

Docket Item #11
Planning Commission Meeting
November 9, 2017

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of October 3, 2017.

***** MINUTES *****

ALEXANDRIA PLANNING COMMISSION

October 3, 2017

7:00 P.M.

City Hall Council Chambers

Alexandria, Virginia

Members Present:

Mary Lyman, Chairwoman
Nathan Macek, Vice Chairman
David Brown
Mindy Lyle
Stephen Koenig
Melissa McMahon
Maria Wasowski

Members Absent:

None

Staff Present:

Karl Moritz	Department of Planning & Zoning
Joanna Anderson	Office of the City Attorney
Nancy Williams	Department of Planning & Zoning
Kristen Walentisch	Department of Planning & Zoning
Alex Dambach	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Nathan Randall	Department of Planning & Zoning
Dirk Geratz	Department of Planning & Zoning
Maya Contreras	Department of Planning & Zoning
Bob Garbacz	Department of Transportation & Environmental Services
Katy North	Department of Transportation & Environmental Services
Jesse Maines	Department of Transportation & Environmental Services

Work Session: The Planning Commission held a Work Session on October 3, 2017 prior to the Public Hearing to receive an update on the Commercial Parking Standards Study. The Work Session was held from 6-7 p.m.in the City Hall Council Workroom, 2nd floor.

1. Call to Order.

The Planning Commission Public Hearing was called to order at 7 p.m. All Members were present.

CONSENT CALENDAR:

2. Special Use Permit #2017-0048
1132 Prince Street (parcel address: 1130 Prince Street) - Harambee Books & Artworks
Public Hearing and consideration of a request to continue operation of a non-conforming use; zoned: RM/Townhouse.
Applicant: Bernard Reaves

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2017-0048.

3. Special Use Permit #2017-0087
4800 Brenman Park Drive
Public Hearing and consideration of a request for park improvements consisting of a new scoreboard and batting cages; zoned: CDD #9/Coordinated Development District #9.
Applicant: City of Alexandria Department of Recreation, Parks & Cultural Affairs

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to defer Special Use Permit #2017-0087.

4. Special Use Permit #2017-0064
405 North Alfred Street
Public Hearing and consideration of a request for additional building height and for a front yard setback modification to add a dormer to the roof of an existing semi-detached, two-family dwelling; zoned: CL/Commercial Low.
Applicant: Wayne A. Neale and Sherrill Neale

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2017-0064.

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5. Special Use Permit #2017-0089
421 Clifford Avenue - European Auto Plus Inc.
Public Hearing and consideration of a request for light auto repair; zoned:
CSL/Commercial Service Low.
Applicant: Antonio Claure

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to defer Special Use Permit #2017-0089.

6. Special Use Permit #2017-0090
618-622 North Washington Street - Great Beginnings Early Learning Center
Public Hearing and consideration of a request for a parking reduction for parking located over 500 feet from a business; zoned: OC/Office Commercial.
Applicant: Great Beginnings Early Learning Center, LLC represented by Mary Catherine Gibbs, attorney

This item was removed from the consent calendar.

Ann Horowitz, P&Z, presented the case and answered questions from the Planning Commission.

Speakers:

Walter Marlowe, 619 N. Columbus Street, spoke in opposition of the request, citing that the proposed parking lot is not maintained, would be inadequate as other businesses use the lot, and is too far from the Day Care Center use.

Grace Tomerlin, 5511 Bouffant Boulevard, stated she is a parent at the Day Care Center. She commented that the loading zones on Wythe and North Washington Streets would cause traffic congestion and would prove unsafe for pick up and drop off at the Day Care Center. The distance of the proposed parking lot would be inconvenient for parents.

Garth Van Meter, 506 Windsor Avenue, commented on the safety of the loading zones and the inconvenience of the 898 North Columbus Street lot for Day Care Center parents.

Mary Catherine Gibbs, applicant's attorney, spoke in support of the application and stated that an adjacent church uses the parking lot only on Sundays and the Day Care Center would use the lot on weekdays. Off-site commercial parking for the development at 700 North Washington Street would be established after construction of the building is complete and prior to the granting of a Certificate of Occupancy. She added that the City's Traffic and Parking Board approved the loading zones and was not part of the Special Use Permit (SUP) application review.

Chairwoman Lyman closed the Public Hearing.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2017-0090 with amendment to Condition #2 and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

Commissioner Wasowski asked staff to confirm the Day Care Center's hours of operation, which were stated as 7 a.m. to 6 p.m. She proposed an amendment to Condition #2 to extend the morning hours of parking lot use to 6:30 a.m. to provide the Day Care Center staff with added time to park prior to the start of business hours. Vice Chairman Macek confirmed with the applicant's attorney that employees would use the parking lot and parents would pick up and drop off their children using loading zones. He stated support for the neighborhood location of the Day Care Center, noting that the request was an adequate solution as its previous lot is no longer available. He stated that the City's Commercial Parking Standards Task Force Study is in the process of examining ways parking may be shared at locations such as the Saul Center, which could have provided a convenient parking alternative, however, current technical parking requirements preclude that from happening. Chairwoman Lyman inquired about the condition of the lot. The applicant's attorney responded that conditions in the staff report require the property owner to pave the lot and that the property owner and the applicant are to share its maintenance. Commissioner Brown confirmed with staff that the public interest benefit of providing parking at the lot beyond 500 feet would be to discourage the use of on-street parking. Commissioner Wasowski added that the provision for a parking lot would discourage Day Care Center staff from using on-street spaces and moving their vehicles every two hours.

2. CONDITION AMENDED BY THE PLANNING COMMISSION:

Employee parking at the lot is permitted from ~~7~~ 6:30 a.m. to 6:30 p.m., Monday through Friday. (~~P&Z~~) (PC)

7. Text Amendment #2017-0008

Small Cell Facilities

(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to Section 6-403 and Section 7-1200 of the Zoning Ordinance to integrate regulations enacted by the State for small cell facilities for wireless communications into the Zoning Ordinance

Staff: City of Alexandria Department of Planning & Zoning

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Text Amendment #2017-0008.

8. Vacation #2017-0005

116 West Alexandria Avenue

Public Hearing and consideration of a request to vacate public right-of-way of an alley to add side yard area to an adjacent lot; zoned: R-5/Residential.

Applicant: Robert Hargis, represented by Alexandria Avenue, LLC

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Vacation #2017-0005.

9. Vacation #2017-0006
118 West Alexandria Avenue
Public Hearing and consideration of a request to vacate public right-of-way of an alley to add land area to an adjacent lot; zoned: R-5/Residential.
Applicant: Gina Maria Dinicolo, represented by Alexandria Avenue, LLC

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Vacation #2017-0006.

NEW BUSINESS:

10. Subdivision #2017-0003
2619 & 2621 Randolph Avenue
Public Hearing and consideration of a request for a Subdivision with variations to re-subdivide two lots into a new configuration; zoned: R2-5/Residential Single and Two Family.
Applicant: Charles P. Halloran

Ann Horowitz, P&Z, presented the case and answered questions from the Planning Commission.

Speakers:

Leland Ness, 20 East Del Ray Avenue, trustee of Historic Alexandria Foundation, spoke in support of the application, stating that the existing house on 2619 Randolph Avenue should be preserved.

Brent Rice, 408 East Alexandria Avenue, stated support of the application, mentioning that the historic bungalow should be preserved and a single family home was appropriate on the undeveloped lot.

Edward Mills, 213 and 2612 Randolph Avenue, supported the request. He agreed with maintaining the existing bungalow and developing the undeveloped lot.

Kristina Scrimshaw, 404 Laverne Avenue, stated support for the application, indicating the preservation of the bungalow and the addition of another house would be suitable in the neighborhood.

Allen Cohn, 212 Ellsworth Street, spoke in support of the application, mentioning that the Subdivision represented a balance of preservation and new development.

Robert Scrimshaw, 6215 Prospect Terrace, spoke in support of the application, citing that the addition of another single family dwelling would benefit the City.

Peter Lawson, 109 East Howell Avenue, spoke in support, indicating no neighborhood parking impacts would result.

Lisa Quandt, applicant's architect, explained the rationale for proposing the change to the lot line. She stated that 2621 Randolph Avenue was similarly situated with other irregular

shaped lots in the Subdivision. An easement to share the neighbor's curb cut had been arranged to provide parking on the lot for 2621 Randolph Avenue.

Eileen Rivera, 205 Clifford Avenue, spoke in support of preserving the bungalow and in favor of construction of another single family dwelling.

Charles Halloran, applicant, spoke in support of the application as it would allow him to invest in the existing bungalow and construct a new home for himself. He stated that he would maintain the scale of the bungalow with the possible addition of dormers. He decided to abandon the two-family semi-detached dwelling development as he preferred to have two single family dwellings on the lots.

Chairwoman Lyman closed the Public Hearing.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission voted to defer Subdivision #2017-0003. The motion carried on a vote of 7 to 0.

Reason:

The Planning Commission deferred the request to provide the applicant time to submit revised materials for staff review.

Commissioner Brown stated that the Planning Commission was restricted to considering the lot requirements set forth by the Subdivision standards when reviewing a Subdivision case, however, the property owner could place covenants on the properties to protect the historic house and limit the development on the undeveloped lot to ensure that the neighbors' wishes are met. He believed that the variation criterion for an irregular lot was met, although he was hesitant to support the two remaining criteria.

Duncan Blair, the applicant's attorney, responded that his client would agree to covenants on the lots to prevent future Subdivisions and the house plans that were submitted for representational purposes only were what his client intends to build at 2621 Randolph Avenue.

City Attorney Joanna Anderson emphasized that the City Charter requires Subdivision reviews to consider lot lines and not the future use of the property. She added that property owners may place private covenants on their property, however, it is a separate matter from a Subdivision review and the Planning Commission may not impose a condition related to a covenant through a condition.

Commissioner McMahon maintained that the variation criteria were met to allow compliance of the proposed lots. Commissioner Lyle concurred. Commissioner McMahon inquired about the applicability of 11-1708(B)(3) to the Subdivision review and Ms. Anderson responded that the statute wouldn't provide the Planning Commission with the ability to place restrictions on the future use of the property.

Commissioner Koenig asked staff about the comparisons selected for the lot at 2621 Randolph Avenue. Ann Horowitz, Planner, replied that the lot is considered an interior

lot and is, therefore, compared to similar interior lots of the same shape. Similarly shaped corner lots conform to different lot standards. Commissioner Koenig expressed concerns about the limited frontage at 2621 Randolph Avenue and stated that the proposed lots are not compatible with similarly situated lots. Additionally, he was unconvinced that a substantial injustice existed. Commissioner Koenig voiced concern that the Subdivision could lock in large-scale development at both lots which would not be in character with the neighborhood, a concern of the community.

The Commissioners explored the possibility of other zoning reviews to address the proposed construction on the lots and determined that a Board of Zoning Appeals (BZA) review for variances could be considered for the existing lot configurations.

Vice Chairman Macek agreed with the staff recommendation that the Subdivision standards had not been met. He recognized neighbor concerns for the possible demolition of the historic home, however, the Subdivision decision did not dictate the future of that home.

Chairwoman Lyman recognized the support of the community for the proposal. She believed a case could be made for the variation related to a substantial injustice and that the Planning Commission must consider the fundamentals of the Subdivision standards in its review.

Commissioner Wasowski stated that although the bungalow is historically important, it is not located in a local historic district which could protect it from demolition or incompatible alterations. She reiterated that the Planning Commission may only look at lot characteristics in a Subdivision review. Her concern related to the proposed 15-foot frontage at 2621 Randolph Avenue which is less than half of the required frontage.

11. Master Plan Amendment #2017-0004
Text Amendment #2017-0006
Coordinated Development District Concept Plan #2017-0001
Development Special Use Permit #2016-0022
2551 Main Line Boulevard - Potomac Yard Landbay H/I East Multifamily
Public Hearing and consideration of requests for: (A) a resolution to amend the Potomac Yard/Potomac Greens Small Area Plan chapter of the Master Plan to amend the maximum number of allowable dwelling units in Landbays H and I of Potomac Yard and to amend the maximum allowable building height at the site; (B) initiation of a Text Amendment; (C) Text Amendment to the Zoning Ordinance to amend the provisions of Section 5-602 to increase the maximum number of allowable residential dwelling units in Coordinated Development District #10; (D) amendment to Coordinated Development District #10 Concept Plan to increase the maximum number of allowable residential dwelling units in Landbays H and I; and (E) Development Special Use Permit, with modifications, to construct two multifamily residential buildings containing a total of 142 residential units; zoned: CDD #10 / Coordinated Development District #10.
Applicant: City of Alexandria (Text Amendment only) and Potomac Yard Development, LLC, represented by M. Catharine Puskar, attorney

Nathan Randall, P&Z, presented the case and answered questions from the Commission.

Speakers:

M. Catharine Puskar, attorney for the applicant, discussed the history of the Potomac Yard Coordinated Development District (CDD), including the General Services Administration (GSA) and non-GSA options. She noted the relationship of the proposed building to the Frasier apartment building immediately next-door. She explained that the process by which neighbors were notified of the project through the Homeowners Association (HOA) was not broken, highlighting the two early HOA meetings as well as the two more recent community meetings in August and September. She stated that the project represents the right level of density for the site and requested amendments to two recommended conditions as explained in her October 2nd memorandum to the Planning Commission.

Jesse Wurtz, Main Line Boulevard, spoke in opposition to the proposed increases in height and density. He noted that the project represents a 400 percent increase in the density for the site compared to current allowances. He also opposed the location of the garage entrance on Watson Street and asked for the project to be deferred.

Brian Verwee, Watson Street, spoke against the land-use requests for the project. He believed that the requested density increase represents an over-densification of the site. He also stated that HOA meetings are controlled by the developer and that they are inconveniently located for residents.

Dan Roth, Main Line Boulevard, asked the Planning Commission to either defer or oppose the project. He suggested that the developer misrepresented the number of units that would be built at the site when he purchased his home. He stated that the community involvement process for the project was broken and that he wished to achieve consensus. He also noted that the proposed buildings could be better with regard to matters such as open space and affordable housing.

Susan Richards, Watson Street, expressed concern about the community involvement process for the project and that she based the purchase of her home on the existing CDD Concept Plan and Master Plan. She stated that the additional requested density and height is a significant departure from the existing approvals and seems too high.

Emily Verwee, Watson Street, expressed concern about the location of the garage entrance on Watson Street. She stated that she bought her home because of its location on a quiet street and is concerned about the potential traffic impact on child safety.

Mila Yochum, Bluemont Avenue, stated that she and her neighbors did not have an equal opportunity to have their voices heard about the project due to the HOA structure and that they intend to pursue the creation of a new civic association. She explained that she completed due diligence prior to the purchase of her home. She stated that she did not support the additional density and height and does not wish to see parking be unbundled from the purchase of a home.

Richard Szczurowski, Potomac Avenue, stated that the developer promised that the project site would be developed with fewer units than in the current proposal and that he

would have considered living elsewhere had he known about the developer's plans. He asked the Planning Commission to consider deferral and expressed his interest in working together to make the project better for the community.

Kaushal Jhalla, Watson Street, stated that the developer pulled a "bait and switch" regarding the number of units that would be constructed at the project site. He expressed concern about his home facing a garage entrance and the related loading/unloading activities, including trash pick-up, which would occur on Watson Street. He asked the Planning Commission to defer its decision on the project.

Tingting Juni Zhu, Watson Street, questioned whether true citizen engagement had occurred as part of this project. She noted that the HOA organization is skewed toward the developer and that her voice and those of her neighbors were not adequately heard. She understood a general interest in having additional density and affordable housing here, but opposed the project based on its specific details.

Chairwoman Lyman closed the Public Hearing.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek, seconded by Commissioner McMahon, the Planning Commission voted to adopt the revised Master Plan Amendment #2017-0004 resolution to amend the Potomac Yard / Potomac Greens Small Area Plan to increase the maximum allowable building height for the site from 55 to 70 feet and to increase the maximum allowable residential units within CDD#10 to 2,241. The motion carried on a vote of 6-1, with Commissioner Brown voting against.

On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to initiate Text Amendment #2017-0006 to amend the CDD#10 zoning table to increase the maximum allowable residential units within CDD#10 to 2,241. On a motion by Vice Chairman Macek, seconded by Commissioner McMahon, the Planning Commission voted to recommend approval of Text Amendment #2017-0006 to amend the CDD#10 zoning table to increase the maximum allowable residential units within CDD#10 to 2,241. Each motion carried on a vote of 6-1, with Commissioner Brown voting against.

On a motion by Vice Chairman Macek, seconded by Commissioner McMahon, the Planning Commission voted to recommend approval of CDD Concept Plan #2017-0001 and DSUP#2016-0022, with a revision to DSUP Condition #10 to incorporate architectural revisions dated September 20, 2017 into the project, and subject to compliance with all applicable codes, ordinances, and other staff recommendations. The motion carried on a vote of 6-1, with Commissioner Brown voting against.

Reason:

The Planning Commission agreed with the staff analysis and with the applicant's request to amend Condition #10 to incorporate the revised stepped-back design and reduction of two units from the project. A majority of the Planning Commission believed that the proposed height and density increases were appropriate for this site which is close to public transportation and that the project was supportable on its merits. The Planning

Commission also discussed concerns about the community outreach efforts and specifically HOA matters. Commissioner Brown stated that there was little to oppose about the project but sought to further ameliorate impacts by decreasing the number of units and the apparent height of the buildings through an additional “step-back” on the fifth and sixth floors of the buildings.

Chairwoman Lyman asked staff about its position regarding the garage entrance being located on Watson Street and expressed concern about the community engagement process. Commissioner Lyle asked the applicant about the organization of the HOA board and asked the applicant to reconsider its meeting locations in response to neighbor concerns. She also asked staff about the posting of information about the project on the City’s website. Staff shared the history of project related postings on the website.

Commissioner Brown believed that the project could be improved, stating that the proposed building heights should be more consistent with the current Master Plan while still allowing for affordable housing. He introduced the concept of further stepping each building back on the sixth floor and adding a new step-back to the fifth floor. The overall effect on the side elevations would be a “stair step” design. The goal of such a change would be to further reduce the apparent height of the building and the number of units.

Commissioner Wasowski explained the history of Potomac Yard and more specifically how the vision for Potomac Yard has evolved over the last 15 to 20 years. She stated that Small Area Plans are living, breathing documents and that changes to them over time are not unusual. She supported the location of the garage entrance to the project, noting that such entrances have been long-planned to occur on secondary streets. She expressed interest in having more building height variety in Potomac Yard and did not agree with the suggestion that the building needed to be stepped-back further. She supported the unbundling of parking as provided for in the existing condition language.

Vice Chairman Macek supported the project, stating that it is absolutely the kind of development that he would like to see in this location. He was comfortable with the additional height and density being requested. He noted that the applicant incorporated sensitivity toward the neighbors in the project design by placing the open space on the southern portion of the site. He stated that the density increase being sought is modest, represented only about 5 percent of the overall density of this portion of Potomac Yard.

Commissioner Koenig agreed that the Small Area Plan is a living document and that the vision for Potomac Yard has evolved over time. He expressed concern that the group of neighbors was not adequately heard in this instance. He stated that the HOA process and organization were germane to understanding that outreach efforts may not have been fully successful. He also noted the several project iterations and community meetings that did occur during the course of the project review. He was comfortable with the vast majority of the project design, noting that it is professional and complete, and expressed his support for the project on its merits.

Chairwoman Lyman agreed with her colleagues’ comments and supported the project on its merits. Commissioner Lyle also supported the project, finding it to be appropriate given the long-standing vision of Potomac Yard. She also reiterated her HOA questions

and concerns to the applicant. Commissioner McMahon stated that the project created an appropriate density of development at this location given the future Potomac Yard Metro station. She noted that a project consisting of only the remaining 36 units in Potomac Yard may not be feasible and would not be consistent with original spirit of the Master Plan. She mentioned that the circumstance of Potomac Yard being a still-forming community may have contributed to some of the community engagement concerns that had been raised. She encouraged residents to continue forming community relationships.

12. Development Site Plan #2016-0025

Street Name Case #2017-0001

3832 & 3834 Seminary Road - Karig Estates

Public Hearing and consideration of a requests for: (A) a Development Site Plan, with modifications, to construct four single-family residential buildings, a new public street and associated site improvements; and (B) a request to name a new public street; zoned: R-20/Residential.

Applicant: 3834 Seminary, LLC represented by Mary Catherine Gibbs, attorney

Nathan Randall, P&Z, presented the case and answered questions from the Planning Commission.

Speakers:

Mary Catherine Gibbs, attorney representing the applicant, spoke in favor of the request.

Kevin Durkin, adjacent neighbor on Seminary Road, spoke in support of the project, particularly the tree save easement and the setback as shown on the Site Plan. He expressed opposition to the alternative setback.

Kenneth Frame, geotechnical engineer representing neighborhood residents on Colonel Ellis Drive, noted that he had reviewed the proposal and recommended that the homes be moved forward to reduce runoff and site complications.

Lonnie Rich, attorney representing Beth-El Synagogue, spoke in support of a revised block face in order to preserve trees and to disturb less soil. He noted that if the fourth house was pulled forward approximately 30 feet, it would be out of the swale, and that it is his opinion that the review could be done as part of the Final Site Plan process.

Jeremy Flachs, member of the Board of Directors at Beth-El Synagogue and Co-chair of the Chapel in the Woods, expressed concern about the size and scale of the proposed development and the number of mature trees that would be lost and the wildlife that would be disturbed as a result. He expressed a preference for the complete removal of the fourth house, but noted that with the new layout, there would be fewer disturbances to the hillside and the trees.

Todd Bolick, member of Beth-El Synagogue and Co-chair of the Chapel in the Woods, spoke in favor of an alternate layout and noted the contiguous forest that extends from this property to the neighboring properties.

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David Weinraub, Vice-President of Beth-El Synagogue, expressed concern about the location of the new public street and the adjacency to the pre-school. He also requested that construction hours be limited on Friday afternoons and Saturday mornings, to allow the Synagogue to worship without disturbance.

Tracy Durkin, adjacent neighbor on Seminary Road, spoke in support of redevelopment at the site, and of the layout as shown on the site plan, noting that the 104' setback respected the character of Seminary Road.

Andy Wilson, Taylor Ave, spoke in favor of the project and requested approval of the plan as proposed by the applicant.

Gant Redmond, owner representative, spoke in favor of the project and requested approval of the plan as proposed by the applicant. He noted the time that the applicant has spent on the project and the number of requests that had been accommodated, and that the fourth house will be located on a slope, regardless of which layout is used.

Paul Goree, adjacent neighbor on Colonel Ellis Avenue, asked the Planning Commission to consider an alternative Site Plan that would shift the dwellings forward on the site, moving them farther out of the slope on the property.

J. Denis O'Toole, adjacent neighbor on Colonel Ellis Avenue, stated that he is a long-time resident and is concerned about the potential impacts from development on the site, specifically because of three homes that were constructed on Chelsea Court in 1979 that caused on-going water runoff issues, requiring extensive and expensive remediation costs that were born by the property owners. He noted that there are sewer issues in the West End of the City and requested that staff look at the totality of the neighborhood to protect the continuity of the trees.

Roy Shannon, attorney representing Colonel Ellis Avenue neighbors and the neighborhood group Responsible Development, expressed concern about drainage, slope stability and tree preservation. He believes that the Planning Commission should approve the project with a new condition to allow the houses to shift location.

Stuart Davis, member of Beth-El Synagogue, requested preservation of as many trees as possible and expressed concern about the location of the fourth house, with a preference that it be moved or removed.

Loren Needles, neighbor on St. Stephens Road, noted that his property is adjacent to the ravine and is concerned that the bluff at the end of the ravine could collapse. He requested specific regulations for this project, and noted that water runoff could be a significant problem in a hurricane or flood conditions.

Steven Reed, neighbor, indicated that he lives behind Beth-El. He expressed appreciation of the maintenance of the woods that they have done, and that he is concerned about the steepness of the slope in the swale near the fourth house.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek, seconded by Commissioner Lyle, the Planning Commission voted to approve Development Site Plan #2016-0025, with an amendment to Condition #25, and subject to compliance with all applicable codes, ordinances, and other staff recommendations. The motion carried on a vote of 5-2, with Commissioners Brown and McMahon voting against.

Reason:

The Planning Commission agreed with the staff analysis, with a change to Condition #25 to require the submission of a Subdivision application within 30 days.

Commissioner McMahon requested information on what was permitted for pre- and post-development run-off and volumes, for clarification on whether Condition #23 required permeable paving, and whether Conditions #66 and #67 were duplicates.

Commissioner Brown requested a description of how grading and construction would be done to allow for construction on the slope, particularly for Lot #4, and whether the swale would remain after construction was completed.

Chairwoman Lyman asked the City Attorney whether the project changes could be accommodated through a condition and a review during the Final Site Plan. Ms. Anderson said that, in her opinion, it could not because the entire Site Plan would be different from what the Planning Commission would be approving.

Ms. Anderson also noted that the project has an associated Subdivision, which was neither noticed nor was an application included. Because this project is a Development Site Plan, rather than a Development Special Use Permit, the Subdivision should have been requested and noticed. Mary Catherine Gibbs, attorney for the project, asked whether the Subdivision could be noticed and approved at a subsequent hearing, because it was reviewed as part of the Preliminary Plan. Ms. Anderson noted that it is not our standard practice, but that legally, it could be done that way.

Vice Chairman Macek expressed frustration with the prescriptive language in the infill regulations regarding the block face determination and resulting setback requirements and asked whether, in the future, a standard deviation could be included to allow for greater flexibility and discretion. He noted that the block face determination is made at the Director's level and can't be modified by the Planning Commission, and that, overall, he is in support of the project.

Commissioner Lyle asked whether the standard construction hours could be modified to support the Synagogue's request and the applicant agreed to limit construction on Saturdays. Commissioner Brown stated that the aesthetic considerations of the setback requirements are not as important to him as the ability to preserve more trees, regardless of the applicant's project timeline.

OTHER BUSINESS:

13. Commissioners' Reports, Comments and Questions

No other business was discussed.

MINUTES:

14. Consideration of the minutes from the June 6, 2017 and June 14, 2017 Planning Commission meetings.

Vice Chairman Macek pointed out a spelling error on page 6 of the June 6 minutes for docket item #8 (SUP #2017-0028) and suggested changing 'typography' to 'topography':
"Commissioner Koenig recognized the design challenges posed by the lot ~~typography~~ topography and that alternative designs may not require a reduction in home size, but a reconfiguration on the two lots."

Vice Chairman Macek stated that he would like reflected in the June 14 minutes a point that he had made on docket item #5 (MPA #2017-0002):

"Vice Chairman Macek reiterated his support for a two-way retail street given the benefits that it would offer to activate the street."

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek, seconded by Commissioner Brown, the Planning Commission voted to approve the minutes from the June 6 and June 14, 2017 hearings as amended. The motion carried on a vote of 7 to 0.

Consideration of the minutes from the September 5 and September 7, 2017 meetings.

Vice Chairman Macek proposed changing "few" to "some" on page 7 of the September 5 minutes for docket item #11 (SUP #2017-0083):

"He also noted that there were no violations of noise, and that there are ~~few~~ some restaurants open past 1:00 a.m., noting three restaurants that were close to residential areas with late hours."

Vice Chairman Macek noted an inconsistency between a condition that Council approved and what was reflected in the minutes and suggested adding 'eves' to the discussion on page 8 of the September 5, 2017 minutes for docket item #8 (SUP #2017-0083):

"The Vice Chairman Macek proposed a substitute amendment of 6:00 a.m. to 1:00 a.m. on Sundays to Thursdays, and 6:00 a.m. to 2:00 a.m. Friday, Saturday and state and federal holiday eves."

Vice Chairman Macek then stated that based on City Council's discussion regarding the Planning Commission's deliberation of docket item #7 on the September 7, 2017 minutes (DSUP #2014-0029), he had requested that staff provide additional documentation of the

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Planning Commission discussion. The September 7, 2017 minutes were revised to include this elaboration. To ensure that all Commissioners were able to read and agree with the revised discussion section, Vice Chairman Macek proposed to defer the September 7, 2017 minutes.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek, seconded by Commissioner Koenig, the Planning Commission voted to approve the minutes from the September 5, 2017 hearing as amended. The motion carried on a vote of 7 to 0.

On a motion by Vice Chairman Macek, seconded by Commissioner Koenig, the Planning Commission voted to defer the minutes from the September 7, 2017 hearing. The motion carried on a vote of 7 to 0.

15. Adjournment

The Planning Commission meeting was adjourned at 12:45 A.M.