

Docket Item #8
Planning Commission Meeting
February 2, 2016

Consideration of approval of the Planning Commission minutes of the public hearing meeting of January 5, 2016.

*** * * M I N U T E S * * ***

ALEXANDRIA PLANNING COMMISSION

JANUARY 5, 2016

7:00 P.M., Council Chambers

301 King Street, City Hall

Alexandria, Virginia

Members Present:

Mary Lyman, Chair
Stewart Dunn, Vice Chair
Maria Wasowski
Nathan Macek
Mindy Lyle
David Brown
Stephen Koenig

Members Absent:

None

Staff Present:

| | |
|-----------------|---------------------------------|
| Karl Moritz | Department of Planning & Zoning |
| Alex Dambach | Department of Planning & Zoning |
| Kendra Jacobs | Department of Planning & Zoning |
| Robert Kearns | Department of Planning & Zoning |
| Ann Horowitz | Department of Planning & Zoning |
| Gary Wagner | Department of Planning & Zoning |
| Ryan Price | Department of Planning & Zoning |
| Joanna Anderson | City Attorney |

1. Call to Order.

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

CONSENT CALENDAR:

2. Special Use Permit #2015-0112

4141 Duke Street

Public hearing and consideration of a request to expand a non-complying dialysis clinic that requires a special use permit approval for expansion; zoned: CC/Commercial Community. Applicant: Fresenius Medical Care, represented by Christopher Kidd

This item was removed from the consent calendar.

Ann Horowitz (P&Z) gave a presentation.

Speakers:

Porter Glock, North Grayson Street, spoke in opposition of the expansion proposal, citing his preference for a restaurant at this location.

Brandon Rogza, agent and architect for the applicant, spoke in support of the request and stated that the dialysis center represents a community serving use that accommodates area patients who rely on its convenient location.

Debbie Simmons, Fresenius Medical Care, supported the application request, commenting that the facility has operated in the City for 30 years, accepts referrals from other nearby dialysis centers, and provides treatment for approximately 400 patients living within 2 miles of the facility.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Dunn, seconded by Commissioner Macek, the Planning Commission recommended approval of Special Use Permit #2015-0112 with an amendment to Condition 2, and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7 to 0.

2. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation shall be 6:00 a.m. to 10:00 p.m., Monday, ~~Wednesday, Friday, and 6:00 a.m. to 5:00 p.m., Tuesday, Thursday, through~~ Saturday. (~~P&Z~~) (PC)

Reason: The Planning Commission agreed with the staff analysis. Commissioner Dunn asked staff to respond to a speaker's questions and concerns regarding the expansion of a

non-complying medical care facility into a former restaurant space. Staff replied that tenant space had been vacant for an extensive period of time, and the dialysis center use would complement other medical establishments also located on Duke Street. Further, dialysis center patients and employees would likely support existing commercial businesses in the area. Commissioner Macek expressed the need for the commercial parking study to include a review of the parking ratio for medical care facilities, due to the excessive number of parking spaces required for the use. Additionally, he noted that the former tenant's sign should be removed. Commissioner Brown inquired if a Master Plan revision is scheduled for the Duke Street corridor. Planning Director Moritz responded that high capacity transit planning for the area would begin no sooner than five years from now and would include additional planning considerations along Duke Street.

3. Special Use Permit #2015-0113
3207 Colvin Street (parcel address: 3205 Colvin Street) - Auto Sales
Public hearing and consideration of a request for a Special Use Permit for automotive sales; zoned: CG and I/Commercial General and Industrial. Applicant: Aidriss Saydi

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with staff analysis.

4. Encroachment #2015-0006
600 Wolfe Street - Little Theatre of Alexandria
Public hearing and consideration of a request for an encroachment into the public right-of-way for an ADA-compliant ramp; zoned: CD/Commercial Downtown.
Applicant: Lloyd Bittinger

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with staff analysis.

5. Vacation #2015-0003
418 West Braddock Road
Public hearing and consideration of a request for a vacation of an area of public right-of-way; zoned: R-8/Residential Single-family. Applicant: Brian Thomas

PLANNING COMMISSION ACTION: By unanimous consent, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with staff analysis.

NEW BUSINESS:

6. Text Amendment #2015-0005

Sign Regulations

Public hearing and consideration of (A) initiation of a Text Amendment, and (B) Text Amendment to amend the Zoning Ordinance Article IX regarding signs on public rights of way. Staff: Department of Planning and Zoning

Joanna Anderson (CAO) and Alex Dambach gave a presentation and answered questions from the Planning Commission.

Speakers:

Jeff Reid, N. Overlook Drive, spoke in opposition of the proposed text amendment stating that less political speech does not benefit the public. He cited the risk-averse nature of this proposal, and gave his interpretation of the Supreme Court Decision stating it could possibly allow the City to differentiate content in its sign regulations.

David Fromm spoke regarding the alternate allowance of signs in rights-of-way during specific times and expressed concerns about the logistics such provisions. He also asked about the publicity of the Ad Hoc Group meetings. He also made comments about the wayfinding signs along King Street.

Phillip Matteus spoke in favor of the proposed text amendment saying that it would reduce clutter and clean up the City. He offered additional suggestions that there be a prohibition against people locking their bicycles to wayfinding signs and that unused wayfinding signage area be used to convey historical information to the public.

Michael Hobbs, N. Cameron Street, spoke in opposition to the proposed text amendment stating that the City was using an overbroad interpretation of the Supreme Court decision. He also said the political signs in medians and along public rights-of-way at election time add a ‘festive air’ to the atmosphere, and public speech in rights-of-way is a generally good thing and informs voters about upcoming elections. He opposes the entire text amendment and argued that the ordinance as it now is written is adequate and, the City could respond if the current ordinance is legally challenged.

PLANNING COMMISSION ACTION: On a motion by Commissioner Macek, seconded by Vice Chairman Dunn, the Planning Commission initiated and recommended approval of Text Amendment #2015-0005 – Sign Regulations as amended. The motion carried on a vote of 7 to 0.

AMENDED BY THE PLANNING COMMISSION: (i) Street or Alley Crossing Banner. With a special event permit pursuant to City of Alexandria Special Event

Policy and Procedures approved by the City Council on January 23, 2010 as the same may be amended, the permittee may place a banner across a public street or alley for up to ten (10) days upon a determination made by the City Manager that the sign does not pose a danger to the safety of the public.

Reason: The Planning Commission agreed with the staff analysis and found that there is a strong planning rationale for the text amendments to the Zoning Ordinance, City Code, and the *Wayfinding System Design Guidelines Manual* as proposed in Attachments #1-3 provided with the staff report. The Commission had considerable discussion of alternative language provided in the staff report that was proposed by some members of the Ad Hoc Committee on Signage, but it determined that the complete prohibition of non-governmental signs in the rights-of-way was the appropriate way to address the US Supreme Court Decision in *Reed v. Town of Gilbert* while maintaining a good quality of life and orderly layout of streets and public spaces.

Commissioner Macek, who is also the Chair of the Ad Hoc Committee on Signage, summarized the findings of the Group, the alternative language some members of the Group had proposed, and issues for the Commission to consider such as the use of public space for private messaging, the ability of condo and apartment residents to convey political messages, and the ability of new political candidates to convey messages if they are unable to convince property owners to host their signs. Generally, Mr. Macek proposed that it is more appropriate to leave the public rights-of-way as an area without non-governmental signs as opposed to opening entire rights of way to all types of signage during specific times of the year.

Commissioner Brown presented an analysis he had provided that would allow political signs in the right of way if a less risk-averse legal interpretation is used for the recent Supreme Court decision, but he felt that the proposal to not allow any non-governmental signs in the right of way is a more appropriate and more legally justifiable approach.

Vice Chairman Dunn provided an interpretation of the Supreme Court decision and asked several questions of one of the speakers who was challenging the proposed text amendment.

Mr. Dunn explained that the first amendment rights affected by that decision and by signage regulations are critically important, but he also stated that the City should take the risk-averse interpretation of the decision and approve the text amendment as proposed. He also noted that the vast majority of municipalities in Virginia do not permit non-governmental signage in public rights-of-way. Mr. Dunn also proposed an amendment to language relating to banners that cross public streets to ensure that such banners are only associated with a Special Event.

Chairwoman Lyman asked about the logistics of enforcing the Ordinance if there is an allowance for non-governmental signs in rights-of-way during special times of the year, and noted that such enforcement would be very difficult and would be taxing on City resources. She stated that the proposed text amendment without non-governmental right-of-way signage would be preferable.

Commissioner Koenig stated that he was reluctantly supporting the proposed text

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amendment although he felt there would be a loss of a popular method of political speech. He stated, however, that this was the best alternative available considering the Supreme Court decision, and he preferred it to the status quo.

Commissioner Wasowski also stated that she reluctantly supported the text amendment as she considered it the best option because of the Supreme Court decision, but she wished there was another way to provide political speech.

Chairwoman Lyman stated that she reluctantly supports the text amendment as being the best alternative considering the decision.

Commissioner Macek added more comments stating that he was more enthusiastic in his support than others, because this text amendment also addresses issues such as wayfinding signs for side-street businesses in Old Town and other A-Frame sign issues. He also stated that this proposal would reduce clutter on public streets.

7. CDD Concept Plan #2014-0007
2415, 2425 Eisenhower Avenue, 206 Swamp Fox Road, 200 Stovall Street;
2410 Mill Road - Hoffman Town Center
Public hearing and consideration of a request for an amendment to previously-approved Coordinated Development District Concept Plan Special Use Permit #2015-0007 with a Subdivision to convert two private streets, Swamp Fox Road and Mandeville Lane, to public streets; zoned CDD #2/Coordinated Development District #2. Applicant: Hoffman Family, LLC represented by Kenneth Wire, Attorney

Speakers: Ken Wire, representing the applicant

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion by Commissioner Wasowski, and seconded by Commissioner Macek, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Gary Wagner (P&Z) gave a presentation and answered questions from the Planning Commission.

Reason: The Planning Commission agreed with the staff analysis.

8. Development Special Use Permit #2015-0004
Transportation Management Plan SUP #2015-0124

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802 and 808 North Washington Street - The Towne Motel

Public hearing and consideration of requests for: (A) a development special use permit and site plan with modifications to construct a hotel building with an increase in Floor Area Ratio (FAR); (B) a special use permit for hotel in the CD-X zone; (C) a special use permit for a parking and loading reduction; (D) a special use permit for valet parking; and (E) a special use permit for a transportation management plan (TMP); zoned: CDX/Commercial Downtown. Applicant: Shakti, LLC represented by Mary Catherine Gibbs, Attorney

Ryan Price and Robert Kerns (P&Z) gave a presentation and answered questions from the Planning Commission.

Speakers:

Mary Catherine Gibbs, attorney representing the applicant, spoke in favor of the request. She provided a summary of project, including community outreach efforts and noted BAR and UDACs support of the project. Ms. Gibbs commented on the site design, the requested parking reduction, and the zone transition modification request. Ms. Gibbs also commented on the design process and how the general design was refined through the engagement process with feedback from BAR, UDAC, and the community.

Katy Canady, spoke in opposition of the project, expressing her belief that the project does not conform to all of the Washington Street Standards. Ms. Canady stated that that the new building will overwhelm the historic townhouse, and that size of the new building is not in proportion to the surrounding buildings.

Poul Hertel, spoke in opposition of the project, noting the mass and scale of the new hotel is too large relative to the adjacent townhome, and that the design is not preserving the original vision for Washington Street as a historic corridor along the George Washington Memorial Parkway.

Agnes Artemel, spoke in support of the project, noting the project will be an enhancement to the neighborhood in terms of what exists today. Ms. Artemel mentioned that many pedestrians use Madison Street as a route to the metro and the current conditions there are in need of improvement.

Chairwoman Lyman closed the public hearing.

PLANNING COMMISSION ACTION: On a motion by Vice Chairman Dunn, seconded by Commissioner Macek, the Planning Commission voted to recommend approval of Development Special Use Permit #2015-0004 and Transportation Management Plan SUP #2015-0124 subject to compliance with all applicable codes, ordinances and other staff recommendations. The motion carried on a vote of 7-0.

Reason:

The Planning Commission agreed with the staff analysis. There was discussion about the comparable hotels used in the parking study and whether they had valet parking. Discussion also included whether there was restricted parking on the streets surrounding the hotel. T&ES and the applicant's attorney indicated that street parking was restricted around the hotel. The Commission also questioned staff about the zone transition setback

and whether it was adequate for the adjacent residential zone. Staff noted that the setback was carefully evaluated and is in context with the existing setback along that area of Washington and is adequate for the scale of the hotel and the adjacent residential area. The Commission also had questions pertaining to traffic circulation and the no-left turn restrictions from Madison St. onto Washington St. Staff noted that this issue is currently being evaluated and that condition will likely change in the near future. It was also noted the status of Madison St. and Montgomery St. as one-way streets is being evaluated as part of the Old Town North Small Area Plan. The Commission asked the applicant whether a feasibility study has been conducted on moving the historic structure. The applicant noted that as part of the BAR process, a study was performed on the historic townhouse, and it was determined that it could be relocated in its current condition. The Commission elaborated further on the zone transition setback analysis, and asked for clarification about how that setback was measured. It was confirmed that the measurement is performed using a 45 degree plane from the zone transition line moving up towards the proposed building. The Commission also asked for clarification about the future vision for the alley. It was noted that the half of the alley would be constructed by the Towne Motel and the City would seek to have the other half constructed when the adjacent properties redevelop. The Commission asked for clarification about the FAR calculations and the applicant noted that unlike the architectural sheets submitted for the project, the gross floor area shown on the cover sheet of the Preliminary Plan did not include the existing townhouse, an error that will be fixed during the Final Site Plan process. The Commission asked for clarification on the amenity space within the hotel and whether it would be open to the public. The applicant confirmed that the space would be for hotel guests only and not be a bar or restaurant. The Commission expressed enthusiasm for the idea of public art along the north façade as noted by the applicant.

OTHER BUSINESS:

No other business was discussed.

MINUTES:

9. Consideration of the meeting minutes for the December 1, 2015 Planning Commission hearing.

Without objection, the Planning Commission voted to approve the minutes of the December 1, 2015 hearing as amended. The motion carried on a vote of 7 to 0.

Commissioner Macek noted that the spelling of Crysta Waters should be Christa Watters under docket item #4.

- 10 Adjournment

The Planning Commission meeting was adjourned at 10:25pm.