

Docket Item #8  
Planning Commission Public Hearing  
March 30, 2023

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of March 30, 2023.

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – MARCH 30, 2023

**\*\*\* M I N U T E S \*\*\***  
**ALEXANDRIA PLANNING COMMISSION**  
March 30, 2023, 7:00 p.m.  
**Council Chamber**  
Alexandria, Virginia

Members Present:

Nathan Macek, Chair  
Melissa McMahan, Vice Chair  
David Brown  
Stephen Koenig  
Mindy Lyle  
Jody Manor

Members Absent:

Vivian Ramirez

Staff Present:

Karl W. Moritz	Department of Planning & Zoning
Christina Zechman Brown	Office of the City Attorney
Nancy Williams	Department of Planning & Zoning
Jeff Farner	Department of Planning & Zoning
Tony LaColla	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Sam Shelby	Department of Planning & Zoning
Mavis Stanfield	Department of Planning & Zoning
Michael Swidrak	Department of Planning & Zoning
Michael D'Orazio	Department of Planning & Zoning
Stephanie Sample	Department of Planning & Zoning
Catherine Miliaras	Department of Planning & Zoning
Julia Taylor	Office of Management and Budget
Arthur Wicks	Office of Management and Budget
Katye North	Department of Transportation & Environmental Services
Hillary Orr	Department of Transportation & Environmental Services
William Skrabak	Department of Transportation & Environmental Services
Jesse Maines	Department of Transportation & Environmental Services
Melanie Mason	Department of Transportation & Environmental Services
Alex Boulden	Department of Transportation & Environmental Services
Ryan Knight	Department of Transportation & Environmental Services
Brian Dofflemyer	Department of Transportation & Environmental Services

1. **Call to Order.**

The Planning Commission meeting was called to order at 7:03 p.m. Commissioner Manor arrived at 7:08 p.m. and Commissioner Lyle arrived at 7:31 p.m. Commissioner Ramirez was excused. All other members were present at the Call to Order.

Chair Macek then read the following statement into record:

“If you wish to speak on a docket item and have not already signed up to do so, please fill out a Speaker Form online by following the “Sign Up to Speak” hyperlink present on the cover page of this evening’s Public Hearing docket or in person by filling out a hardcopy speaker form, which can be found on either materials tables (located immediately outside the Chambers or at the back of the Chambers), and providing it to Ms. Williams, who has her hand raised.

Please note, comments from the public are limited to 3 minutes per speaker, with the exception of applicants and their representation. To make your public comment through the Zoom application, please click on the "Raise Hand" button located on the Zoom taskbar once you hear your name called upon to make your statement, in order to let staff know it is you who needs to be unmuted in order to make your public comment.

To make your public comment if you are dialing into tonight’s meeting via phone, please press \*9 to execute the “Raise Hand” function once you hear your name called upon to make your statement, followed by \*6 to toggle the unmute function. To make your public comment in person, please come up to either podium located at the front of the Chambers when you hear you name called upon to make your statement. Before starting your public comment, please first identify yourself by first and last name.

The City encourages and welcomes public comment from all residents on Planning Commission matters. In keeping with that principle, and with the principle of inclusiveness, this is a reminder of the shared expectation that the content and tenor of public comments always be civil and respectful. Thank you for honoring those principles.

A reminder to all, including Commissioners, Staff, and Speakers in the Chamber to please speak clearly into the microphone to ensure all are able to hear in a clear manner.”

**CONSENT CALENDAR:**

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Chair Macek inquired as to whether there were any changes to tonight’s Docket. Staff responded that there were no changes to the Docket. However, it was noted that several Items were requested to be pulled from the Consent Agenda, including Items #2, #4 and #5. The Planning Commission took the Consent Items in the following order: Item #3,

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Item #2, Item #4 and Item #5.

2. Zoning Text Amendment #2023-00002  
(A) Initiation of a Text Amendment and (B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to amend healthcare-related use definitions in Article II.  
Staff: City of Alexandria, Department of Planning and Zoning

Sam Shelby (Planning & Zoning) presented the Docket Item and answered questions from the Planning Commission.

Speakers:

Emily Eckert, representing the Alexandria Commission for Women, spoke in support of the Text Amendment.

LaTwyla Mathias, executive director of Progress Virginia, spoke in support of the Text Amendment.

Lexi White, representing REPRO Rising Virginia and member of the Alexandria Commission for Women, spoke in support of the Text Amendment.

Galina Varchena, representing Birth in Color RVA, spoke in support of the Text Amendment.

**PLANNING COMMISSION ACTION:**

On a motion by Vice Chair McMahan, seconded by Commissioner Manor, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 5-0, with Commissioner Lyle and Commissioner Ramirez absent.

Discussion:

Chair Macek asked staff to clarify why the terms dental and psychology services were not included in the updated definitions. He and Vice Chair McMahan discussed whether the revised definitions should include additional types of healthcare practices. Staff replied that the revised definitions were not meant to exclude any types of healthcare practices and that the proposed terminology “other health-related services” was meant to be all-encompassing. Staff also explained that a guidance memorandum could be created to assist staff in applying the new definitions. Chair Macek confirmed that staff could refer

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to the minutes of the meeting for further guidance as to what was intended with the amendments.

**PLANNING COMMISSION ACTION:**

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to initiate Zoning Text Amendment #2023-00002. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Lyle absent.

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Zoning Text Amendment #2023-00002. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Lyle absent.

Reason: The Planning Commission agreed with staff's analysis.

3. Rezoning #2023-00001

Public Hearing and consideration of a request for an amendment to the official zoning map to remove the King Street Outdoor Dining Overlay from the Zoning Ordinance.

Staff: City of Alexandria

Zoning Text Amendment #2023-00003

(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to delete Section 6-800 (King Street outdoor dining overlay zone) and all other ordinance references to the King Street outdoor dining overlay; delete Section 7-1500 (Outdoor display, sales or storage of goods or merchandise and outdoor dining in a parklet); delete all other ordinance references to parklets, outdoor dining on sidewalks in the public right-of-way and outdoor retail display and sales in the public right-of-way; amend Section 8-300 to waive parking requirements for outdoor dining in the Central Business District; and amend Articles III, IV, V, VI, XI to specify requirements for outdoor dining on private property.

Staff: City of Alexandria

**PLANNING COMMISSION ACTION:**

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Rezoning #2023-00001, on the Consent Calendar. The motion carried on a vote of 4-0, with Commissioner Ramirez, Commissioner Manor, and Commissioner Lyle absent.

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On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to initiate Zoning Text Amendment #2023-00003, on the Consent Calendar. The motion carried on a vote of 4-0, with Commissioner Ramirez, Commissioner Manor, and Commissioner Lyle absent.

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Zoning Text Amendment #2023-00003, on the Consent Calendar. The motion carried on a vote of 4-0, with Commissioner Ramirez, Commissioner Manor, and Commissioner Lyle absent.

4. Special Use Permit #2023-00002  
2435 Ridge Road Drive

Public Hearing and consideration of a request for a Special Use Permit, with front and side yard modifications, for the redevelopment of a substandard lot with a new single-family dwelling; zoned: R 8/ Single Family.

Applicant: James M. Rawlings

Sam Shelby (Planning & Zoning) presented the Docket Item and answered questions from the Planning Commission.

Discussion:

Commissioner Brown expressed reservations about the proposal, stating that he did not agree with staff's analysis and would not be recommending approval of the applicant's request. He stated that the applicant was a developer seeking to maximize profit and that the proposal would not accomplish any of the City's goals related to Zoning for Housing. Commissioner Brown provided a summary of some of the applicable Zoning Ordinance sections that apply to developed substandard lots. He felt that the bulk, height and design of the existing house should be used to evaluate the compatibility of the new house. Commissioner Brown found that none of the criteria required by section 12-901(C) was met.

Vice Chair McMahon, Commissioner Koenig and Chair Macek expressed appreciation for Commissioner Brown's comments but found that the applicant's request would be compatible with the surrounding neighborhood.

**PLANNING COMMISSION ACTION:**

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Special Use Permit #2023-00002. The motion carried on a vote of 5-1, with Commissioner Ramirez absent.

Reason: The Planning Commission generally agreed with staff analysis.

Chair Macek recused himself from the next Item, Docket Item #5. Vice Chair McMahon presided.

5. Subdivision #2022-00008  
1300, 1400 and 1500 North Royal Street  
Public Hearing and consideration of a request for a Subdivision to re-subdivide two existing lots for consolidation into a third lot; zoned: UT/Utilities and Transportation and CDD#30/Coordinated Development District #30.  
Applicants: HRP Potomac, LLC, and Potomac Electric Power Company, represented by Mary Catherine Gibbs, attorney

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Koenig, the Planning Commission voted to approve Subdivision #2022-00008. The motion carried on a vote of 5-0, with Chair Macek recusing himself and Commissioner Ramirez absent.

**ITEMS PREVIOUSLY DEFERRED:**

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6. Zoning Text Amendment #2022-00012  
(A) Initiation of a Text Amendment and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article XI, Section 11-700 related to Transportation Management Special Use Permits, to adopt a policy for Transportation Management Plans (TMPs) and to allow changes to existing TMPs administratively.  
Staff: City of Alexandria, Department of Transportation & Environmental Services

Katy North (T&ES) and Hillary Orr (T&ES) presented the Docket Item and answered questions from the Planning Commission.

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Speakers:

Morgan Babcock, with the Carlyle Community Council, submitted a letter with comments, but noted the improvements to the policy since December. She commented on the assessment rates included in the policy and stated that Carlyle is currently assessed at a much lower rate for commercial uses and opting into the new Policy would be a significant financial increase for their Transportation Management Plan (TMP).

Kelly Rim, representing Paradigm, noted that Paradigm had just learned of these changes and asked the Commission to consider delaying action on this Item until more outreach had been done and they had a chance to review the proposal.

**PLANNING COMMISSION ACTION:**

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

Discussion:

The Planning Commission was supportive of the changes to the policy that had been made since the meeting in December and appreciated the additional response to their comments and outreach to existing TMPs. Commissioner Lyle asked staff to coordinate with Paradigm prior to the City Council Public Hearing to address their questions about the proposal. Vice Chair McMahon encouraged staff to think strategically about how to use the funding, noting that there would be pressure to implement something physical with the funding, but there are other non-construction Transportation Demand Model (TDM) strategies that could be more effective in encourage changes to travel behavior.

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to initiate Zoning Text Amendment #2022-00012. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Zoning Text Amendment #2022-00012. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

Reason: The Planning Commission agreed with staff's analysis.



**NEW BUSINESS:**

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7. Advisory recommendations to the City Manager, under Section 6.14 of the City Charter, regarding the Fiscal Year 2024 Capital Improvement Program.  
Staff: City of Alexandria, Office of Management & Budget (OMB)

Julia Taylor (OMB) and Arthur Wicks (OMB) answered questions from the Planning Commission. Michael D’Orazio (P&Z) was also present.

**Speakers:**

Ann Shack expressed concerns about the overall City budget and adding an additional one cent to the tax rate. Chair Macek clarified that the Item up for discussion at the Planning Commission was related to the Capital Improvement Plan (CIP) and its consistency with the Master Plan.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

**Discussion:**

Chair Macek asked for an update on the impending FY 2024 CIP process. Staff gave a brief overview of the CIP program.

Chair Macek asked for clarification on the CIP funding for the Lower King Street closure. Chair Macek questioned staff about timing for installation of bollards and whether bollards or other security measures would be installed earlier than FY 2025. Staff clarified that near-term funding does include the installation of bollards, expected to be installed within the next month.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to find the advisory recommendations to the City Manager regarding the Fiscal Year 2024 CIP are consistent with Section 6.14 of the City Charter. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

**Reason:**

The Planning Commission agreed with staff’s analysis.

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8. Special Use Permit #2023-00006  
110 South Pitt Street  
Public Hearing and consideration of a request for a Special Use Permit for additional outdoor dining seats at an existing restaurant (amending SUP #2022-00073); zoned: CD/Commercial Downtown.  
Applicant: Jahmond Quander

Mavis Stanfield (P&Z) presented the Docket Item and answered questions from the Planning Commission.

Speakers:

Ashley Wilson, 415 Prince Street, spoke in opposition to the application. She believed that there were safety issues related to occupancy for more than 50 people in the outdoor dining area and expressed concerns about stormwater run-off from the patio.

Megan Foran, 121 South Royal Street, spoke in opposition to the application. She stated that the staff report did not adequately address her Alex 311 calls and expressed concerns that the applicant had installed speakers and outdoor tables and chairs prior to Special Use Permit approvals.

Scott Shaw, 221 South Pitt Street, spoke in support of the application. He stated that the community needs to work together to support one another. Because the subject property had been vacant for a lengthy period, he was grateful the applicant took on the renovation and has been so successful, which also resulted in additional meals taxes for the City.

Isin Ludlow, 117 South Royal Street, spoke in opposition to the application, due to emergency egress concerns. She stated that the patio area is landlocked and inaccessible from narrow alleys to South Royal Street.

Wesley Jeffries, 117 South Royal Street, spoke in opposition to the application, stating that the restaurant appears overcrowded and unsafe.

Jahmond Quander, applicant, stated he had made significant improvements to the property. Trash is stored on the side of his building and is picked up five times a week to avoid rodent infestation. He stated that when he purchased the property, the back yard

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was full of dead trees and brush, which he cleaned up, improved with pavers, and now looks forward to the expansion of outdoor dining in this area.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

Discussion:

Commissioner Manor recognized there could be issues related to deliveries and trash on the property and staff responded that deliveries are not typically conditioned in the Commercial Business District (CBD), as on-street areas and loading zones are used, and that Condition #21 covers trash maintenance.

Vice Chair McMahon asked staff about the next steps if the Special Use Permit (SUP) application was approved. Staff noted that the SUP is the first step in the process and Code requirements would be addressed at a later stage. If approved, the applicant would need to create an additional means of emergency access to allow for 51-104 seats, working with Code staff and the Fire Marshal to create this. A building permit and occupancy permit would also be involved.

Commissioner Manor asked if the proposed egress would be from South Pitt Street and if it would require Board of Architectural Review (BAR) approval. Staff affirmed the South Pitt Street access as an option and BAR approval would be required if exterior changes were made that were visible from the public right-of-way.

Commissioner Lyle stated that she is in favor of outdoor dining and that it will continue to be important for restaurants. She has visited the restaurant many times and has never felt unsafe. She asked if a one-month deferral would be advisable to provide additional information on the Code issues raised by the speakers. Chair Macek responded that he did not believe additional information was needed for the Commission to arrive at a land use decision. Staff confirmed that approval of a SUP precedes the fulfillment of Code requirements.

Commissioner Brown noted that the staff memorandum provided the Planning Commission and the neighbors with detailed information on City processes and requirements. He suggested that staff may wish to offer the opportunity for mediation to the parties involved.

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Chair Macek spoke in support of the request and urged the applicant and the speakers to work together to find common ground to resolve issues related to the private property matter.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Special Use Permit #2023-00006. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

Reason: The Planning Commission agreed with the staff recommendation

9. Master Plan Amendment #2023-00001  
Development Special Use Permit #2022-10021  
Transportation Management Plan Special Use Permit #2023-00008  
300, 312, 320 Montgomery St.; 805, 807, 809, 815 N. Royal St.; 806 & 816 N. Fairfax St. - Montgomery Center  
Public Hearing and consideration of requests for (A) an amendment to the Old Town North Small Area Plan chapter of the Master Plan to change the Recommended Height District Limits Map; (B) a Development Special Use Permit and Site Plan with modifications to construct a multifamily building with a total of 327 units with an arts and culture anchor and ground floor retail, including special use permits for multifamily residential use and to increase the floor area to 2.5 in the CRMU-X zone, utilization of Section 7-700 for Bonus Height and Density for the provision of affordable housing, bonus height and density for the provision of an arts and cultural anchor in Old Town North, a live entertainment use, outdoor recreation and entertainment use, a parking reduction for the arts and cultural anchor, a loading space floor area exclusion; and modifications to the crown coverage requirement and height-to-setback ratio; (C) a Special Use Permit for a Transportation Management Plan; zoned CRMU-X/Commercial Residential Mixed Use.  
Applicant: MC Property LLC c/o Carr City Centers, represented by Ken Wire, Attorney

Stephanie Sample (P&Z) presented the Docket Item and answered questions from the Planning Commission.

Speakers:

Jim Draper, 905 N. Fairfax St, requested that the applicant reduce the height and density of the project because it would be taller and more dense than adjacent buildings. He also expressed concerns regarding the parking reduction.

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Ann Shack, nearby neighbor, stated that the existing Montgomery Center is a historic building full of small businesses. She agreed with the previous speaker's concerns about parking and also expressed concern that existing infrastructure could not support the added density.

Ken Wire, attorney for the applicant, spoke in support of the project explaining how it implemented the Old Town North Small Area Plan (OTNSAP). He explained that there is currently no retail parking for the existing 87,000 square feet of commercial space and that the project will meet parking requirements for residential and retail, and that they anticipate that the retail and arts space will share the remaining parking spaces. They also intend to have agreements in place so parking can also occur at nearby underutilized garages. The arts venue will have an interior height of 31 feet clear and provide more than twice the square footage required by the Zoning Ordinance. The applicant has worked with staff to incorporate lessons learned from previous projects regarding finishing and operating an arts anchor space.

Regarding the Green Building policy, Mr. Wire explained that they are fully meeting the existing Green Building Policy. The applicant has reviewed the roof plan and is committed to providing at least 3,000 square feet of solar through a regulatory condition and will work to provide closer to 5,000 square feet of solar. Regarding carbon usage, every individual unit will be powered by electricity only. There are three gas rooftop air exchange units that will operate when the temperature falls below 40 degrees and they request that those units be allowed to remain, recognizing that is against the staff recommendation for electric exchange units.

Mr. Wire also requested flexibility regarding maintaining public access in the covered paseo areas through Development Special Use Permit (DSUP) conditions rather than a standard public access easement.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahan, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

### Discussion:

Commissioner Koenig appreciated the applicant's effort to commit to sustainability initiatives beyond the Green Building Policy. He proposed adding a condition that would commit the applicant to providing a minimum of 3,000 square feet of solar roof and noted that is an improvement over the typical condition requiring only that roofs be solar ready. He also inquired about what the proposed Energy Use Intensity (EUI) would be for the project. Mr. Wire stated that they are not able to estimate an EUI because the building systems are not fully designed at this time, but they are incentivized to make them as efficient as possible because they intend to hold the property for many years.

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Commissioner Koenig said that he recognized this challenge and could accept that the applicant could not commit to a target EUI in a condition. Mr. Wire suggested adding flexibility to adjust the design that would result in a lower EUI. Commissioner Koenig requested staff guidance regarding the dedicated outdoor air system (DOAS). Ryan Freed, City Climate Action Officer, noted that these units are long-term investments and therefore should be carefully considered which is why staff does not support gas-fired units. Mr. Freed noted that there are multiple options and would be willing to work with the applicant to more fully explore these electric options.

Commissioner Koenig requested more information about what would trigger the requirement for the \$715,000 monetary contribution or in-kind work to complete the arts anchor space to a warm lighted shell. Catherine Miliaras, P&Z, explained that the option to construct a warm lighted shell, or provide a contribution to the City to undertake the work, would only happen if the arts anchor in the Memorandum of Understanding (MOU) falls through for some reason prior to the full occupancy of the project. He noted that the project is well-designed and has created a calm yet dignified experience at the ground plane. He said that the project incorporated all the intentions of the OTNSAP.

Commissioner Brown expressed agreement with positive comments of support noted by fellow Commissioners. He said he had no issue with the modest increased height requested in the Master Plan Amendment and noted that the project was not utilizing all the proposed Bonus Height available. Over the years he has been concerned with CRMU-X zoned projects that have come forward because although they are projects considered “mixed-use”, some have very little retail on the first floor. He supports this project, which has the best mixed-use first floor layout he has reviewed.

Commissioner Lyle stated that she was in strong support of the project and that there was nothing not to like with the project. She noted that there is plenty of parking in the area and the parking needs of the project can be met. The design is thoughtful and fits in with the area.

Chair Macek asked about the purpose of Condition #120 related to obtaining a Noise Variance permit. Brian Dofflemyer, T&ES, and Planning Director Karl Moritz explained that this condition is not always included and the inspiration for including this is because of the intensity of the live entertainment venue use. City staff recognizes that live entertainment is intended to occur and expects to approve these. Commissioner Lyle recommended adjusting Condition #120 to strike the vague reference to “limited number” of outdoor events and entertainment in order to avoid future conflicts with residents who might not recognize the intent of fully activating the arts anchor.

Vice Chair McMahon agreed with Commissioner Lyle that the vague restriction on the number of outdoor events was unnecessary and that noise limitations were addressed

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through other conditions. She noted that it seemed redundant with Condition #123 and was also concerned about saying “limited number” because it would result in future complaints. She said that the Planning Commission generally did not want to add conditions that could limit activation in the future.

Commissioner Manor expressed concerns regarding the use of gas fireplaces in the buildings which would make the climate crisis worse for purely decorative purposes. He suggested that the four fire amenities be motion activated and Mr. Wire agreed to work with staff on a condition that would use technology to automatically control the fire amenities. Commissioner Manor agreed with fellow Commissioners about the strong support for the project.

Chair Macek asked why Bonus Density and Height for an arts anchor should be granted when the applicant has two other completed projects without finished and occupied arts anchor spaces. Mr. Wire explained that there are a number of factors impacting the two local arts groups’ (Metro Stage and Art League) ability to occupy their dedicated arts spaces. He said that applicant Carr was committed to continue to work with these groups to facilitate their completion and occupancy of their spaces. Ms. Miliaras said that Alexandria Economic Development Partnership (AEDP) was also working closely with these two arts organizations to support their efforts.

Chair Macek asked how many restrooms would be provided in the warm lighted shell option? Ms. Miliaras responded that the warm lighted shell would include a limited number of restrooms.

Chair Macek also asked if the existing building was historic. Ms. Miliaras explained that the building was not located in any local or National Register historic district and that the process to nominate the building would be managed through the Virginia Department of Historic Resources. She also noted that this project, like others in Old Town North, would be required to provide interpretive elements to highlight the history of the site and how it connects to the broader history of Old Town North.

Chair Macek asked why the site was removed from the parking district before Planning Commission reviewed the project because he wanted to ensure that the City followed its own policy regarding residential parking districts. Carson Lucarelli, T&ES, responded that the site had been located in a residential parking district but it was recently moved because it did not meet the existing criteria for inclusion.

Chair Macek commended the project and finds it will help implement the vision of the OTNSAP.

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Koenig, seconded by Commissioner Lyle, the Planning Commission voted to adopt a resolution to recommend approval of Master Plan Amendment #2023-00001. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

On a motion by Commissioner Koenig, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Development Special Use Permit #2022-10021, subject to all applicable codes and staff recommendations, and with amendments to Conditions #3(b), #52, #54, and #120, and Transportation Management Plan Special Use Permit #2023-00008. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

**Reason:**

The Planning Commission agreed with the staff analysis and noted strong support for the project believing it implements the OTNSAP including advancing the goals of the Old Town North Arts and Cultural District. The Planning Commission supported the applicant's proposed edits to Condition #3(b) included in the staff memorandum dated March 30, 2023; sustainability Condition #52 to require that all four gas fire amenities will be managed with automated technology; Condition #54, edited to add 3,000 square feet of committed rooftop solar panels that will be operational when the building opens, and Condition #120 to strike "only a limited number of" outdoor live entertainment based on Commissioner discussion during the hearing.

- 3(b). The applicant shall maintain ~~provide documentation comparable to a public access easement with the final site plan that demonstrates public access to the area identified as "proposed public access", generally the covered areas of the paseo, on Sheet 07.00. The applicant may temporarily close or restrict public access to the paseo for maintenance and repairs, during overnight hours, for arts anchor drop off, for general nuisance and/or to address public safety concerns. (PC)~~
  
52. The building shall use electricity except for limited accessory elements of the building such as retail use, food and beverage uses, emergency generators, and common areas systems/amenities for up to two gas fireplaces in the building interior ~~with occupant controls~~ and up to two intermittently used firepits on the rooftop amenity space. All fire amenities will be managed with automated technology. For these limited accessory elements, the buildings shall support low cost and easy conversion from fossil fuel to electricity in the future. (P&Z) (T&ES) (PC)
  
54. Solar panels shall be installed on at least 3,00 square feet of the roof area and be operational when the building is constructed. Demonstrate that the roof(s) are solar



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ready, with the necessary conduit and available electrical panel area to enable future solar panel installation, on the Final Site Plan. Properly designed solar arrays with the appropriate clearance may be located above green roofs or on open roof areas. (T&ES) \* (PC)

120. ~~Only a limited number of~~ Outdoor live entertainment and events generating noise shall be permitted and must obtain a noise variance permit from the City. (T&ES)(PC)

**OTHER BUSINESS:**

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10. Commissioner's Reports, Comments & Questions

No reports were given.

**MINUTES:**

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11. Consideration of the minutes from the March 7, 2023 Planning Commission meeting.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to approve the minutes of March 7, 2023. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

12. Consideration of the minutes from the January 30, 2023 Environmental Policy Commission and Planning Commission joint meeting.

On a motion by Commissioner McMahon, seconded by Commissioner Lyle, the Planning Commission voted to approve the minutes of the January 30, 2023 Environmental Policy Commission and Planning Commission joint meeting. The motion carried on a vote of 6-0, with Commissioner Ramirez absent.

**ADJOURNMENT**

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13. The Planning Commission Public Hearing was adjourned at 10:58 p.m.