of twenty students on the premises at any one time, and massage establishments and shall preempt any conflicting provisions of such DSUP.

(Underlined text indicates new language.)

1 Section 2. To the extent that any section or provision of Ordinance #4573 is
2 inconsistent with the foregoing, such section or provision is hereby repealed.
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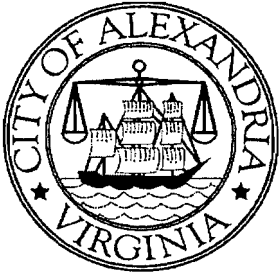
4 Section 3. That the director of planning and zoning be, and hereby is, directed to
5 record the foregoing text amendment.
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7 Section 4. That Section 11-513, as amended pursuant to Section 1 of this ordinance,
8 be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.
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10 Section 5. That this ordinance shall become effective on the date and at the time of
11 its final passage, and shall apply to all applications for land use, land development or subdivision
12 approval provided for under the City of Alexandria Zoning Ordinance which are on such date
13 pending before any city department, agency or board, or before city council, shall apply to all
14 such applications which may be filed after such date, and shall apply to all other facts and
15 circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as
16 may be provided in Article XII of the Zoning Ordinance.
17

18 WILLIAM D. EUILLE
19 Mayor
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21 Introduction: 11/10/2009
22 First Reading: 11/10/2009
23 Publication:
24 Public Hearing:
25 Second Reading:
26 Final Passage:
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DOCKET ITEM #6

Text Amendment #2009-0003

Applying Small Business Zoning Regulations to Cameron Station Development

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| Issue: Consideration of a request for an amendment to Section 11-513 of the City's Zoning Ordinance to apply the zoning regulations governing certain small businesses to the Cameron Station development. | Planning Commission Hearing: | October 6, 2009 |
| | City Council Hearing: | October 17, 2009 |
| Staff: Faroll Hamer, Director, Planning and Zoning; Gwen Wright, Division Chief, Planning and Zoning. | | |

I. STAFF RECOMMENDATION

Staff recommends that the Planning Commission initiate and recommend approval of this proposed amendment to Section 11-513 of the City of Alexandria Zoning Ordinance. The goal of this text amendment is to allow the commercial space in Cameron Station to take advantage of the small business zoning program adopted by the City last year. Under that program, some types of businesses that have historically required a special use permit are now either permitted uses or allowed by administrative approval.

This text amendment would add two provisions to the zoning ordinance: 1.) It specifically states that the small business provisions and administrative SUP regulations do not apply to approved DSUPs and CDDs. That is now expressly included in the adopting ordinance for small business, but is not yet part of the zoning ordinance text. This provision is being added for clarity and to avoid confusion. 2.) The text amendment would exempt the Cameron Station uses from that statement. The result of these two statements will be to make the small business text amendment apply to the uses in Cameron Station.

II. BACKGROUND

Cameron Station

When Cameron Station was planned and approved, it included some 24,000 square feet of commercial space on both sides of Brenman Park Drive. The space was intended to be occupied by pedestrian-oriented uses providing services for the community and adjoining neighborhoods. In the original approval, the space could be occupied by retail and personal services uses, as allowed under the zoning ordinance, and by restaurants with special use permit approval. By amendment in 2003, the uses were expanded to include professional business offices and medical offices as long as those uses did not occupy more than 30% of the total commercial space. In addition, as part of this amendment, certain uses, such as pawnshops and Laundromats, otherwise allowed as retail or personal service uses under the zoning ordinance, were removed from the uses permitted within Cameron Station.

In 2004, when a day care center sought to lease space on Brenman Park Drive, the use list for the Cameron Station commercial space was changed once again. DSUP #2004-0026 (attached), added the following list of uses to those allowed in the space:

Day care centers
Nursery schools
Private schools, commercial
Health establishments (yoga studios, massage establishments)

Each of the above uses, however, was, under DSUP #2004-0026, allowed only with SUP approval on a case by case basis. Requiring an SUP for each of the above uses was consistent at that time with the City's zoning ordinance rules for those uses citywide.

Small Business Zoning Program

In 2008, the City adopted new rules for some uses throughout the City. However, by its terms, the program does not affect existing DSUP approvals. The small business text amendment specifically eliminated DSUP and CDD approved developments from its scope because those cases include, by condition, a variety of restrictions and modifications of the zoning that would otherwise apply. In some DSUP cases, for example, the retail uses allowed by condition are more limited than the zoning ordinance definition of "retail," in order to promote only the most desirable uses and those designed to promote pedestrian activity. It has been possible to specifically design and tailor uses in a DSUP for its limited geographic application although it is not desirable to do so in the zoning ordinance because of its broader application. Some DSUP approvals specify that an SUP will be required for specific uses, as is the case in Cameron Station. In other DSUP cases, some uses are allowed by administrative approval, but under terms and conditions that are different from those included in the small business zoning program. Given the number and variety of DSUP and CDD cases and conditions previously approved, the small business zoning text amendment could not be applied easily to those cases.

In the specific case of Cameron Station, each of the uses permitted under the 2004 amendment was addressed by the small business zoning program and SUP approval is no longer required for them. Specifically, under the small business zoning, the following Cameron Station uses are now generally treated as follows:

- Restaurants: allowed by administrative SUP if limited to 60 seats, full service, etc.
- Day Care Centers: allowed as permitted use in commercial zones.
- Nursery Schools: no longer listed as a separate use; part of the "day care center" definition.
- Small schools, commercial or academic: permitted as part of the personal service definition if 20 students or fewer.
- Yoga studio: considered a small school.
- Massage establishment: requires an SUP if it is a stand-alone use but not if it is part of another use and accessory to it, such as a beauty salon, day spa or wellness center, which is typically the case.

More detail is included in the text amendment for the small business zoning program, and in Ordinance # 4573, adopted December 13, 2008.

III. PROPOSED ZONING TEXT AMENDMENT

The changes proposed here would add a provision to the zoning ordinance which does two things. First, it specifically states that the small business provisions and administrative SUP regulations do not apply to approved DSUPs and CDDs. That is now expressly included in the adopting ordinance for small business, but not yet part of the zoning ordinance text. It is being added for clarity and to avoid confusion. Second, the text amendment would exempt the Cameron Station uses from that statement. The result of these two statements will be to make the small business text amendment apply to the uses in Cameron Station. The new language also sets up a method for including other DSUP cases within the scope of the small business program.

Under the proposed text change, uses that now require an SUP in Cameron Station would no longer be part of that blanket requirement and would be treated as follows:

Restaurants: This use will be allowed by administrative SUP, if it is a full service operation and is limited in size. Food Matters exceeds the seat limit, and will continue to require an SUP, although the new minor amendment provisions, section 11-511, will be available for small changes. Perks or a different coffee shop would meet the size limits for administrative approval, but not the requirement for a full service restaurant, so those uses would require full SUP approval. A recent pizza business that inquired about space on the street could have been administratively approved if it had included wait staff, menus, and other features of a full service restaurant and if it were limited to fewer than 60 seats.

Day Care Centers: these uses now are permitted; no SUP is required. The recent SUP amendment to enlarge Bright Start Learning Center would not have been required. Staff notes that the new small business zoning allows day care centers *in commercial* zones and Brenman Park Drive space is technically not in a commercial zone; it is part of the CDD zoned area. However it functions precisely as a commercially zoned area does and it is the specific intent of this legislative change to permit these uses in Cameron Station to the same extent as permitted in a commercial zone.

Small Schools: These uses, such as yoga studios, pilates, personal training and tutoring, if limited to twenty students or fewer, are permitted as part of the personal service definition, without the need for a special use permit. Under the Cameron Station DSUP, there is a distinction made between small commercial schools and yoga and other health studios, but that distinction will not continue because both types of uses will all be considered small commercial schools under the small zoning approach. In addition, under the Cameron Station DSUP, there is a restricted definition of personal service uses. This text amendment is specifically designed to change that definition to allow these small schools.

IV. STAFF ANALYSIS

Both planning staff and the Cameron Station community support allowing the above uses to be treated in the same way as the small business zoning program applies for the remainder of the city. Although its terms are limited, the small business approach allows for a more efficient, more certain and speedier approval for the right business. Given the desire to build a healthy, economically viable commercial area for the Cameron Station community, staff supports taking steps to make opening a business there a simpler proposition.

Staff: Faroll Hamer, Director

Attachments: 1. Proposed Zoning Text Changes
2. DSUP #2004-0026

PROPOSED ZONING TEXT CHANGES

Section 11-513 *Administrative Special Use Permit.*

Section 11-513 (O) *Application to Certain Development Special Use Permits.* The provisions of this section 11-513 have no application to any CO Planned Residential/Commercial Development and shall not preempt any conditions in any DSUP or CDD Concept Plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

- (1) *Cameron Station, DSUP #2004-0026.* In the commercial space along Brenman Park Drive, the provisions of this section 11-513 and Ordinance #4573 are applicable with regard to restaurants, day care centers, private schools, academic or commercial, with a maximum of twenty students on the premises at any one time, and massage establishments and shall preempt any conflicting provisions of such DSUP.

Underlined text indicates new language.

Docket Item #14-B
DEVELOPMENT SPECIAL USE PERMIT #2004-0026
CAMERON STATION - PHASE III

Planning Commission Meeting
September 9, 2004

ISSUE: Consideration of a request for a development special use permit amendment to expand the definition of commercial uses to include day care centers and other uses.

APPLICANT: Main Street Retail, L.C.
by Duncan Blair, attorney

LOCATION: 191 Somerville Street (Cameron Station - Phase III)

ZONE: CDD/Coordinated Development District

CITY COUNCIL ACTION, SEPTEMBER 21, 2004: City Council approved the Planning Commission recommendation.

PLANNING COMMISSION ACTION, SEPTEMBER 9, 2004: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Duncan Blair, attorney, representing the application.

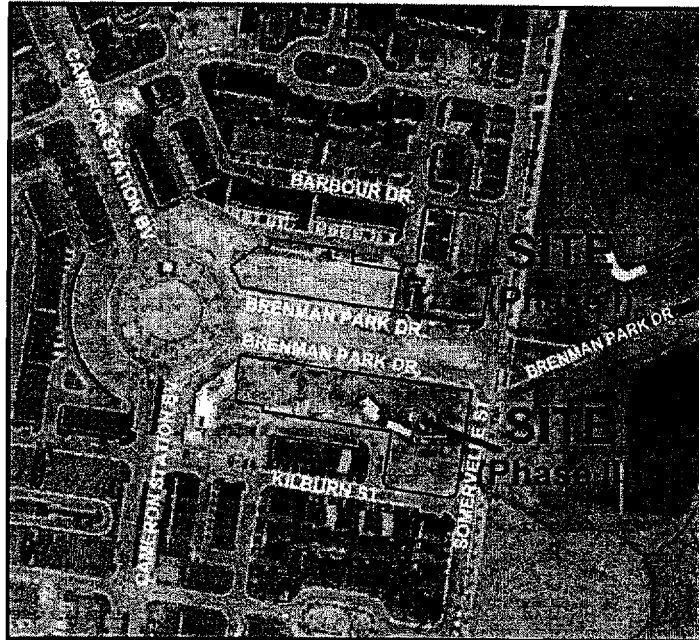
Joseph Bennett, representing the Cameron Station Homeowners Association, spoke in support of the application.

Victoria Herbert, President of the Cameron Station Homeowners Association, stated that the Association voted to support the application indicating that a day care center will be a valuable support to the community.

Kerri Chase, Bright Start Learning Center, spoke in support of the request to allow day care centers in Cameron Station indicating that there is a deficit of child care centers in the area.

I. OVERVIEW:

As part of the original Cameron Station approval retail and personal service uses were permitted and restaurants were permitted with a special use permit. These commercial uses were intended to be pedestrian-oriented commercial uses that could provide services for the community and adjoining neighborhoods. On November 15, 2003, City Council approved an amendment to the permitted uses to enable professional business offices and medical offices (such as insurance agents, dentists etc.) as long as these uses did not occupy more than 30% of the total commercial space. In addition, as part of this amendment uses such as pawnshops and laundromats were removed from uses permitted within Cameron Station.



Since the approval of the amendment, the City has been approached several times in the past year about the possibility of operating a day care facility within the commercial space of Cameron Station. Staff believes a day-care use is consistent with the goal of the commercial uses in Cameron Station of providing pedestrian-oriented uses that will serve the community. For these reasons staff recommends approval of a proposed amendment to the permitted uses to permit a day care facility with a special use permit. The accompanying special use permit (SUP#2004-0069) was the impetus for this proposed amendment. The proposed day care use has been positively received by the community, the Cameron Station Homeowners Association and Cameron Station Civic Association has both voted to support the proposed use.

In addition to the day care use, there are three similar uses that include a nursery school, commercial private school and health establishment (ex. Yoga Studios) that staff believes would also be appropriate within Cameron Station. Therefore, staff is recommending that the definition of permitted commercial uses be revised to include day care facilities, private schools and health establishments, with a special use permit. While these uses may be appropriate, the size, impact, parking etc, needs to be evaluated on a case-by-case basis, which is the reason that staff is recommending that these uses require special use permit approval.

II. BACKGROUND - HISTORY:

Cameron Station has approximately 24,000 square feet of commercial floor area located on approximately two blocks on each side of Brenman Park Drive, within the Main Street condominium buildings, which currently permit the following uses.

Personal Service Uses: Personal service uses are permitted but limited to arts and crafts studio, bank, savings and loans, and credit unions, bicycle repair, barbershop and beauty shops, dressmaker and tailor, dry-cleaning (pick-up only, does not include a plant), musical instrument repair, optical center, professional photographers studios, furniture upholstery, and printing photocopying.

Retail Uses: Retail uses are permitted but limited to antiques, appliances, commercial art galleries, art supplies, bakeries, books, candy, clothing, clothing accessories, dry goods, department stores, drugstores, floor coverings, florists furniture, groceries, hardware, paint and wallpaper, household goods, jewelry, leather goods, luggage, lawn and garden supplies, musical instruments, photographic equipment and supplies, sporting goods, tobacco, toys and variety goods and video rental and sales.

Professional and Business Offices: Professional and business offices are permitted as long as they do not occupy more than 30% of the gross floor area of the total commercial space within Phase I and Phase III. However, if the retail space/personal service space remains vacant for a period of two-years from the certificate of occupancy for the building, or subsequently one year after the closing of a retail/personal service tenant, the use may be permitted to be converted to business or professional office use for a maximum 40% of the total commercial space within Phase I and Phase III.

Professional and Medical Offices: Professional and medical offices are permitted but limited to any use in which the primary use is the conduct of business of accounting, correspondence, research editing, sales representative, manufacturers representative, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, landscape architects, dentistry, chiropractic, psychiatry, and clinical psychology offices. The medical offices are limited to uses as defined by the Zoning Ordinance and that are for the occupant's own patients and not for patients of unrelated outside practitioners.

Restaurant Uses: Restaurants are permitted within the ground-floor commercial space provided that a separate special use permit is granted.

The rationale for permitting retail, personal service uses and restaurants (with a special use permit) and limiting office uses to a certain percentage of the commercial floor area was to encourage the establishment of active and vibrant pedestrian-oriented uses along Brenman Park Drive, which would serve as Cameron Station's Main Street.

The commercial space is currently occupied by a wide range of uses, including a main street market, dry cleaners, day-spa salon, an ATM, coffee shop, a pets retail store, dentist office and a flower shop. With the addition of the restaurant and day care center, approximately 2800 sq. ft. or 12% of the commercial space remains for future tenants.

III. STAFF ANALYSIS:

The applicant requests approval to amend the proposed uses to permit a day care center in the commercial area within Cameron Station, a use that is currently excluded from the list of permitted commercial uses. In addition to the proposed day care use, staff believes there are several related (nursery school, private school, and health establishment) uses that should be included as part of the proposed amendment. These are uses that are similar to the proposed day care use that would meet the goal of the existing Cameron Station CDD Concept plan, which is to provide a broad range of community serving, pedestrian oriented commercial activities as defined below.

Day Care Center. The Zoning Ordinance defines a day care center as a facility other than a private family dwelling which receives children for care, protection and supervision during part of a 24 hour day unattended by a parent or guardian.

Nursery School. The Zoning Ordinance defines a nursery school as a place operated primarily for educational instruction for six or more children from two through six years of age away from their home for up to three hours per day, whether or not for compensation.

Private School, Commercial. The Zoning Ordinance defines a private commercial school as a school devoted to giving instruction in vocational, professional, musical, dramatic, artistic, athletic or other special subjects and typically operated for commercial gain.

Health Establishments (incl. Yoga Studios & Massage Establishments). Staff defines a health establishment as business devoted to improving health by offering instruction and consultation in exercise and relaxation, including but not limited to yoga and massage.

Staff supports the proposed addition of day care centers, nursery schools, private schools, and health establishments, within the ground floor commercial area with approval of a special use permit. Day care centers and nursery schools and private schools experience an ever increasing demand among families and could provide a service to the community. Staff recommends that all of the proposed commercial uses require separate special use permit approval to ensure that the respective uses and size are appropriate for the proposed location and will be operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity. Through the special use permit process it can be determined if these uses are appropriate for a given location and whether issues such as operating hours, loading, trash and services can be adequately addressed.

IV. STAFF RECOMMENDATION:

Staff recommends **approval** of the request to permit day care centers, nursery schools, private schools, health establishments, temporary outdoor food/crafts markets and live theater/performances, with conditions and separate special use permits, as the additional uses permitted will encourage occupancy while continuing to provide active, pedestrian-oriented, and neighborhood-serving uses.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Chief, Development;
Bettina Irs, Urban Planner.

V. CONDITIONS

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

Conditions brought forward from SUP #96-0146, as amended by DSUP #99-0003 and DSUP #2001-0026, and DSUP #2003-0028:

1. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning (P&Z) and Transportation and Environmental Services (T&ES). (P&Z)
2. Provide final design of the linear park adjacent to Backlick Run prior to the release of the Phase III final site plan, and provide phasing plan, indicating how construction of the Park is to be phased relative to Phases III, IV & V and when the Park is to be turned over to the City. The Linear Park Plan design and phasing shall be to the satisfaction of the Directors of P&Z, RP&CA and T&ES and shall include:
 - A) A meandering 10' wide trail, exercise course, bermed landscaping and trash receptacles.
 - B) Connections between the path and the development.
 - C) Lighting at connections with the development.
 - D) A detailed landscaping plan.
 - E) A plan showing details of fencing between the project and the linear park.
 - F) Manufacturing specifications for the proposed fitness trail to the satisfaction of the Director of RP&CA. (P&Z)
3. Fences of the residential units facing the linear park should be no higher than 6 feet and must have a gate or opening to the park.

4. The streetscape of the public road along the western edge of the eastern park shall include curb, gutter, lighting, sidewalks and street-trees on both sides of the street and shall be designed to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
5. Pathways shown on the site plan sheet and the landscape plan sheet are inconsistent; provide pathways as generally shown on the landscape plan sheet, to the satisfaction of the Director of P&Z. (P&Z)
6. Create a connection between the Boulevard and the Park by extending the paths located between units 61-102, 34-119, 121-122 between 85-86 and 73-101. (RP&CA)
7. Provide landscaping and other amenities, such as seating, fountains, activity areas, etc., as appropriate, within the public and common open space areas, to the satisfaction of the City Landscape Architect and the Director of P&Z. (P&Z) (RP&CA)
8. Street trees shall be a minimum 4" caliper along all major roads, including the traffic circle, entrances from Duke Street, and adjacent to the proposed park land. All street trees shall generally be no more than 40 feet on center. (P&Z)
9. Taper driveways serving units with double garages, to the extent possible, to allow for increased landscaping in front of such units. The landscape areas in front of all units shall be well landscaped, to include trees where possible, to the satisfaction of the Director of P&Z. (P&Z)
10. Provide a detailed landscaping plan which delineates the size, location, species, specifications and character of all proposed plantings. All materials specifications shall be in accordance with the industry standard for grading plant material--The American Standard for Nursery Stock (ANSI Z60.1). Include details for proposed planting for each individual unit type and sufficient information to ensure coordination and consistency between phases. (P&Z)
11. Place underground utilities and utility structures under proposed streets or away from proposed landscaped areas to the extent feasible, to minimize any impact on the root systems of the proposed landscaping, to the satisfaction of the Director of T&ES and the City Arborist. (P&Z)
12. Sidewalks and handicap access ramps must be continuous on one side of private streets throughout the development and on both sides of the public streets, and must be designed, along with street crossings, to provide continuous accessibility throughout the project to the satisfaction of the Director of T&ES. (T&ES)
13. Provide streetscape and site furnishings to the satisfaction of the Director of P&Z. Provide information delineating the character, location and type of such site furnishings

- on the final site plan (including but not limited to: benches, lights, trash receptacles, bike racks) and signs or sign systems. Streetscape and site furnishings shall be consistent with that approved and provided in other Phases of Cameron Station. (P&Z)
14. The minimum distance between rear of any unit and another unit, including all bump-out additions and decks, shall be 20 feet. (P&Z)
 15. Sprinkler all townhouse units where there are more than eight in a row. Consider sprinkling all units; provide a minimum clear 4-foot emergency access, unobstructed by fencing, to the rear of all units which are not sprinklered. (Code Enforcement)
 16. Show all utility structures, including transformers, on the final development plan. All utility structures (except fire hydrants) shall be clustered where possible and located so as not to be visible from a public right-of-way or property. When such a location is not feasible, such structures shall be located and screened to the satisfaction of the Director of P&Z. No above ground utility structures shall be located within the two major open space areas in Phase III. (P&Z) (T&ES) (RP&CA)
 17. Show the location of trash and recycling containers storage areas on the plan. If dumpsters or other permanent trash storage bins are proposed, identify their location on the plan. Dumpsters and other permanent storage bins shall be screened to the satisfaction of the Director of P&Z. (P&Z)
 18. The total number of parking spaces required by the zoning ordinance shall be provided. All parking spaces must meet city standard dimensions for parking spaces. Standard spaces are 9 x 18.5 feet and compact spaces are 8 x 16 feet, except that parallel standard spaces are 8 x 22 feet and parallel compact spaces are 7.5 x 20 feet, clear of all columns. The minimum clear distance between the floor and any overhead obstructions, i.e. beams, HVAC, shall be in accordance with Code Enforcement Requirements. Where other aspects of the required parking does not comply with the requirements in the zoning ordinance (including proportion of compact and tandem parking), the developer shall notify prospective buyers of the affected units, in its sales and marketing materials, the reason that the parking provided for such units does not comply with the City's parking requirements. (P&Z) (T&ES)
 19. All private driveways serving individual garages shall have a minimum length of 18.5 feet (measured from garage door to edge of sidewalk in front of unit or the inside edge of curb if no sidewalk is planned in front of unit). Where that is not feasible, and where the driveway space is not required parking, the maximum depth of the front driveway shall be 10.5 feet. Where sidewalks are proposed in front of units, the driveway materials, color or texture will be distinguishable from the sidewalk materials, color or texture.

- Vehicles shall not be permitted to park in driveways with a length less than 18.5'; and in no case will cars parked in driveways be permitted to project over sidewalks or into public or private streets. This prohibition shall be clearly noted in the Howowner's Agreement (HOA), and the HOA will also provide for enforcement of this condition. (P&Z) (T&ES)
20. Provide details of parking garage for retail and type "H" condominium units; adequate turn-around space and maneuvering areas must be provided for all spaces. Resident parking for the "H" buildings shall not occur on the adjoining public or private streets, all resident parking shall be within the underground parking garage or surface parking lots adjoining the buildings. The parking on the adjoining public streets shall be reserved for the retail and personal service uses. The applicant shall install all appropriate signage on the adjoining public streets to the satisfaction of the Director of T&ES. (P&Z) (T&ES)
 21. All parked vehicles shall be prohibited from encroaching upon the proposed streets, pedestrian walkways or emergency vehicle easements, and all purchasers shall be notified of this prohibition to the satisfaction of the Director of P&Z. (P&Z) (T&ES)
 22. No parking spaces shall be provided along the proposed traffic circle. (T&ES)
 23. Because the parking for the "J" type units is stacked within the unit and therefore, more unlikely to be utilized than on-street spaces, provide one extra on-street space for every two type "J" units. (P&Z)
 24. Install "Visitor Parking Only" signs along the visitor parking spaces on the private streets and "Resident Only" signs along the required spaces on the private streets. (P&Z)
 25. Provide lay-down or other curb treatment along the frontage of the front-loading townhouse units where such units include a front sidewalk and are located on a private street, where approved by the Directors of T&ES and P&Z. With that exception, all private streets and alleys must be designed and constructed in accordance with the City's minimum standards for same as specified in the City Design and Construction Standards. Label each street with the appropriate private street standard. Label all alleys. Note minimum radii for curb returns and setbacks for alleys. (T&ES) (P&Z)
 26. Private solid waste and recycling services shall be provided for the development. (T&ES)
 27. Show limits of the Resource Protection Area on the Plan. (T&ES)
 28. Show a completed worksheet "B" on the plan. (T&ES)

29. Show a running pollution removal tabulation, either in pounds of phosphorous or impervious acres, for the on-site and off-site stormwater treatment provided by the Cameron Lakes Stormwater Management Facility. (T&ES)
30. Provide stormwater drainage computations and show drainage divides. (T&ES)
31. Show all public sewers in easements and identify them as public; label private sewers as such. (T&ES)
32. Show site, type and class of pipe for sewers. The minimum size and class for sewers within the public right-of-way or easement, including the emergency vehicle easements, are as follows:
 - Sanitary Sewer: PVC SDR-3, Ductile Iron Pipe (minimum class 52), or approved equal, a minimum of 10 inches in diameter, or, for larger sizes not manufactured in PVC, ASTM C-76 CL.IV RCCP may be used. The minimum slope permitted by the City for sanitary sewer is 0.5 percent.
 - Storm Sewer: ASTM C-76 CL.IV RCCP or approved equal, a minimum of 18 inches in diameter, except that curb inlet leads may be 15 inches in diameter. (T&ES)
33. Intercept gutter flow at sufficient intervals to limit the gutter spread to 6 feet on major/arterial streets and at low points and 10 feet on residential streets. (T&ES)
34. Show spot elevations on curb returns, along the curbs and buildings at appropriate intervals and at the top and bottom of walls sufficient to determine drainage patterns and differences in elevation. (T&ES)
35. Details of curb/building line (sheet 3 of 11) is not acceptable at one foot intervals. (T&ES)
36. Show spot elevations, contours, sewers and other details on the public streets and indicate under which phase they are to be constructed. (T&ES)
37. Show proposed entrances off public streets as City standard entrances (CSES-1A). (T&ES)
38. Identify curb and gutter, inlets, driveway entrances and such on the plan. City standard is required within the public right-of-way or easement although, either City standard or VDOT standard may be used elsewhere, provided the plan specifies which. Show details of each in the plans. (T&ES)

39. All emergency vehicle easements and respective pavement structure must be designed and constructed in accordance with City standards (CSAS-1A). (T&ES)
40. Provide typical sections of the street/parking pavement structures and identify each. (T&ES)
41. Provide City standard signs for "Handicap Parking" and "No Parking--Emergency Vehicle Easement." Acquisition and installation of such signs shall be to the approval of the Department of T&ES. (T&ES)
42. Show typical sections of the streets and alleys. (T&ES)
43. Street names shall be labeled on the final site plan. Private street names shall be determined in conjunction with the Department of P&Z. Public street names shall be approved by the Planning Commission. (P&Z) (T&ES)
44. Indicate the limits of the underground parking on the site plan and show column locations and distance between them on Sheet 3. (T&ES)
45. Provide access easements for units which do not otherwise have outside access to their rear yards. (T&ES)
46. Show all existing and proposed public and private easements, including emergency vehicle easements meeting code enforcement requirements. (T&ES)
47. Provide lighting plan which shows all existing and proposed street lights and site lights, with calculations (including photometric data) verifying that lighting meets City standards. Indicate type, mounting height and strength of all fixtures in lumens, and provide manufacturers specifications. Lighting of on-street parking areas, parking lots and all walkways and bike paths shall be to the satisfaction of the Director of T&ES and the Chief of Police. The interior of the parking garage for building #3 and building #4 shall be lighted at a minimum of 5 candle power minimum maintained. The interior of the parking garage shall also be painted white and the garages shall have controlled access. (T&ES) (Police) (P&Z)
48. On sheet 5 of 14, November 1996, two (2) additional fire hydrants are required. One between units 74 and 102, and one in the approximate vicinity of unit 194. (Code Enforcement)
49. All fire hydrants shall be located so as not to block the roadway with hose, (Move hydrants to interior side of development.) (Code Enforcement)

50. The developer or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the Cameron Station site, including previous environmental conditions and on-going remediation, to the satisfaction of the Directors of Health and Planning & Zoning. (Health Department)
51. If any fireplaces are provided in the development, the applicant shall install gas fireplaces to reduce air pollution. (Health Department)
52. All monitoring wells that will be closed as a result of development must be closed according to state requirements. Monitoring wells that will remain active on-site need to be identified on the utility plan and on the sheets showing groundwater contamination. Closure of the monitoring wells must be coordinated with the Virginia Department of Environmental Quality, the City and the U.S. Army Corps of Engineers. (Health Department)
53. Because of the close proximity of the site to rail operations, the applicant shall:
 - 1) prepare a noise study identify the levels of noise residents at the site will be exposed to.
 - 2) Identify options to minimize noise exposure to future residents at the site, particularly in those adjacent to the rail/Metro operations, including:
 - a) Installation of a sound barrier.
 - b) Special construction methods to reduce noise transmission, including: triple pane glazing for windows and double-pane for doors; additional wall and roofing insulation; installation of resilient channels between the interior gypsum board leaf and the wall studs; and other measures as identified.
 - c) Installation of some combination of the above mentioned noise mitigation measures or others shall be to the satisfaction of the Director of P & Z and the Health Department. (Health Department)
54. The developer and/or future homeowners' association(s) shall be responsible for maintenance of landscaped median and traffic circle areas, to the satisfaction of the Director of T&ES. (P&Z)
55. The applicant shall submit homeowner's agreement (HOA) for approval by the City Attorney, prior to applying for the first certificate of occupancy permit. Such HOA shall include the conditions listed below, which shall be clearly expressed in a separate section of the HOA. Also, such section within the HOA shall include language which makes clear that the SUP conditions listed shall not be amended without the approval of City Council.

- A) The principal use of the individual garages shall be for passenger vehicle storage only.
 - B) Exterior building improvements by future residents, including above ground decks not included on the approved plans or different from the approved plans, shall require the approval of the Director of Planning and Zoning or City Council, as determined by the Director.
 - C) Vehicles shall be prohibited from parking in the emergency access easements, and vehicles parked in unit garages or driveways shall be prohibited from encroaching upon such easements or adjacent pedestrian walkways.
 - D) No decks, balconies, bay windows, or any other improvements shall encroach into the space above an emergency vehicle easement.
 - E) Parking spaces designated for visitor parking shall be restricted to visitor parking use only.
 - F) All required landscaping and screening, including landscaping in the median and traffic circle areas in the proposed public right-of-ways, shall be maintained in good condition. (P&Z)
56. Developer shall arrange to have the Alexandria Police Department conduct security surveys of the temporary sales trailers, prior to occupancy of such trailers. (Police)
57. Consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and security systems. (Police)
58. Provide house numbers on the front and rear of all units to the satisfaction of the Alexandria Police Department. (Police)
59. All shrubs, hedges and similar landscaping shall be set back a minimum of five feet from all proposed walkways and bike paths and around the fitness stations along the linear park, to the satisfaction of the Director of T&ES and the City Landscape Architect. (Police) (P&Z)
60. Temporary structures for construction or sales personnel, as well as sales/marketing signs, shall be permitted, and the period such temporary structures are to remain on site, as well as the size and site design for such structures, including signs, shall be subject to the approval of the Director of P&Z. (P&Z)

61. Use of any portion of the Cameron Station site for staging operations, or for the recycling of building materials (brick, concrete and asphalt) or storage of nursery stock, shall be permitted, with approval to the satisfaction of the Directors of P&Z, T&ES, and Health. (Health)
62. The developer shall require that its building contractor(s), prior to commencing any construction, meet with a representative of the Office of Employment Training to describe what kinds of construction employees will be hired and to learn about employment services offered by OET. The applicant shall require its contractor(s) to give good faith consideration to applicants for employment who are referred by OET. (Human Services)
63. The applicant shall be permitted to make minor adjustments to lot lines and/or building foot prints to accommodate the final design of buildings, to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z)
64. The applicant shall attach a copy of the released final development plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the released final development plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)
65. Submit building location survey or partial as-built plan for Planning staff approval when applying for certificate of occupancy permits for townhouse and single family units. For multifamily units, such survey shall apply to the entire site of building in which the unit is located. (P&Z)
66. The applicant shall submit a final "as-built" plan for this phase prior to applying for certificate of occupancy permit for any of the last five dwelling units in this phase. (P&Z)
67. The applicant shall provide a contribution of \$0.50/gross square foot of building to the City's Housing Trust Fund, with a credit given to the Developer for the net cost of relocating Carpenter's Shelter and the Food Bank (net cost = total cost - value to developer of the land freed for development). Alternatively, at least 10% of the housing constructed shall be affordable, subject to the following provisions:
 - A) the developer shall provide 10% of the total units as affordable set-aside units for households with incomes not exceeding the Virginia Housing Development Authority (VHDA) income guidelines through purchase price discounts, if necessary. Sales prices must not exceed the maximum sales prices under VHDA's

Single Family First Mortgage Program. Some of the units shall be affordable to households with incomes at or below the limit for two or fewer persons.

- B) Whatever incentives are offered to any potential homebuyers will also be offered to households that meet VHDA income guidelines;
- C) Long-term affordability shall be provided either through deed restrictions or by repayment by the purchaser to the City of an amount equal to the reduction in sales prices, as determined by the City Manager;
- D) These units must be affordable to and sold to households that meet the VHDA income guidelines.

If some portion of the 10% units are provided, the applicant shall contribute a prorated share of the \$.50 per gross square foot amount to the Housing Trust Fund (with the developer given the Carpenter's Shelter and Food Bank credit). (Office of Housing) (P&Z)

- 68. The applicant shall design the western portion of building #4 to provide a more appropriate building connection to the Cameron Club that at a minimum shall include the following to the satisfaction of the Director of Planning and Zoning in consultation with the Cameron Station Civic Association.
 - a. A perforated brick screening wall that shall screen the parking garage vent from Ben Brenman Drive.
 - b. Revising the roof adjacent to the Cameron Club to provide a better transition by providing an architectural "hyphen" between building #4 and the Cameron Club.
 - c. Providing a material on the western portion of building #4 that will reduce the perceived scale of the building in relation to the adjoining Cameron Club.
 - d. Providing a brick surface and windows or the appearance of windows on the eastern side of the projecting bay of the Cameron Club.
 - e. The final design and materials shall be approved by the Department of Planning and Zoning prior to submission of a building permit for building #4. (P&Z) (PC)
- 69. The applicant shall provide additional open space, landscape islands, outdoor seating and other amenities as generally depicted in *Attachment No 1*. to the satisfaction of the Director of P&Z. The level of amenities and landscaping shall not be decreased below that depicted on *Attachment No.1* including:

- a. Consolidated area of useable open space on the southwestern portion of the building that shall include outdoor seating and a significant amount of landscaping to encourage its use that shall include canopy trees, shrubs, perennials and annuals.
 - b. A continuous 5 ft. wide brick pedestrian sidewalk connection from building #4 to Kilburn Street.
 - c. Decorative brick pavers for the ramp to the swimming pool.
 - d. An evergreen screening hedge to screen the surface parking lot and a minimum of two landscape islands.
 - e. Relocation of the sidewalk adjacent lot #207 to provide a landscape strip and street trees adjacent to the street.
 - f. Trees surrounding the perimeter of the pool.
 - g. A continuous raised planter for the southern portion of the building.
 - h. A 3.5 ft. decorative brick wall to screen the surface parking adjacent to building #3.
 - i. Dense evergreen planting to screen the existing transformer. (P&Z)
70. The applicant shall revise the site plan, landscape plan and architectural elevations to reflect the conditions of the major amendment. The revised plans shall be approved by the Departments of Planning & Zoning and Transportation & Environmental Services prior to submission of a building permit. (P&Z)
71. Phones shall be placed inside garage area for building # 3 and building # 4. If security is available twenty-four hours a day, seven days a week then the phone lines shall go directly to security person. If security person is not available, phone lines shall go directly to police. (Police)
72. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)
73. Retail and personal service uses shall be permitted uses. The square footage of these uses shall be limited to the amount depicted in the approved final site plans for Phase I and Phase III. (P&Z)
74. Personal service uses shall be limited to arts and crafts studio, bank, savings and loans, and credit unions, bicycle repair, barbershop and beauty shops, dressmaker and tailor, dry-cleaning (pick-up only does not include a plant), musical instrument repair, optical center, professional photographers studios, furniture upholstery, and printing photocopying. (P&Z)

75. Retail uses shall be limited to antiques, appliances, commercial art galleries, art supplies, bakeries, books, candy, clothing, clothing accessories, dry goods, department stores, drugstores, floor coverings, florists furniture, groceries, hardware, paint and wallpaper, household goods, jewelry, leather goods, luggage, lawn and garden supplies, musical instruments, photographic equipment and supplies, sporting goods, tobacco, toys and variety goods and video rental and sales. (P&Z)
76. Professional and business offices shall also be permitted as long as they do not occupy more than 30% of the gross floor area of the total commercial space within Phase I and Phase III. However, if the retail space/personal service space remains vacant for a period of two-years from the certificate of occupancy for the building, or subsequently one year after the closing of a retail/personal service tenant, the use may be permitted to be converted to business or professional office use for a maximum 40% of the total commercial space within Phase I and Phase III. (P&Z)
77. Professional and medical offices shall be limited to any use in which the primary use is the conduct of business of accounting, correspondence, research editing, sales representative, manufacturers representative, engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents, landscape architects, dentistry, chiropractic, psychiatry, and clinical psychology offices. The medical offices shall be limited to uses as defined by the Zoning Ordinance and that are for the occupant's own patients and not for patients of unrelated outside practitioners. (P&Z)
78. Restaurant, day care, nursery schools, private schools and health establishment uses within the ground-floor commercial space shall require a separate special use permit. (P&Z)
79. The colors and materials of the retail tenant signs shall be designed of high quality materials and shall be designed as an integral part of the building that shall relate in materials, color and scale to the building to the satisfaction of the Director of Planning and Zoning.
 - a. The sign area for each wall sign shall be limited to a maximum of one square foot of sign for every one linear foot of tenant frontage. Sign messages shall be limited to logos, names and street address information.
 - b. Illuminated or non-illuminated parapet signs or wall signs above the first level for retail uses are prohibited.
 - c. Signs applied to storefront windows shall cover no more than twenty percent of the glass.
 - d. Box signs shall be prohibited.
 - e. Any exterior decorative exterior banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.

- f. Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located adjacent to the retail windows. Tables and other active uses adjacent to the window are encouraged.
- g. No permanent freestanding signs, with the exception of traffic/directional signage, shall be permitted. (P&Z)

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 T&ES has no objections or additional recommendations related to the proposed amendment. Applicant shall comply with all previous T&ES staff conditions and the approved development plan.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities. Permits are not transferable.
- C-2 A Certified Food Manager must be on duty during all hours of operation.
- C-3 Permits must be obtained prior to operation.
- C-4 Five sets of plans must be submitted to and approved by this department prior to construction.
- C-5 This facility must meet state and city Social Services requirements for air and floor space, toilet facilities, separate isolation room for sick children, lighting, temperature, storage for cots, clothing. Other items may be required by state or city codes.
- C-6 If food preparation or food handling is done on the premises, five sets of plans of the food handling areas are to be submitted to the Health department for approval.
- C-7 This facility must meet commercial standards (13 or more). Plans must comply with Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. A \$135.00 fee is required for review of plans for food facilities.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for each business prior to opening.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.

Historic Alexandria (Archaeology):

- F-1 No comments.

Parks & Recreation (Arborist):

- F-1 No comments.

ORDINANCE NO. 4634

AN ORDINANCE to amend and reordain Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT), Division B (DEVELOPMENT APPROVALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES), all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2009-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2009-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 6, 2009 of a text amendment to the Zoning Ordinance to make the zoning regulations governing certain small businesses apply to the Cameron Station development, which recommendation was approved by the City Council at public hearing on October 17, 2009;
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 Section 11-513 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language, as shown:

Section 11-513 *Administrative Special Use Permit.*

Section 11-513 (O) *Application to Certain Development Special Use Permits.* The provisions of this section 11-513 have no application to any CO Planned Residential/Commercial Development and shall not preempt any conditions in any DSUP or CDD Concept Plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

- (1) *Cameron Station, DSUP #2004-0026.* In the commercial space along Brenman Park Drive, the provisions of this section 11-513 and Ordinance #4573 are applicable with regard to restaurants, day care centers, private schools, academic or commercial, with a maximum of twenty students on the premises at any one time, and massage establishments and shall preempt any conflicting provisions of such DSUP.

Section 2. To the extent that any section or provision of Ordinance #4573 is inconsistent with the foregoing, such section or provision is hereby repealed.

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

Section 4. That Section 11-513, 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 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

WILLIAM D. EUILLE
Mayor

Final Passage: 11/21/2009