

3
1-23-16

Jackie Henderson

From: Ann Horowitz
Sent: Tuesday, January 19, 2016 5:44 PM
To: Jackie Henderson
Cc: Karl Moritz; Alex Dambach
Subject: Memo for City Council
Attachments: CC Memo Docket Item 3.pdf

Jackie,

Attached is a memo for distribution to the City Council prior to its meeting on 1/23. It clarifies the applicant name and includes condition amendment language from a council member.

Thank you.

Ann

*Urban Planner
City of Alexandria
Department of Planning and Zoning
Room 2100
City Hall
301 King Street
Alexandria, VA 22314
Phone: 703-746-3821
Fax: 703-838-6393*

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 19, 2015

TO: MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: KARL MORITZ, DIRECTOR,
DEPARTMENT OF PLANNING & ZONING

SUBJECT: REVISIONS TO DOCKET ITEM #3:
SUP#2015-0112, 4141 DUKE STREET, FRESenius MEDICAL CARE

This memorandum contains a revision to the application form so it correctly identifies the applicant and a revision to proposed Condition 2. The application has been revised to clearly indicate that Fresenius Medical Care is the applicant both on the first page of the application and on the Ownership and Disclosure Statement, as attached.

In addition, a City Council member has recommended the following change to Condition 2:

2. **CONDITION AMENDED BY CITY COUNCIL:** The hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday. (CC)

Staff agrees that the proposed revision would make the intent of condition #2 clearer and is consistent with previous conditions on hours of operation.

FILE COPY



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2015-0102 **REVISED**

PROPERTY LOCATION: 4141 Duke Street, Alexandria, Virginia 22304

TAX MAP REFERENCE: 050.03-09-15 ZONE: CC

APPLICANT:

Name Christopher D. Kidd (Agent) Fresenius Medical Care

Address 4141 Duke Street, Alexandria, Virginia 22304

PROPOSED USE: Expansion of an existing dialysis clinic.

☒ 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 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Christopher D. Kidd (Agent)
Print Name of Applicant or Agent
N48W16550 Lisbon Road
Mailing/Street Address
Menomonee Falls, WI 53051
City and State Zip Code

Chunmei 10/15/15
Signature Date
(262) 901-0505 (262) 901-0510
Telephone # Fax #
b.rozga@cka-ae.com
Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|----------------------------------|--|------------------------|
| 1. Christopher D. Kidd | N48W10550 Lisbon Road Menomonee Falls, WI 53051 | 0% (Application Agent) |
| 2. <u>Fresenius Medical Care</u> | | <u>100%</u> |
| 3. | | |

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 4141 Duke Street Alexandria, VA 22304 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

| Name | Address | Percent of Ownership |
|----------------------------------|-----------------------------|----------------------|
| 1. <u>Scott A. Wilkin</u> | Po Box 501 Fulton, MD 20759 | 50% |
| 2. <u>Carlyn Properties, LLC</u> | Po Box 501 Fulton, MD 20759 | 45% |
| 3. | | |

3. Business or Financial Relationships. Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicated each person or entity and "None" in the corresponding fields).

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

| Name of person or entity | Relationship as defined by Section 11-350 of the Zoning Ordinance | Member of the Approving Body (i.e. City Council, Planning Commission, etc.) |
|----------------------------------|---|---|
| 1. <u>Scott A. Wilkin</u> | None | |
| 2. <u>Carlyn Properties, LLC</u> | None | |
| 3. <u>Fresenius Medical Care</u> | <u>None</u> | |

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

10/15/2015
Date

Christopher D. Kidd
Printed Name


Signature

Jackie Henderson

3
1-30-16

From: Porter Glock via Call.Click.Connect. <CallClickConnect@alexandriava.gov>
Sent: Wednesday, January 27, 2016 5:55 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #88639: Mayor, Vice Mayor, City Council Attached please find my rationale and re

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 88639.

Request Details:

- Name: Porter Glock
- Approximate Address: No Address Specified
- Phone Number: 202-821-5541
- Email: porterglock@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Attached please find my rationale and request for the City Council to deny Special Use Permit #2015-0112 for the expansion of a medical care facility by Fresenius Medical Care at 4141 Duke Street.

I regret that I will be unable to attend this Saturday's public hearing on the issue as I will be attending the baptism of my newborn son.

- Attachment: [PorterGlockRequestToDeny2015-0112.pdf](#)
- Expected Response Date: Wednesday, February 3

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

I am writing to ask the City Council to deny Special Use Permit #2015-0112 for the expansion of a medical care facility by Fresenius Medical Care at 4141 Duke Street. By granting the special use permit, those of us in the surrounding neighborhoods will lose a pedestrian friendly retail or dining venue as envisioned by the site's zoning. The City's staff report gives two reasons for supporting Fresenius' request: (1) increased opportunities to dialysis facilities in Alexandria, and (2) fulfilling a long-term vacancy along Duke Street. However, for the reasons discussed below, neither of these rationales are correct.

While it is true the site occupied by the former Fuddruckers has been vacant for some time, the City's Staff report erroneously states that the site has been vacant since 2012, when a quick Google search shows that the Fuddruckers closed in mid-2013 (<http://patch.com/virginia/westendalexandria/closed-fuddruckers-on-duke-street-in-alexandria>). More importantly, all Fuddruckers signage remains on the site and there has been no advertising of available space for lease. The large "Fuddruckers" sign even remained lit at night until late 2015 and the arrange-able lettering underneath has advertised other Fuddruckers locations and an online auction for equipment since May 2013. I personally have seen many cars pull into the lot expecting an open restaurant, and at the Planning Commission hearing on the permit one of its own members stated that he had no idea that the Fuddruckers was closed until the permit request. If that site has not been properly advertised so that even City Planning Commission members are unaware of the vacancy, it is clear that no local business people and entrepreneurs would know of the availability. Additionally, the assessed real estate tax value of the site increased from 2012 to 2013 and has not decreased since—meaning the city has not lost any real estate tax from the cited vacancy. As such, the use of the site's long-term vacancy is an unappealing reason for granting the permit.

Additionally, while granting the special use permit would increase access to medical care in the city the question which should be asked is whether or not this location is right for that expansion. The City's staff report notes that the clinic's clients arrive by private car or private medical transport (no mention of walking or bus). Therefore, if the permit was denied and dialysis access increased at another site zoned for medical care facilities there would be no serious access issues. This is unlike those of us who live in the nearby neighborhoods and walk to the retail and dining locations along Duke Street frequently (Los Toltecos, Tempo, Enterprise Rent-A-Car, Blue Octopus Scuba, etc.). It should also be noted that DaVita operates two separate dialysis facilities between 4141 Duke Street and I-395 (5150 Duke & 5999 Stevenson Ave)—if they can run two separate facilities, there would appear to be no reason why Fresenius (or another provider) would be unable to do so as well. I understand that by granting the special-use permit the City is not rezoning the building, however the affect on us local residents would be the same either way—there would be a large medical facility in our neighborhood in-between the currently available retail and dining options.

Therefore as the site has not been properly advertised as available for lease, the city staff report incorrectly expands the vacancy length, there has been no decrease in real estate taxes for the city, another provider successfully operates two separate nearby dialysis facilities, the clinic's clients arrive via private car or private medical transport, and the residents of Dalecrest, Strawberry Hill, and other neighborhoods would lose a pedestrian friendly option for use by all, I respectfully request the City Council deny Special Use Permit #2015-0112.

Porter Glock
139 N Grayson Street

3
1-30-16

Jackie Henderson

From: Kathryn Carroll via Call.Click.Connect. <CallClickConnect@alexandriava.gov>
Sent: Tuesday, January 26, 2016 10:36 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #88226: Mayor, Vice Mayor, City Council I cannot attend the hearing on Docket It

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 88226.

Request Details:

- Name: Kathryn Carroll
- Approximate Address: No Address Specified
- Phone Number: 7034022301
- Email: dnceteacher@msn.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I cannot attend the hearing on Docket Item 14-4849, but I hope you will take my comments into account. I am a resident of North French Street and have lived her for 11 years. I would like to maintain the zoning for the Fuddruckers location on Duke Street as commercial/community. I would like to have another restaurant in that space. I love being able to walk to a restaurant and the loss of Fuddruckers has been felt keenly in the neighborhood, especially during the blizzard. During the last one, I met a gentleman having dinner at Fuddruckers who was in from WVA to clear snow. Our streets hadn't been touched and he came by after dinner and plowed us out. A community-based gathering place is critical to maintaining our identity as a community, and an important part of our joint experience as West Enders.
Thank you.
- Expected Response Date: Tuesday, February 2

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.