

Docket Item # 7  
Planning Commission Meeting  
February 7, 2017

Consideration of approval of the Planning Commission minutes of the public hearing meeting of January 5, 2017.

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

**ALEXANDRIA PLANNING COMMISSION**

January 5, 2017

7:00 P.M., Council Chambers

301 King Street, City Hall

Alexandria, Virginia

**Members Present:**

Mary Lyman, Chair

Nathan Macek, Vice Chair

Mindy Lyle

David Brown

Stephen Koenig

Melissa McMahon

**Members Absent:**

Maria Wasowski

**Staff Present:**

Karl Moritz

Joanna Anderson

Kendra Jacobs

Nancy Williams

Alex Dambach

Sara Brandt-Vorel

Stephanie Sample

Ann Horowitz

Robert Kerns

Nathan Randall

Anh Vu

John Noelle

Robert Garbacz

Department of Planning & Zoning

Office of the City Attorney

Department of Planning & Zoning

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Department of Recreation, Parks & Cultural Activities

Department of Transportation & Environmental Services

1. Call to Order.

The Planning Commission public hearing was called to order at 7:05 P.M. Commissioner Wasowski was excused. All other members were present.

**CONSENT CALENDAR:**

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2. Special Use Permit #2016-0077  
1508 Mount Vernon Avenue - Junction Bakery & Bistro  
Public hearing and consideration of a request for an amendment to SUP #2015-0102 to allow off-premises alcohol sales; zoned: CL/Commercial Low.  
Applicant: Noe Landini

Vice Chairman Macek removed this item from the consent calendar.

Speakers: There were no public speakers.

**PLANNING COMMISSION ACTION:**

Without objection the Planning Commission accepted an amendment to condition #4 proposed by Vice Chairman Macek to allow for a broader range of music types should the applicant choose to provide limited live entertainment at the restaurant.

On a motion made by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission recommended approval of the request with the amendment to Condition 4, and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6 to 0.

Reason:

The Planning Commission agreed with staff analysis.

4. **CONDITION AMENDED BY PLANNING COMMISSION:** Live entertainment shall be limited to an occasional small combo of ~~jazz or folk music musicians~~. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring the food service as well as the entertainment. (~~SUP #95-0205~~) (PC)

3. Special Use Permit #2016-0083  
311 North Henry Street  
Public hearing and consideration of a request to continue operation of a non-complying general automobile repair use; zoned: CL/Commercial Low.  
Applicant: Prime Auto Care, Inc., represented by Robert Byrnes

Commissioner Brown removed this item from the consent calendar.

Speakers: There were no public speakers.

**PLANNING COMMISSION ACTION:** On a motion made by Commissioner Brown and seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of Special Use Permit #2016-0083 subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6-0.

Reason:

The Planning Commission agreed with staff analysis.

Commissioner Brown requested that the applicant repair an interior fence on their property prior to the hearing by City Council and the applicant agreed.

4. Special Use Permit #2016-0084  
4251 Eisenhower Avenue - Public Recycling & Mulch Drop-off Center  
Public hearing and consideration of a request for an extension of a previously approved Special Use Permit (DSUP #2007-0026) to continue use of the City recycling and mulching facility; zoned: POS/Public Open Space.  
Applicant: City of Alexandria Department of Transportation & Environmental Services

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2016 0084.

Reason: The Planning Commission agreed with staff analysis.

5. Special Use Permit #2016-0085  
1601 Duke Street (sub-parcel addresses: 1601A, 1603 & 1607 Duke St) - VINCI School  
Public hearing and consideration of a request to operate a private academic school; zoned: OCH/Office Commercial-High.  
Applicant: Vinci Education Corporation, represented by Mark Yoo, architect

Commissioner Brown removed this item from the consent calendar.

Ann Horowitz answered questions from the Planning Commission.

Vice Chairman Macek disclosed that although he has a child enrolled at the school, he does not have a financial interest in the business which would preclude him from voting on this item.

Speakers: There were no public speakers. Chairwoman Lyman closed the public hearing.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2016 0085. The motion carried on a vote of 6 to 0.

**Reason:** The Planning Commission agreed with the staff recommendation.

Commissioner Brown inquired about the capacity of the existing playground for day care center and elementary school use. Staff responded that state licensing requires that a maximum of 32 children are permitted on the playground at any one time and that the applicant takes children to the nearby playground in shifts.

6. Special Use Permit #2016-0090  
307 North Washington Street  
Public hearing and consideration of a request for a parking reduction with setback and open space modifications; zoned: CD/Commercial Downtown.  
Applicant: Hart Washington Street, LLC

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2016 0090.

**Reason:** The Planning Commission agreed with staff analysis.

7. Encroachment #2016-0009  
119 King Street - The Wharf Restaurant  
Public hearing and consideration of a request for an encroachment into the public right-of-way for a retractable awning; zoned: KR/King Street Retail.  
Applicant: Potomac Restaurants, LLC, by Mike Brumagin

Planning and Zoning Staff removed this item from the consent calendar to include conditions 1-3.

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

**Speakers:** There were no public speakers.

**PLANNING COMMISSION ACTION:** On a motion made Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission recommended approval of the request with the addition of Conditions 1-3 from the January 3, 2017 staff memorandum, subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6 to 0.

**Reason:** The Planning Commission agreed with the staff recommendation.

**NEW BUSINESS:**

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8. Text Amendment #2016-0008  
Sign Regulations in the Historic District  
A) Initiation of a Text Amendment; and B) Public hearing and consideration of a Text Amendment to Article IX Section 9-300 of the Zoning Ordinance regarding regulations for signs in the historic districts.  
Staff: City of Alexandria Department of Planning and Zoning

Stephanie Sample and Alex Dambach gave a presentation and answered questions from the Planning Commission.

Speakers: There were no public speakers.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner Koenig, the Planning Commission voted to initiate Text Amendment 2016-0008. The motion carried on a vote of 6 to 0.

On a motion by Vice Chairman Macek, seconded by Commissioner Koenig, the Planning Commission voted to approve Text Amendment 2016-0008 regarding signs in the historic districts. The motion carried on a vote of 6-0.

Reason: The Planning Commission agreed with the staff analysis. Vice Chairman Macek commented that the revised Zoning Ordinance language and the BAR's sign policy provided greater flexibility to businesses wanting to advertise events, activities or specials on their building, which is information that many business owners may previously had on an A-frame sign in the right-of-way. Chairwoman Lyman said that the proposed amendments are an important step in making the sign ordinance more business friendly.

9. Special Use Permit #2016-0086  
400 Tennessee Avenue  
Public hearing and consideration of a request to construct a new single-family dwelling on a developed substandard lot; zoned: R-8/Residential Single-family.  
Applicant: Larry and Brenda Kahan, represented by Duncan Blair, attorney

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

Speakers: Duncan Blair, attorney representing the applicant, spoke in support of the special use permit request and iterated that the proposed design was in compliance with the bulk, height, and compatibility of neighborhood architecture.

**PLANNING COMMISSION ACTION:** On a motion made by Commissioner Koenig and seconded by Vice Chairman Macek, the Planning Commission voted to recommend

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approval of Special Use Permit #2016-0086 subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 6-0.

Reason: The Planning Commission agreed with staff analysis.

Commissioner Brown inquired when the tree canopy cover could be expected to approach 40% coverage, as required by Condition #2. The City Arborist, John Noelle, responded that a variety of factors could impact rate of growth, therefore he could not provide a definitive timeframe. Mr. Noelle confirmed that the three large oaks on site were in poor condition and could not survive the construction of the proposed dwelling. After weighing a range of zoning and design factors, Commissioner Brown said he would support the application.

Chairwoman Lyman inquired what the impact might be to tree #2 if the proposed construction remained within the footprint of the existing structure. Mr. Noelle responded that the distance between the tree and the rear of the existing dwelling was great enough that construction within the existing footprint could reasonably occur without impacting the tree and its root system.

Chairwoman Lyle and Commissioner Brown commented that for older neighborhoods, replacing older homes with larger infill development, could further reduce smaller and more affordable homes from the City's housing stock.

Commissioner Macek clarified that under existing regulations the applicants would not require any permission from the City to remove trees from their lot and stated that a historically low FAR, exhibited by the existing neighborhood conditions, should not restrict additional FAR that complied with the Zoning Ordinance. Therefore, while the proposed dwelling was larger than existing structures on the street, Commissioner Macek found the dwelling was not out of scale and presented a compatible design.

Commissioner Koenig stated existing zoning and infill guidelines were the appropriate tools to regulate new development density. Commissioner Koenig expressed support for the application as the proposal conformed to all zoning requirements and utilized a thoughtful design to ameliorate the potential difference in bulk between the existing and proposed dwelling.

Commissioner McMahon voiced her appreciation for the applicant's willingness to exceed the minimum tree canopy coverage requirement. She believed a long-term goal should be to maintain or increase the City-wide tree canopy cover.

### 10. Development Special Use Permit #2015-0021

4213 & 4141 Duke Street - Taco Bell

Public hearing and consideration of a request for a Development Special Use Permit and site plan with modifications to the zone transition setback and to the additional setback from the centerline of Duke Street, to construct a new restaurant building with outdoor dining and a drive-through facility and associated site improvements; zoned:

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CG/Commercial General and CC/Commercial Community.

Applicant: Taco Bell of America, LLC, represented by M. Catharine Puskar, attorney

Nathan Randall and Robert Kerns gave a presentation and answered questions from the Planning Commission.

Robert Garbacz, Division Chief for Transportation & Environmental Sciences/Engineering and Police Officer Charles Lloyd also responded to questions from the Planning Commission.

### Speakers:

Sara McMahon, Uline Avenue, spoke in opposition to the request. She noted the close proximity of the proposal to her property and her specific objection to the drive-through window. She stated that the Commission should deny the request due to traffic concerns on North Gordon Street. She also provided information regarding how she was notified about the project.

Marco Johnson, Taney Avenue, recommended that the Commission deny the proposal. He stated that the hours of operations, particularly due to the drive-through window, would reduce the quality of life in the neighborhood by increasing noise, crime and traffic, particularly due to the drive-through window. He also believed that the parking requirement did not take employees into account.

Jennifer Johnson, Uline Avenue, spoke against the request. She stated her opposition to the drive-through window in particular and an impact on traffic on North Gordon Street.

Todd McMahon, Uline Avenue, spoke in opposition to the request. He noted that he is not opposed to restaurants, but is specifically opposed to the drive-through window due to its proximity to residences and the potential impact on traffic and pedestrian safety. He also differentiated the proposal's proximity to residences from other drive-through uses existing in the City.

Mark Huddle, North Grayson Street, noted his concerns about traffic and pedestrian safety. He stated that the Taco Bell would harm rather than enhance neighborhood walkability.

Janine Williams, North Furman Street, spoke against the proposal, particularly the drive-through window. She mentioned parking restrictions at Fields of Alexandria and described traffic issues on North Gordon Street. She expressed dismay that this neighborhood could have a drive-through window when Old Town and Del Ray could not.

Julia Mascia, North Gordon Street, expressed crime and traffic concerns. She believed that the proposal would have an adverse neighborhood impact and that safety cameras would not be effective. She noted that traffic is already a challenge on North Gordon Street and expressed concern about potential negative public health impacts. She also provided the Commission with letters from two other neighbors.



Nicole Lamoureux, Taney Avenue, noted traffic concerns and described the intersection of Duke and North Gordon Street to be among the most dangerous in the City. She also stated that the proposal was inconsistent with public health goals.

Andrew Eiler, North Gordon Street, spoke in opposition to any drive-through windows at this location. He expressed concern about pedestrian and child safety in connection with drive-through uses.

Maribeth Monge, North Early Street, expressed concern about decreased property values in connection with drive-through uses. She noted that several other fast-food restaurants already exist in Alexandria. She asked the Commission to consider neighbors' feedback regarding the direction of their community.

W. Keith Davis, Uline Avenue, spoke against the request. He expressed concerns with the drive-through portion of the project with regard to noise and with drivers' lines of sight. He noted that the proposed design would cause on-site conflicts between vehicular and pedestrian customers and asked for improvements to the intersection of Duke and North Gordon Streets.

Wendy Albert, Tulsa Place, discussed her familiarity with the neighborhood as both a resident and the owner of the nearby Tempo Restaurant. She questioned whether Taco Bell needed to be open until 3 a.m. and noted that the on-street parking of vehicles from the Fields of Alexandria apartment community reduces North Gordon Street to one lane.

Barbara Seaman, North French Street, spoke against the Taco Bell drive-through. She stressed that she is not opposed to businesses, but she is opposed to fast-food restaurants and to drive-through windows.

Fran Vogel, North Early Street, spoke in opposition to a late-night or 24-hour drive-through. She stated that the area is predominately residential. She expressed concern about decreased property values, noise, and lights in connection with the proposal and about adding traffic to already-congested Duke and North Gordon Streets.

Tiffany Wirtz, North Early Street, spoke in opposition to the project. She noted pedestrian safety and traffic concerns, including the potential for a longer queuing lane at the intersection of Duke and North Gordon Streets.

Alexa Glock, North Grayson Street, spoke against the drive-through portion of the proposal. She stated that she is not against Taco Bell, only the drive-through. She expressed concern about dangerous traffic conditions, pedestrian safety, retaining walkability, and stated that the traffic study was insufficient.

Dan Liercke, North Grayson Street, opposed the drive-through portion of the project. He expressed concern about traffic, pointing out the narrowness of North Gordon Street near its intersection with Duke Street due to vehicles parked on both sides of the street.

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Sue Schulze, Tulsa Place, spoke about her concerns with specific elements of the traffic study believing the study to be dubious. She stated that the use in general and the drive-through feature in particular, would increase traffic in the area.

Michelle Dietch, North Gordon Street, expressed concerns about traffic in connection with the proposal and particularly about school busses. She noted the narrowness of North Gordon Street and referenced photos that she took during morning rush hour.

Addison Helmke, North Gordon Street, opposed the drive-through portion of the project. She expressed concern that additional traffic in connection with the proposal would negatively impact neighborhood walkability.

Camila Breyer Bonilla, North Gladden Street, spoke against the proposed drive-through window. She noted that she wasn't against Taco Bell, but against additional traffic, noise and light in connection with the drive-through. She also expressed concern about pedestrian safety.

Tim Cavanaugh, Taney Avenue, opposes the project given that it includes a drive-through window. He described traffic conditions on North Gordon Street and expressed skepticism about community outreach efforts regarding the project.

M. Catharine Puskar, attorney representing the applicant, spoke in favor of the request. She discussed the issue of neighborhood notification and noted a recent Washington Business Journal article about the project. She mentioned examples of other drive-through uses, their proximity to various types of residences, and the common circumstance of those uses being located on arterial streets like Duke Street. She noted the mitigating effects from potential noise concerns, reiterated low crime statistics from the Police Department, and listed the project's pedestrian safety-related improvements. She reviewed the traffic study and noted that neighborhood traffic concerns are existing issues related to the narrowness of, and on-street parking on, North Gordon Street. She discussed her recent revisions to the proposal to reduce hours of operation for both the outdoor dining and drive-through functions, reduce loading hours, and to add on-site trash cans.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Development Special Use Permit #2015-0021 with revisions to Conditions #16, #17, #34, #35, #42, the addition of Condition #75A, and subject to compliance with all applicable codes, ordinances and other staff recommendations. The motion carried on a vote of 6 to 0.

**Reason:** The Planning Commission agreed with the staff analysis and recommended a minor condition change regarding the drive-through intercom (#35) and the inclusion of an additional six-month staff-level review (Condition #42). Condition changes offered by the applicant to reduce hours of operation (#16 and #17), reduce delivery hours (#34), and install additional on-site trash cans (new Condition #75A) were also recommended.

Commissioner Brown asked staff to provide examples of other drive-through uses in the City that are close to residences. He also asked about the distance between the proposed Taco Bell drive through and nearby residences and the number of customers that patronize the business during late-night hours.

Commissioner Lyle stated that an additional six month staff-level review may be warranted and noted that the installation of high-visibility crosswalks is a positive feature of the request. She asked staff to investigate whether any prohibitions exist to limit on-street parking in the area. She also asked City staff to provide crime statistics for other late-night establishments in the City. Police Department Officer Charles Lloyd noted low calls for service, particularly during late-night hours. Chairwoman Lyman asked about related information regarding traffic accidents at Duke and North Gordon Streets and Transportation & Environmental Services Division Chief Robert Garbacz noted low accident rates.

Commissioner Lyle noted that Strawberry Hill existed as an official civic association years ago but has not been active in recent years, and that the Federation of Civic Associations was informed three weeks ago that residents in the neighborhood would like to resume operations as an official group.

Commissioner Brown asked the applicant about potential weekend/overnight parking from nearby residences and about restaurant customers' safety when walking across the drive-through queuing lane. He also explained to the Commission his request for a diagram from the applicant depicting the lease area. Chairwoman Lyman asked the applicant how essential the drive-through use is for Taco Bell, to which the applicant replied that it was 100% necessary for their business.

Commissioner McMahon asked about the potential for closing the southern-most curb cut on North Gordon Street in its entirety in order to decrease the likelihood that traffic exiting the restaurant would turn onto North Gordon Street. Commissioner Koenig asked whether a sign could be installed to encourage drivers to turn right to Duke Street rather than using North Gordon Street. Vice Chairman Macek encouraged the applicant to change a second exit sign into a right turn sign. Commissioner Koenig asked staff for more information about the narrow width of North Gordon Street. Staff described that on-street parking, allowed on the west side of the street but apparently also occurring on the east side despite no-parking regulations there, could be contributing to neighbor concerns. The Commission asked staff to work with the community and the Traffic and Parking Board, as needed, to potentially remove the west side parking or otherwise address the narrowness of the street.

Commissioner Lyle noted that the Duke Street area is a commercial corridor and that, as Commissioner Brown also noted, the Commission cannot choose which individual applicants seek approval for projects. Vice Chairman Macek stated that the application met the tests for Development Special Use Permit approval given various mitigating circumstances. He noted that traffic generated by the use would be minimal compared to existing conditions and that it was unlikely to travel farther up into the residential

neighborhood itself. Commissioner McMahon noted the benefits of the non-traditional site design for this particular location and found that the recommended conditions would mitigate potential impacts such as noise and trash. She expressed concern about traffic difficulties on North Gordon Street, the potential for Taco Bell to exacerbate them, and sought a potential engineering solution regarding an additional curb cut closure. Commissioner Brown noted that the setback modifications were well justified and that the request was supportable on the whole.

16. **CONDITION AMENDED BY PLANNING COMMISSION:** Only drive-through service may operate at the restaurant ~~24 hours each day~~ at a maximum of between 6 a.m. and 2 a.m. Sunday through Thursday and 6 a.m. and 3 a.m. Friday and Saturday. (P&Z) (PC)

17. **CONDITION AMENDED BY PLANNING COMMISSION:** The hours of operation for outdoor seating shall be 6 a.m. to ~~10 p.m.~~ 9 p.m. daily. Outdoor dining shall be closed and cleared of all customers by ~~10:00 p.m.~~ 9 p.m. daily. (P&Z) (PC)

34. **CONDITION AMENDED BY PLANNING COMMISSION:** Supply deliveries, loading, and unloading activities shall not occur between the hours of ~~11:00 p.m.~~ 9 p.m. and 7:00 am. (T&ES) (PC)

35. **CONDITION AMENDED BY PLANNING COMMISSION:** The use must comply with the City's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, except ~~those~~ intercoms proposed for the drive through, and no amplified sounds shall be audible at the property line. (T&ES) (PC)

42. **CONDITION AMENDED BY PLANNING COMMISSION:** The Director of Planning and Zoning shall review the Development Special Use Permit after it has been operational for six months and again at 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)

75A. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant shall provide at least two trash cans on-site outside of the restaurant for customer use. (PC)

**OTHER BUSINESS:**

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11. Commissioner's Reports, Comments & Questions

Commissioner Koenig expressed appreciation for the civic association map distributed by staff. He suggested that similar information be provided with the staff reports.

Chairman Lyman reported on the ARHA redevelopment kickoff event held in December.

**MINUTES:**

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12. Consideration of the minutes from the December 6, 2016 Planning Commission meeting.

Without objection the Planning Commission approved the minutes of December 6, 2016 as submitted.

13. Adjournment

The Planning Commission meeting was adjourned at 10:30 P.M.