

Docket Item #8
Planning Commission Meeting
October 4, 2016

Consideration of approval of the Planning Commission minutes of the public hearing meeting of September 8, 2016.

***** MINUTES *****

ALEXANDRIA PLANNING COMMISSION

SEPTEMBER 8, 2016

7:00 P.M., Council Chambers

301 King Street, City Hall

Alexandria, Virginia

Members Present:

Mary Lyman, Chair
Nathan Macek, Vice Chair
Maria Wasowski
David Brown
Stephen Koenig
Melissa McMahan

Members Absent:

Mindy Lyle

Staff Present:

Karl Moritz	Department of Planning & Zoning
Alex Dambach	Department of Planning & Zoning
Kendra Jacobs	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Sara Brandt-Vorel	Department of Planning & Zoning
Michael Swidrak	Department of Planning & Zoning
Clarence Stukes	Alexandria City Public Schools
Joanna Anderson	City Attorney

1. Call to Order.

The Planning Commission public hearing was called to order at 7:30 P.M.

CONSENT CALENDAR:

2. Special Use Permit #2015-0071

190 South Whiting Street - Sunoco Inc.

Public hearing and consideration of a request for an amendment to Special Use Permit #2006-0003 to expand an existing automobile service station, for a zone transition setback modification, to add a convenience store, and for off-premises alcohol sales; zoned: OCM (50)/Office Commercial Medium -50. Applicant: Sunoco Inc. (R&M), represented by M. Catharine Puskar, attorney

This item was removed from the consent calendar.

Ann Horowitz and Alex Dambach gave a presentation and answered questions from the Planning Commission.

Speakers:

Annabelle Fisher, 200 Yoakum Parkway, expressed support for the automobile repair business operator, however, stated opposition to the request for off-premises alcohol sales.

Kent Taylor, automobile repair operation lessee at 190 South Whiting Street, mentioned that he would continue to operate the well-run repair portion of the business.

Cathy Puskar, applicant's attorney, stated support for the request, specifying that the proposed improvements and modifications would benefit the neighborhood. She added that conditions related to security would reduce impacts at the site.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion made by Vice Chairman Macek and seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2015-0071 subject to compliance with all applicable codes, ordinances, and staff recommendations, including amendments to conditions 4 and 10 as described in Staff's memorandum dated September 7th. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with staff analysis. Commissioner Wasowski praised the solid standing of the business in the neighborhood and supported the applicant's request to sell off-premises alcohol. Vice Chairman Macek supported the off-premises alcohol request as it was consistent with business practices at nearby convenience stores. Commissioner Brown recognized the applicant's potential for revenue growth by granting

permission to sell off-premises alcohol. Chairwoman Lyman congratulated the business on its positive relationship with neighbors and noted that the Police analysis of the SUP request and the six month review were sufficient to recommend approval.

4. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~That no~~ ~~vehicles~~ shall not be displayed, parked, or stored on a public right-of-way. ~~(P&Z) (SUP 2436) (PC)~~

10. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~That no~~ ~~seats or tables~~ which are designed for the consumption of food or beverages shall not be installed on the premises ~~which are designed for the consumption of food or beverages.~~ ~~(P&Z) (SUP 2436) (PC)~~

3. Special Use Permit #2016-0042
3120 Colvin Street - A&B Auto Finance Co.
Public hearing and consideration of a request for an automobile sales establishment and for a temporary trailer; zoned: I/Industrial. Applicant: Bruce (Behkooz) Raiszadeh

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2016-0042.

4. Special Use Permit #2016-0046
525 Wythe Street (parcel address 515 Wythe Street) - Old Town Massage Center
Public hearing and consideration of requests: (A) to operate a massage establishment; and (B) for a parking reduction; zoned: CD/Commercial Downtown. Applicant: Old Town Massage Center, Inc.

This item was removed from the consent calendar.

Ann Horowitz and Alex Dambach gave a presentation and answered questions from the Planning Commission.

Speakers:

Cynthia Lund, 504 Wythe Street, spoke on behalf of the Portner's Landing Homeowners Association. She stated her support of the SUP proposal and asked that the business operate from 8 a.m. to 6 p.m. on Saturday and Sunday, instead of 8 p.m. The association requests that the signage is consistent with the neighborhood.

Jette Hansen, applicant, stated that the application reflects her interest in returning to an Old Town location. She intends to operate a professional business that is supportive of the neighborhood and the use of mass transit.

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 recommend approval of Special Use Permit #2016-0046 subject to compliance with all applicable codes, ordinances, and staff recommendations, including the deletion of Condition 11. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission generally agreed with staff's analysis. Commissioner Brown inquired if the Trader Joe's garage was to be used by employees and the applicant responded that it was not. Commissioner McMahon believed that Condition 11 requiring the applicant to provide a parking subsidy to employees should be stricken to allow the applicant the opportunity to also offer mass transit benefits as well. Planning Director Karl Moritz suggested that staff could encourage future applicants, who request parking reduction approvals and propose parking subsidies, to also consider providing a mass transit subsidy. Vice Chairman Macek clarified the evolution of the standard parking conditions and the application of the conditions to SUPs. Chairwoman Lyman asked staff to clarify the operational hours. Staff responded that the applicant requested to operate from 8 a.m. to 8 p.m., Monday through Friday, and from 8 a.m. to 6 p.m., Saturday and Sunday. However, Staff included the hours as 8 a.m. to 8 p.m., daily in condition #4 to provide the applicant with flexibility. Vice Chairman Macek supported the flexibility in hours of operation.

11. **CONDITION DELETED BY PLANNING COMMISSION:** ~~The applicant shall provide a subsidy for employees who park at an off-street parking garage. (P&Z)~~

5. Special Use Permit #2016-0048
4875 Eisenhower Avenue, Suite 210 - CARD Academy
Public hearing and consideration of a request to operate a private academic school; zoned: OCM(100)/Office Commercial Medium. Applicant: Center for Autism and Related Disorders, Inc.

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2016-0048.

6. Special Use Permit #2016-0049
833 South Pickett Street (parcel address: 821 S. Pickett St.) - Belvoir Collision Center
Public hearing and consideration of a request to operate a general automobile repair business; zoned: I/Industrial. Applicant: Belvoir Collision Center by Brad Jenkins

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2016-0049.

7. Special Use Permit #2016-0050
2 South Whiting Street - Alley Cat Restaurant
Public hearing and consideration of a request for an amendment to a previously-approved Special Use Permit (SUP #1058) to extend the hours of operation of a restaurant; zoned: CRMU-M/Commercial Residential Mixed Use/Medium. Applicant: Abdelkader Elgarch

The Planning Commission unanimously voted to recommend approval of Special Use Permit #2016-0050 on the consent agenda. However, upon a motion by Vice Chairman Macek, seconded by Commissioner Brown, the Planning Commission voted to reconsider this item. The motion carried on a vote of 6 to 0. The item was reconsidered to allow comments from Jan Davis.

Sara Brandt-Vorel and Alex Dambach gave a presentation and answered questions from the Planning Commission.

Speakers:

Jan Davis, 6003 Tower Court, spoke in opposition to the application, citing that late night hours of operation would result in litter and noise. Ms. Davis also spoke about previous problems with litter and noise at this site.

Raj Patel, applicant's attorney, supported the request and stated that additional hours of operation would allow the applicant to achieve desired business revenues. He stated that SUP conditions related to noise and litter mitigation would resolve neighbor concerns.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion made by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2016-0050 subject to compliance with all applicable codes, ordinances, and staff recommendations, including an amendment to Condition 31. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with staff analysis. In response to Ms. Davis' concerns regarding noise and litter impacts, Chairwoman Lyman and Vice Chairman Macek supported an amendment to Condition 31, requiring a six month SUP review in addition to the standard one year review. Vice Chairman Macek backed the 2 a.m. closing hour as some restaurants in the area are open until that time, the restaurant is located away from residences, and the surrounding parking lot would act as a noise buffer. He believed that SUP conditions would mitigate potential impacts. Further, Vice Chairman Macek encouraged neighbors to report violations of SUP conditions through Call.Click.Connect, and staff would respond to the concerns. He suggested staff consider administrative SUP reviews for other restaurants that may have conditions for afternoon lapses in operation. Commissioner Brown acknowledged that the litter removal requirement in Condition 29 requires the applicant to pick up litter three times a day on the property and up to 75 feet beyond the property line.

31. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (PC)

8. Special Use Permit #2016-0051
5770 Dow Avenue (parcel address: 650 S. Van Dorn St) - Portner Brewhouse
Public hearing and consideration of a request for amendments to a previously-approved Special Use Permit #2015-0089 to allow off-premises alcohol sales and additional outdoor seating, and a request for a parking reduction; zoned: CDD #17/Coordinated Development District #17. Applicant: Portner Brewhouse, LLC

This item was removed from the consent calendar.

Ann Horowitz and Alex Dambach gave a presentation and discussed an amendment to Condition 7 provided in a memorandum from staff dated September 8, 2016.

Speakers: There were no speakers.

PLANNING COMMISSION ACTION: On a motion made by Vice Chairman Macek and seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2016-0051 subject to compliance with all applicable codes, ordinances, and staff recommendations, including an amendment to Condition 7. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with staff analysis. Vice Chairman Macek stated that the amendment to Condition 7 clarified the regulation associated with keg sales.

7. **CONDITION AMENDED BY PLANNING COMMISSION:** On-premises alcohol service shall be permitted at the restaurant, consistent with a valid Virginia ABC license. The sale of off-premises alcohol may be permitted at the restaurant. Off-premises beer may be sold only in 4-packs, 6-packs, 22 ounce large format bottles or growlers of 32 to 64 fluid ounces. Accessory to the restaurant use, Limited kegs of beer may be sold to other restaurants and transported only by passenger vehicles. ~~(P&Z) (SUP #2015-0089) (PC)~~

9. Subdivision #2016-0006
505 & 511 South Van Dorn Street
Public hearing and consideration of a request to subdivide one lot into two lots; zoned:
CG/Commercial General. Applicant: Circumferential Terminals, LLC represented by Mary
Catherine Gibbs, attorney

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to approve Subdivision #2016-0006.

NEW BUSINESS:

10. City Charter Section 9.06 #2016-0001
1701 and 1705 North Beauregard Street
Public Hearing and consideration of a request for Planning Commission to review whether
the proposed purchase of property by Alexandria City Public Schools and the resulting
change in use of that property is consistent with the City of Alexandria Master Plan pursuant
to Section 9.06 of the City Charter. Applicant: Alexandria City Public Schools

Karl Moritz gave a presentation. Clarence Stukes, representing Alexandria City Public Schools (ACPS), also presented information and answered questions from the Planning Commission.

Speakers: There were no speakers.

PLANNING COMMISSION ACTION: On a motion by Commissioner Brown, seconded by Commissioner Koenig, the Planning Commission voted to find the proposed purchase and change in use of the property consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with the staff analysis that the proposed purchase and change in use of the property is consistent with the Master Plan.

Commissioner Brown commented that, although the proposed use of the site does not create conflicts with the approved Master Plan, he hopes that the school system will consider how this new creative school model will impact the students, especially since it is so closely located to a more conventional school.

Vice Chairman Macek asked if both City Council and the School Board needed to authorize the purchase of the property. Mr. Stukes responded that the School Board will need to authorize the purchase, and that City Council will review the proposal but is not required to take any formal action. Vice Chairman Macek also asked if a Special Use Permit would be required to accommodate the school use. Mr. Moritz responded that ACPS is still reviewing the changes that are needed to accommodate a school use, but it is likely that the proposal would require a public hearing. Vice Chairman Macek asked Mr. Stukes to consider access to the site and open space needs.

11. Special Use Permit #2016-0047
121 South Union Street - Union Street Public House
Public hearing and consideration of a request for outdoor dining on the rooftop of an existing restaurant; zoned: CD/Commercial Downtown. Applicant: John MacBrian, Inc.

Sara Brandt-Vorel and Alex Dambach gave a presentation and answered questions from the Planning Commission.

Speakers:

Cathy Pili, 131 Moncure Drive, expressed concerns about noise, litter, smoking, overcrowding, and fire safety.

Bob Webster, 107 S. West Street, opposed the application, citing noise concerns and negative impacts on property values.

Robert Test, applicant's attorney, stated that the applicant requested rooftop dining permission because the sidewalk in front of the restaurant was not wide enough to accommodate outdoor dining. Smoking would not be permitted in the rooftop dining area.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion made by Commissioner Wasowski, seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of Special Use Permit #2016-0047 subject to compliance with all applicable codes, ordinances, and staff recommendations, including an amendment to Condition 21. The motion carried on a vote of 6 to 0.

Reason: The Planning Commission agreed with staff analysis. Commissioner Wasowski asked the applicant to comment on how he arrived at the number of seats for the rooftop dining. The applicant responded that the space could accommodate no more than 15 seats. Staff confirmed that Code requirements similarly limited the number of people that could dine on the rooftop. Vice Chairman Macek supported the request, stating that the situation was similar to outdoor dining approved at Bastille, although residents near the Union Street Public House were located farther away and the conditions of approval would address noise impacts. He encouraged residents to register complaints on Call.Click.Connect should noise impacts result. Commissioner Brown and Commissioner Wasowski stated that the three walls surrounding the proposed rooftop dining area would mitigate potential sound impacts. Chairwoman Lyman recommended the addition of a six month review to Condition 21 due to the concerns raised by the speakers.

21. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for six months and one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations, or which create a direct

and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed.
~~(P&Z)~~ (PC)

12. Special Use Permit #2016-0035
Encroachment #2016-0005
3000 Potomac Avenue - National Industries for the Blind
Public hearing and consideration of requests for: (A) a Special Use Permit for a parking reduction; and (B) an encroachment into the public right-of-way for underground transformer vault; zoned: CDD #10/Coordinated Development District #10.
Applicant: National Industries for the Blind represented by Kenneth Wire, attorney

Michael Swidrak and Robert Kerns gave a presentation and answered questions from the Planning Commission.

Speakers:

Ken Wire, attorney representing the applicant, spoke in favor of the request. In response to Commissioner McMahon's comment concerning the covering of the grating for the vault hatch, Mr. Wire explained that the vault hatch must be designed to the specifications of Dominion Power, the servicer of the transformer, and that the applicant will work with staff find an acceptable solution.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion by Commissioner Wasowski, seconded by Commissioner McMahon, the Planning Commission voted to recommend approval of Special Use Permit #2016-0035, and Encroachment #2016-0005 subject to compliance with all applicable codes, ordinances and other staff recommendations. The motion carried on a vote of 6-0.

Reason:

The Planning Commission agreed with the staff analysis. Commissioner McMahon instructed City staff to pay extra attention to Condition #2, which concerns the vault hatches. Commissioner McMahon stated that she prefers that the vault is vented into the garage entrance and not from the vault hatches into the street if possible. She added that any exposed metal grating on the vault hatches could be concerning to any visually impaired users of the NIB building.

13. Subdivision #2016-0007
207 Vassar Place & 213 Longview Drive
Public hearing and consideration of a request to subdivide two existing lots through the adjustment of property lines; zoned: R-8/Residential Single-family. Applicant: John and Blake Keegan, represented by Duncan Blair, attorney

Ann Horowitz and Alex Dambach gave a presentation.

Speakers:

Duncan Blair, attorney representing the applicants, answered questions about the ownership and history of the sites.

Chairwoman Lyman closed the public hearing.

Commissioner Brown asked staff and Mr. Blair to clarify that lot 600 would remain one lot. Mr. Blair stated that, although he cannot guarantee what a future buyer will propose, the current applicants have no plans to subdivide or redevelop this lot. He also stated that any future proposal would need some sort of regulatory approval.

PLANNING COMMISSION ACTION: On a motion by Commissioner Brown, seconded by Vice Chairman Macek, the Planning Commission voted to approve Subdivision #2016-0007. The motion carried on a vote of 6 to 0.

ORAL REPORTS BY MEMBERS OF THE PLANNING COMMISSION:

Vice Chairman Macek noted that the Waterfront redevelopment is progressing well and that the paused redevelopment of Robinson Terminal North will be discussed at the next Waterfront Commission meeting.

Chairwoman Lyman reported that the ARHA Redevelopment Work Group discussed plans for phasing other redevelopment projects now that Ramsey Homes is moving forward.

Commissioner Wasowski announced that a work session to discuss Old Town North is scheduled for October.

Commissioner Koenig reported on the Patrick Henry Advisory Group and gave a project update.

OTHER BUSINESS:

No other business was discussed.

MINUTES:

8. Consideration of approval of the Planning Commission minutes of the regular public hearing of October 1, 2013.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Macek, seconded by Commissioner Brown, the Planning Commission voted to approve the minutes from the July 7, 2016 meeting, as amended. The motion carried on a vote of 6 to 0.

The minutes of July 7, 2016 are revised as follows:

- On page 3, item 3# - Delete duplicate phrase “~~shall be phased for removal once development is approved on the portion of the lot east of the~~”.
- 8. The retail parking spaces located directly south of the proposed retail space and the proposed curbcut located to the immediate east side of the existing office building shall be phased for removal once development is approved on the portion of the lot east of the shall be phased for removal once development is approved on the portion of the lot east of the proposed parking garage. The retail parking and drive aisle shall be converted into a plaza area with an EVE, to better conform to the Eisenhower West Small Area Plan design guidelines. This development shall accommodate those spaces or obtain approval of a parking reduction. (P&Z)(T&ES)

9. Adjournment

The Planning Commission meeting was adjourned at 9:06 p.m.