

**City of Alexandria
Meeting Minutes
City Council Public Hearing Meeting
Saturday, April 15, 2023 9:30 AM**

Present: Mayor Justin M. Wilson, Vice Mayor Amy B. Jackson, Members of Council Canek Aguirre, Sarah R. Bagley, John Taylor Chapman, Alyia Gaskins, and R. Kirk McPike.

Absent: None.

Also Present: Mr. Parajon, City Manager; Ms. Anderson, City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Baker, Deputy City Manager; Ms. Fleming, Director, Office of Communications and Public Information (OCPI); Mr. Sharma, Deputy Director, Transportation and Environmental Services (T&ES); Mr. Dofflemyer, T&ES; Mr. Routt, Director, Office of Management and Budget (OMB); Ms. Taylor, Acting Deputy City Manager/Director, Finance; Ms. Hamm, Assistant Director, OMB; Ms. Orr, Deputy Director, T&ES; Ms. North, Division Chief, T&ES; Mr. Lucarelli, T&ES; Mr. Freed, Climate Action Manager; Ms. Miliarias, P&Z; Ms. Sample, P&Z; Mr. Kerns, P&Z; Mr. Turscak, Office of Housing, Mr. Smith, Information Technology Services (ITS); Ms. Demeke, ITS, and Police Captain Ballantine.

Recorded by: Gloria Sitton, City Clerk and Clerk of Council.

I. OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of City Council were present.

2. Approval of Electronic Participation Resolution by Members of City Council (if needed).

Not needed.

3. Public Discussion Period

The following persons participated in the public discussion period:

1. Emily Lord, Alexandria, spoke about strengthening regulations on short term rentals in the community.

2. Jonathan Krall, Alexandria, spoke about the need and expansion for Medicare For All and asked for Council support of the initiative. Mr. Krall also spoke about the need for more affordable housing in Alexandria and support of the Housing for All effort.
3. Sarah Haut, Alexandria, spoke about parking issues along East Nelson Avenue.
4. Janice Grenadier, Alexandria, spoke about the corruption with the City's judicial system.
5. Allen Brooks, Alexandria, representing the Eisenhower Partnership spoke about parking and traffic challenges along Eisenhower Avenue closer to the Van Dorn area.
6. Dr. Jenny Yung, Alexandria, spoke in support of the need for Medicare For All and requested Council pass a resolution in support of the initiative.
7. Brian DeRocher, Alexandria, spoke in support of the need for Medicare For All.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

II. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (4-6)

Planning Commission

4. 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
 Planning Commission Action: Recommended Approval 5-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 04/15/23, and is incorporated as part of this record by reference.)

5. 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
 Planning Commission Action: Recommended Approval 4-0

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: Recommended Approval 4-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 04/15/23, and is incorporated as part of this record by reference.)

6. 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

Planning Commission Action: Recommended Approval 5-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 04/15/23, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

City Council considered the items on the consent calendar under separate motions.

4. 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

Planning Commission Action: Recommended Approval 5-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 04/15/23, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Matthew Worner, Alexandria, spoke in support of the text amendment.
2. Rev. Michael Capra, Topper Ct, spoke against the text amendment.
3. LaTwyla Mathias, Earlysville, Virginia, spoke in support of the text amendment.
4. Lexi White, Alexandria, spoke in support of the text amendment.
5. Rev. Christopher Christensen, Alexandria, spoke against the text amendment.
6. Elise Ketch, Alexandria, spoke against the text amendment.
7. Bill Cleveland, Alexandria, spoke against the text amendment.

8. Penny Nance, Alexandria, spoke against the text amendment.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman McPike, seconded by Vice Mayor Jackson and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

5. 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
Planning Commission Action: Recommended Approval 4-0

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: Recommended Approval 4-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 04/15/23, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

6. 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

Planning Commission Action: Recommended Approval 5-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 04/15/23, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilwoman Jackson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with an amendment to condition #2, stating the following, "The applicant shall provide 32% canopy coverage. The applicant shall provide a landscape plan consistent with the City's 2019 Landscape guidelines with the grading plan submission." The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

III. ROLL-CALL CONSENT CALENDAR (7-8)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Sections 3-2-82 and 3-2-85 (Encroachment fees) Article G of Chapter 2 of Title 3 (Finance, Taxation and Procurement) and Section 5-2-29 (Street Encroachments) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/15/23, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/15/23, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/15/23, and is incorporated as part of this record by reference.)

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2023. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/15/23, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/15/23, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council

received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/15/23, and is incorporated as part of this record by reference.)

END OF ROLL-CALL CONSENT CALENDAR

WHEREUPON, motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved the roll-call consent calendar, with the exception of item #7, which was considered under separate motion. The approval was as follows:

8. City Council approved an ordinance to make supplemental appropriations for the support of the City Government for Fiscal Year 2023.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5484

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2023.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2023, the source of such amount being Equipment Replacement Fund Revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2023, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Transportation and Environmental Services	<u>\$ 1,000,000</u>
Total Equipment Replacement Reserve Fund	<u>\$ 1,000,000</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2023, the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2021 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2023, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Transportation and Environmental Services	\$ (1,947)
Police	147,600
Recreation, Parks and Cultural Activities	113,000
Alexandria Health Department	75,000
Community and Human Services	727,668
Total Estimated Revenue	<u>\$ 1,061,321</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Transportation and Environmental Services	\$ (1,947)
Police	147,600
Recreation, Parks and Cultural Activities	113,000
Alexandria Health Department	75,000
Community and Human Services	727,668
Total Estimated Revenue	<u>\$ 1,061,321</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2023, the source of such amount being new revenues and the residual balances accumulated as of June 30, 2022, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2023, as follows:

DONATIONS AND OTHER SPECIAL REVENUE FUNDS

ESTIMATED REVENUE:

Historic Alexandria	\$ 132,000
Sheriff's Office	391,674
Transportation and Environmental Services	250,000
Recreation, Parks and Cultural Activities	52,261
Total Estimated Revenue	<u>\$ 825,935</u>

DONATIONS AND OTHER SPECIAL REVENUE FUND

APPROPRIATION:

Historic Alexandria	\$ 132,000
Sheriff's Office	391,674
Transportation and Environmental Services	250,000
Recreation, Parks and Cultural Activities	52,261
Total Estimated Revenue	<u>\$ 825,935</u>

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Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2023, the source of such amount being Unassigned General Fund Balance, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2023, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Assigned General Fund Balance	\$ 125,000
Total Estimated Revenue	<u>\$ 125,000</u>

APPROPRIATION:

Economic Development Activities	\$ 125,000
Total Appropriation	<u>\$ 125,000</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

Non-Departmental	\$ (2,235,000)
Office of Organizational Excellence	(271,499)
Human Resources	(271,499)
City Manager’s Office/Office of Climate Action	1,850,000
City Manager’s Office	60,000
City Attorney’s Office	<u>325,000</u>
Total Appropriation	<u>\$ 0</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2023, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2023, as follows:

CAPITAL PROJECTS FUND

ESTIMATED REVENUE:

Capital Projects – 4850 Mark Center Project	\$ 1,275,091
Capital Projects – Mt. Vernon Dual Culvert	1,250,000
Capital Projects – Inlet Program	764,000
Capital Projects – Strawberry Run Stream Restoration	(800,000)
Capital Projects – Taylor Run Stream Restoration	<u>(2,255,000)</u>
Total Estimated Revenue	<u>\$ 234,091</u>

APPROPRIATION:

Capital Projects – Intergovernmental Revenue	\$ (3,055,000)
Capital Projects – Virginia Department of Health	1,149,362
Capital Projects – Interfund Transfer	125,729
Capital Projects – Virginia Resources Authority	<u>2,014,000</u>
Total Estimated Revenue	<u>\$ 234,091</u>

Section 7. That this ordinance shall be effective upon the date and at the time of its final passage.

- Public Hearing, Second Reading and Final Passage of an Ordinance to amend Sections 3-2-82 and 3-2-85 (Encroachment fees) Article G of Chapter 2 of Title 3 (Finance, Taxation and Procurement) and Section 5-2-29 (Street Encroachments) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services).
[ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/15/23, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/15/23, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/15/23, and is incorporated as part of this record by reference.)

The following person participated in the public hearing for this item:

1. Cathy Puskar, Alexandria, spoke about challenges with the changes to the ordinances that would affect the current encroachments allowed in the City.

WHEREUPON, upon motion by Councilwoman Gaskins, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing on this item and deferred approval to April 25 with staff including some additional language on the proposals regarding encroachments. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

IV. REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing on the FY 2024 City Council Preliminary Add/Delete Proposals and the City Manager's proposed amendments to the FY 2024 proposed budget. Budget Adoption is scheduled for Wednesday, May 3, 2023 at 6:00 p.m.

The following persons participated in the public hearing for this item:

1. Larisa Zehr, Falls Church, Virginia, spoke in support of funding for eviction prevention and additional affordable housing.
2. Crystal Kramer, Alexandria, representing the Commission for Women, spoke in support of a budget allotment for 20th Anniversary Commission for Women celebration.
3. Bill Pugh, Alexandria, representing Faith Alliance for Climate Solutions, spoke in support of climate crisis in the proposed budget.
4. Luz Castillo, Alexandria, spoke in support of funding for affordable housing.
5. Moises Rodriguez, Alexandria, spoke in support of funding for eviction prevention and affordable housing.
6. Ingris Moran, Alexandria, spoke in support of funding of affordable housing and need for eviction assistance and the need for a voucher program for housing assistance.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing on the FY 2024 City Council Preliminary Add/Delete Proposals and the City Manager's proposed amendments to the FY 2024 proposed budget. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

10. Public Hearing of an Ordinance to amend Section 5-6-233 (STORMWATER UTILITY FEE) of Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES).

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and

Clerk of Council, marked Item No. 10; 04/15/23, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 04/15/23, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10, 04/15/23, and is incorporated as part of this record by reference.)

The following person participated in the public hearing for this item:

1. John Hill, Alexandria, spoke in support of the proposed changes.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing on an ordinance to amend Section 5-6-233 (STORMWATER UTILITY FEE) of Article C (STORMWATER UTILITY) of Chapter 6 (WATER AND SEWER) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES). The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

V. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
Planning Commission (continued)

11. 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
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 04/15/23, and is incorporated as part of this record by reference.)

The following person participated in the public hearing for this item:

1. Morgan Babcock, Alexandria, spoke about the changes made to the text amendment and how it would affect the commercial rate increase.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously, City Council deferred consideration on this item to a later legislative meeting. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

12. 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
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 04/15/23, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Isin Ludlow, Alexandria, spoke in opposition to the proposed SUP.
2. George Ludlow, Alexandria, spoke in opposition to the proposed SUP.
3. Jahmond Quander, Alexandria, applicant, spoke in support of the SUP and responded to questions from Council.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Councilman Aguirre and unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with an amendment to condition #2, stating that the maximum number of indoor and outdoor seating shall comply with the State's Building Code and an amendment to condition #34 stating that the outdoor seating shall not encroach into the public right-of-way. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

13. 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
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 04/15/23, and is incorporated as part of this record by reference.)

The following person participated in the public hearing for this item:

1. Kenneth Wire, attorney for the applicant, spoke in support of the amendment and responded to questions from Council.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

VI. ORDINANCES AND RESOLUTIONS

None.

VII. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

VIII. ADJOURN.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, The meeting was adjourned at 2:26 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Adopted: May 9, 2023