

Docket Item #12  
Planning Commission Meeting  
April 3, 2018

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of March 6, 2018.

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – MARCH 6, 2018

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

ALEXANDRIA PLANNING COMMISSION

March 6, 2018, 7:00 p.m.

City Hall Sister Cities Conference Room

Alexandria, Virginia

Members Present:

Mary Lyman, Chair  
Nathan Macek, Vice Chairman  
David Brown  
Stephen Koenig  
Mindy Lyle  
Melissa McMahon  
Maria Wasowski

Members Absent:

None

Staff Present:

Karl W. Moritz	Department of Planning & Zoning
Christina Brown	Office of the City Attorney
Nancy Williams	Department of Planning & Zoning
Anh Vu	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Mary Christesen	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Femi Adelakun	Department of Planning & Zoning
Madeleine Sims	Department of Planning & Zoning
Jeffrey Farner	Department of Planning & Zoning
Carrie Beach	Department of Planning & Zoning
Heba ElGawish	Department of Planning & Zoning
Nathan Imm	Department of Planning & Zoning
William Cook	Department of Planning & Zoning
Ashley Labadie	Department of Planning & Zoning
Helen McIlvaine	Office of Housing
Tamara Jovovic	Office of Housing
William Skrabak	Department of Transportation & Environmental Services
Christopher Ziemann	Department of Transportation & Environmental Services
Khoa Tran	Department of Transportation & Environmental Services
Ellen Eggerton	Department of Transportation & Environmental Services
Diane Ruggiero	Department of Recreation, Parks & Cultural Activities

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The Planning Commission held a Work Session prior to the Public Hearing to discuss the Route 1 South Housing Affordability Strategy. The Work Session was held at 6 p.m. and went until approximately 7 p.m. and was held in the Sister Cities Conference Room, 1101, 1st floor of City Hall, 301 King Street, Alexandria, Virginia 22314.

1. Call to Order.

The Planning Commission Public Hearing was called to order at 7:02 p.m. All Members were present.

2. Election of Planning Commission Officers for Chair and Vice Chair

The Planning Commission re-elected Mary Lyman as Chair and re-elected Nathan Macek as Vice Chairman.

### **CONSENT CALENDAR:**

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3. Special Use Permit #2017- 0117  
3141 & 3147 Duke Street (parcel addresses: 3125 & 3127 Duke Street)  
Public Hearing and consideration of a request for additional outdoor dining; zoned: CG/Commercial General.  
Applicant: Glory Days Grill of Alexandria, LLC

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2017- 0117.

4. Special Use Permit #2017-0133  
218 North Lee Street, 2<sup>nd</sup> floor  
Public Hearing and consideration of a request to operate a restaurant (currently grandfathered); zoned: CD/Commercial Downtown.  
Applicant: Tandoori Nights of Alexandria, LLC, represented by M. Catharine Puskar, attorney

This item was removed from consent.

Femi Adelakun, P&Z, presented the case and answered questions from the Planning Commission.

### **Speakers:**

Cheryl Ahearn, 223 N. Lee Street, spoke in opposition to the request and expressed concerns about the proposed extension of the grandfathered hours, adding that people

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leaving the restaurant late at night might generate noise that may serve as a disturbance to surrounding residents.

Kim Abraham, 225 N. Lee Street, spoke in opposition to the request, expressing concerns about the proposed expansion of hours stating that it was not consistent with the neighborhood's quiet residential character.

Magee Whelan, 209 N. Fairfax Street, spoke in support of the request, stating that the business would add variety to the available dining options in Old Town and that the restaurant is not the type to attract a rowdy or noisy crowd as she has visited other Tandoori Nights locations close to Alexandria.

Richard Eisinger, 117 Cameron Mews, spoke in opposition to the request, expressing concerns about the proposed expansion of hours, stating that it was not consistent with the closing hours of similar restaurants near the proposed location.

Robert Brandt, attorney representing the applicant, spoke in support of the request, stating the willingness of the applicant to work with the neighbors to ensure there are no negative impacts resulting from the use. He also stated that restaurants near the subject site have similar operating hours to those proposed by the applicant. Myron Mixon's at 220 N. Lee Street. He indicated that the application has been conditioned to address any perceived impacts and there is a one-year review period required. He added that the entertainment will be limited to music for background purposes and private gatherings.

Teresa MacLoed, 218 N. Lee Street, spoke in support of this proposal stating that the tenant space has been vacant for a year and the proposed restaurant would be a positive addition to the available dining options on North Lee Street.

Chair Lyman closed the Public Hearing.

### Discussion:

Vice Chairman Macek asked for clarification on a statement made by the attorney representing the applicant about the approved hours of operation for two nearby restaurants. Staff responded by identifying a City Council Special Use Permit (SUP) approved in 2008 for a restaurant at 220 N. Lee Street (now Myron Mixon's) with closing hours of 12 midnight from Sundays to Thursdays and 1:00 am on Fridays and Saturdays. It was also clarified that Bilbo Baggins at 208 Queen Street has posted closing hours of 12 midnight Mondays through Thursdays and 2:00 am on Fridays and Saturdays. Vice Chairman Macek indicated that approved hours in a SUP may be different than the hours that are posted, stating that the owner may be approved for longer hours but may choose shorter operational hours. Commissioner Brown asked staff for clarification of how the term grandfather is being applied in this case. Staff clarified that this is not an abandoned

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use and therefore the grandfather status would apply. Commissioner Brown also asked staff to identify measures included in the SUP to address possible negative impacts of the expansion of operating hours. Staff identified Condition #8 which limits live entertainment and Condition #18 which controls noise are measures to mitigate impacts.

Commissioner Wasowski commented on concerns about the proposed hours of operation. She noted the presence of restaurants with similar hours of operation nearby and the need to improve the ability of businesses to be successful by allowing them to have longer hours of operation.

Vice Chairman Macek also added that he supports the proposed hours of operation based on the need to treat businesses equally and ensure consistency in approved hours of operation.

Commissioner Brown encouraged the applicant to ensure proper management of the establishment so that patrons understand that when they leave they are entering a residential area.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Wasowski, seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of Special Use Permit #2017-0113. The motion carried on a vote of 7 to 0.

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

5. Special Use Permit #2018-0001  
1001 A Queen Street (parcel address: 300 North Patrick Street)  
Public Hearing and consideration of a request for a five-year review of a rooming house and for a change of ownership; zoned: CL/Commercial Low.  
Applicant: Edward V. Jordan Living Trust

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2018-0001.

6. Text Amendment #2018-0003  
Small Accessory Buildings  
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Sections 7-202 and 2-145 regarding small accessory buildings in required yards and floor area ratio.  
Staff: City of Alexandria Department of Planning & Zoning

This item was removed from consent.

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Anh Vu, P&Z, presented the case and answered questions from the Planning Commission.

Speakers: No individuals requested to speak on this item.

Chair Lyman closed the Public Hearing.

### Discussion:

Vice Chairman Macek and Commissioner Brown commended staff on the amendments to the regulations for sheds and small accessory buildings. Vice Chairman Macek commented that the current standards were restrictive and the proposed changes to the size and height for sheds and small accessory buildings are reasonable. He commented that the proposed height measurement standardization is practical. He indicated the proposed labeling for sheds and other small accessory buildings is appropriate and provides broader accessory building types. Commissioner Brown commented that he is comfortable with the empirical research completed for the proposed size and height changes.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek and seconded by Commissioner Brown, the Planning Commission voted to initiate and also to recommend approval of Text Amendment #2018-0003. The motions carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

## **NEW BUSINESS:**

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7. Special Use Permit #2017-0091  
3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Av) - Secret Garten Restaurant  
Public Hearing and consideration of a request to amend Special Use Permit 95-0033 to extend hours of operation; to add off-premises alcohol sales; for outdoor dining; and for a parking reduction; zoned: CG/Commercial General.  
Applicant: Abe Hadjiesmaieloo

Madeleine Sims, P&Z, presented the case and answered questions from the Planning Commission.

### Speakers:

Abe Hadjismaieloo, applicant, gave a brief summary of his experience as a business owner and summarized some of his personal history.

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Al Havinga, 104 Sanborn Place, president of Mount Vernon Court Community Association, expressed concerns over outdoor dining, alcohol sales, and hours.

Joonas Jarvinen, 138 Sanborn Place, expressed concerns over outdoor dining.

Rod Kuckro, president of Del Ray Citizens Association, requested the applicant to defer to the April hearings to allow the Del Ray Citizens Association's general membership to vote and provide input on the proposal.

Chris Kinard, 124 Sanborn Place, reiterated Mr. Kuckro's points and expressed a desire that projects should improve the pedestrian experience and streetscape, and questioned staff analysis.

Vjosa Dreshaj, 122 Sanborn Place, expressed concern over drinking establishments, the proximity of the restaurant to ABC and other alcohol retail stores, and crime stemming from alcohol consumption.

CJ Cross, 3508 Gunston Road, supported the proposed changes to the restaurant, expressing that the business would have a higher price point and not attract nuisances that are typically associated with establishments that sell alcohol at a low price.

Paul Jameson supported the application but also recognized the concerns of the neighbors.

Nick Rodriguez supported the proposal and signified that he has frequented Tysons Biergarten; he emphasized that the restaurant would not be a college bar.

Roy Shannon, representing Danielle Harms and Meryl Kinard, compared outdoor dining standards to that of the King Street Outdoor Dining area, questioned how the applicant would ensure the safety of patrons and neighbors, and questioned staff analysis.

Ken Wire, attorney for the applicant, answered questions from the Planning Commission, and provided a timeline of interactions with the Del Ray Citizens Association that began in September 2017.

Chair Lyman closed the Public Hearing.

### Discussion:

Vice Chairman Macek supported the proposal, citing the existence of restaurants and other similar establishments in mixed-use zones, expressed that an increase in organized activity in the rear area could mitigate crime, and motioned that the opening hour for indoor dining be changed to 7 a.m., to allow the applicant flexibility in indoor operations.

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Commissioner Wasowski supported the application, citing the principle of “eyes on the street” to combat existing crime and misuse of the proposed outdoor dining area.

Commissioner Lyle supported the application, citing restaurants in the City that have outdoor dining in proximity to residences and as ways of activating unused, remote spaces. Commissioner Lyle also supported extending the outdoor hours to have them consistent with other outdoor dining in the area.

Commissioner McMahon supported the proposal and summarized the community concerns as distance between the outdoor dining and homes, culture of drinking, and safety and crime. Commissioner McMahon explained the space is a safety challenge; however, placing an organized activity in the rear would generate more observance of the area and be a crime deterrent. Commissioner McMahon also discussed drinking culture, and that a beer garden with a higher price point would not generate the kind of drinking culture feared by residents, and expressed that outdoor dining in proximity to residential areas is not uncommon in the City.

Commissioner Koenig supported the proposal, and expressed concurrence with other Commissioners’ viewpoints. Commissioner Koenig cited the business owner’s reputation and the evolution of the business proposal over time as testaments to the applicant’s dedication to being a good neighbor and the investment the applicant must make to the rear space in order for the proposal to be viable.

Commissioner Brown supported the proposal and had questions about plans to make the space compliant with the ADA, with staff responding.

Chair Lyman supported the proposal and explained that deferrals are the applicant’s decision.

**PLANNING COMMISSION ACTION:** On a motion made by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2017-0091 with revised language for Conditions #4, #8, and #19 and the addition of Condition #37 and subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

4. **CONDITION AMENDED BY PLANNING COMMISSION:** No food, beverages, or other material shall be stored outside, with the exception of materials specified in other conditions and the cooler stored at the rear of the property. ~~(P&CD) (SUP #2117-A) (P&Z) (PC)~~



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8. **CONDITION AMENDED BY PLANNING COMMISSION:** The indoor hours of operation of the restaurant shall be limited to ~~11~~ 7 a.m. and 12 a.m., midnight, Sunday through Thursday, and between ~~11~~ 7 a.m. and 1 a.m., Friday and Saturday, and all patrons must leave the premises one hour after closing. ~~(P&CD) (SUP #2117-A) (P&Z) (PC)~~
19. **CONDITION AMENDED BY PLANNING COMMISSION:** On-premises alcohol service shall be permitted, consistent with a valid Virginia ABC license. Off-premises alcohol sales of bottled beer in six to 24 packs and as growlers may be permitted at the restaurant consistent with a valid Virginia ABC license. The storage area for the creation of beer variety packs shall be located in an area accessed by employees only or in a location away from the restaurant entrance which is employee-monitored. The applicant shall seal growlers to prevent customers from transporting open containers of alcohol when leaving the premises. ~~(P&Z) (Police) (PC)~~
37. **CONDITION ADDED BY PLANNING COMMISSION:** The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-746-6838 regarding a security survey for the business and a robbery awareness program for all employees. ~~(Police) (PC)~~

Reason: The Planning Commission agreed with staff analysis.

9. Special Use Permit #2017-0122  
417 King Street (parcel address: 411 King Street)- Taco Bell Cantina  
Public Hearing and consideration of a request to operate a restaurant and for outdoor dining; zoned: KR/King Street Retail.  
Applicant: TB Cantina, LLC

Ann Horowitz, P&Z, presented the case and answered questions from the Planning Commission.

Speakers:

Michael Hobbs, 419 Cameron Street, spoke in opposition to the hours of operation.

Yvonne Weight Callahan, representative of the Old Town Civic Association, stated that some streets adjacent to King Street are not eligible for the residential parking pilot program, requiring non-residents to pay at meters when parking on residential side streets. She observed that some parking garages close prior to the proposed closing for this restaurant.

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Philip Matyas, 219 North Pitt Street, voiced his concern about employees parking on the street and suggested that some residential streets should be designated for resident parking only. He expressed concerns about litter generating from the restaurant.

Cathy Puskar, applicant's attorney, stated that the proposed restaurant would add jobs, contribute to tax revenue, and maintain a balanced business mix in Old Town. She recommended that the Old Town Restaurant Policy, developed in the 1990s, be amended, indicating it has become outdated.

Chair Lyman closed the Public Hearing.

Discussion:

Vice Chairman Macek stated his support for the application and mentioned that parking impacts should not result when parking garages close as more on-street parking spaces would be available when other Old Town businesses close. He added that Condition #13 requires employees to park off-street. Commissioner Brown indicated that employee off-street parking is self-enforcing given that the cost of parking during a work shift would lead employees to use public transportation. Commissioner Lyle supported the request, citing the need for late-night dining establishments in the City. She stated that the proposed restaurant would also benefit the commercial area by filling a vacant tenant space.

**PLANNING COMMISSION ACTION:** On a motion made by Vice Chairman Macek and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2017-0122 subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

10. **FOR DISCUSSION ONLY:**

Rezoning #2018-0001

Text Amendment #2018-0002

Old Town North Arts and Cultural District

(A) Initiation of a Map Amendment; (B) Public Hearing and consideration of an amendment to the City of Alexandria's official zoning map to add the Old Town North Arts and Cultural District Overlay, which covers portions of N. Fairfax, Montgomery, Madison, First, N. Saint Asaph, N. Pitt, N. Royal, Third, and N. Washington Streets and Canal Center, more particularly shown in Figure 2.04 of the Old Town North Small Area Plan and depicted as "Required or Optional Retail or Arts and Cultural Uses"; (C) initiation of a Text Amendment; and (D) a Text Amendment to the Zoning Ordinance to add Section 6-900 regarding Old Town North Arts and Cultural District.

Staff: City of Alexandria Department of Planning & Zoning

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Jeffrey Farner and Heba El-Gawish, P&Z, presented the case and answered questions from the Planning Commission.

Discussion: Commissioner Brown asked for a definition of what the 15,000 SF limitation for Ground Floor Arts and Cultural Tenant space per development block meant. Staff clarified that the redevelopment blocks are those designated as potential redevelopment blocks under the Old Town North Small Area Plan (SAP). Commissioner Brown also wanted to clarify whether the 50,000 SF cap for the Arts and Cultural Tenant space will be allocated on a first-come first-serve basis in which staff confirmed that it would.

Commissioner Macek described the proposed text amendment as thoughtful in terms of identifying incentives for the basic ground floor Arts and Cultural used and the Arts and Cultural Anchors. Commissioner Macek also addressed the concern expressed that the use of density bonus for arts would conflict with the Density Bonus for Affordable Housing by highlighting that the incentives for Arts and Cultural uses mostly take place in commercial situations and expectations are still in place in terms of affordable housing contributions. Staff concurred and added that some potential redevelopment sites identified in the SAP will not be eligible for the Arts and Cultural incentives since they are located outside the Arts and Cultural District boundary. Finally Commissioner Macek expressed that the proposed text amendment is reasonable in terms of providing guidance without being overly prescriptive

Commissioner Wasowski expressed her support over the implementation of the Arts and Cultural District which has been identified as a desire by the community through the SAP planning process. Commissioner Wasowski also highlighted other community benefits that can stem from the Arts and Cultural uses such as economic development, revitalization and activation of the streets. Commissioner Wasowski re-iterated that these incentives are innovative and provide a great opportunity for retaining and attracting arts uses.

Commissioner McMahon suggested that it might be helpful to give the City Council and others more guidance when you say “other uses consistent with the intent of the Plan.”

### Speakers:

Kenneth Wire, Partner at McGuire Woods LLP, stated the importance of flexibility when defining arts and cultural uses and to find a balance between the prescriptive ordinance and ensuring that the appropriate arts uses are being attracted.

## 11. Old Town North Small Area Plan Implementation

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Public Hearing and consideration of the establishment of an Old Town North Streetscape and Open Space Fund and a policy for developer contributions to implement the Old Town North Small Area Plan.

Staff: City of Alexandria Department of Planning & Zoning

Jeffrey Farner and Heba ElGawish, P&Z, presented the case and answered questions from the Planning Commission.

### Speakers:

Kenneth Wire, Partner at McGuire Woods LLP, stated that the developer contributions should be directly related to the impacts of a given redevelopment project and that in some instances, they may not apply.

Chair Lyman closed the Public Hearing.

### Discussion:

The Planning Commission agreed with the list of public amenities and improvements outlined in the staff report and they are consistent with the recommendations in the Old Town North Small Area Plan.

Commissioner Macek stressed the importance of converting Montgomery Street from one-way to two-way which would be vital to the success of the existing and planned retail in Old Town North.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Wasowski, seconded by Commissioner Macek, the Planning Commission recommended approval of the establishment of an Old Town North Streetscape and Open Space Fund and the developer contribution formula as proposed with the following amendments:

1. A portion of the funds from the Old Town North Streetscape and Open Space Fund in an amount not to exceed \$150,000 may be used to fund elements such as public art improvements and/or art programming within the Old Town North Small Area Plan.
2. Add text to the policy that states that “redevelopment projects, not identified in Table 1, that proceed with a rezoning in the future will be subject to the developer contributions.” The final amount of the developer contribution will depend on the outcome of the Montgomery Street Conversion.

The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

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12. Development Special Use Permit Stage 2 #2017-0023  
Encroachment #2018-0002  
2410 and 2460 Mill Road - Hoffman Blocks 4 & 5  
Public Hearing and consideration of requests for: (A) a Development Special Use Permit and site plan with modifications to construct a mixed-use retail and residential complex, including Special Use Permit requests to increase the height of mechanical penthouses and the number of penthouses requested; and (B) an Encroachment into the public right-of-way for residential balconies and architectural projections; zoned: CDD #2/Coordinated Development District #2.  
Applicant: S/C Eisenhower, LLC, represented by Duncan Blair, attorney

William Cook and Nathan Imm, P&Z, presented the case and answered questions from the Planning Commission.

Speakers:

Duncan Blair, attorney representing the applicant, spoke in support of the project and answered questions from the Planning Commission.

Doug Firstenberg, developer for the project, also spoke in support of the project and raised concerns regarding some of the conditions.

Chairwoman Lyman closed the Public Hearing.

Discussion:

The applicant provided a letter to the Planning Commission dated March 1, 2018 with requests to amend numerous Stage 2 Development Special Use Permit (DSUP) conditions of approval. Staff and the applicant were able to resolve issues pertaining to several, and a subsequent March 5, 2018 letter from the applicant to the Planning Commission lists the outstanding issues and the final requests for amendments.

Staff provided a memorandum in response to the applicant's March 5, 2018 letter to the Planning Commission with justifications for or against amendments to DSUP Conditions #5a, #5b, #5c, #24b, #24c, #24d, #45, #116, #117, #131a and #131b.

The Planning Commission agreed to the applicant's request to delete Condition #5a pertaining to an east/west connection across the podium via the apartment building. Staff maintained that such a connection was desirable to provide equitable access, while the applicant stated that such a connection was not technically feasible. The applicant agreed to work with staff and attempt to provide an external connection on the north side of the podium if it is technically feasible. Based on this verbal agreement the Planning Commission deleted the condition.

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The Planning Commission agreed to the applicant's request to modify Condition #5b to remove the reference to a water feature and included new language specifying a dynamic and interactive feature. Condition #5c was retained after extensive discussion and concurrence with the Planning Commission, staff, and the applicant on the intent of the language.

The Planning Commission agreed with staff's recommended modifications to Conditions #24b and #24c to remove restrictions on certain retail and personal service uses, and the applicant's requested clarification of Condition #24d.

The Planning Commission and staff agreed to the applicant's request and to amend Condition #45 clarifying public right-of-way improvements.

Condition #116 was retained. The Planning Commission and staff agreed to the applicant's request to delete Condition #117, with the Planning Commission stating their position that issues of noise could be enforced through the existing Noise Ordinance, and to provide maximum allowed flexibility to ensure the vitality of the public plaza.

Conditions #131a and #131b were amended per the applicant's request as agreed upon by the Planning Commission and staff in order to clarify disclosure statements pertaining to parking to future tenants or residents of the development.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of DSUP#2017-0023 and ENC#2017-0002 with amendments to Conditions #5, #24, #45, #117, and #131.

The Planning Commission recommended amendments to the following DSUP Conditions as noted below:

5. **CONDITION AMENDED BY PLANNING COMMISSION:** Provide the following modifications to the landscape plan and supporting drawings:
  - a. ~~The Applicant shall continue to work with Staff to provide a 24/7 pedestrian connection between the east and west portions of the landscape podium deck to the satisfaction of the Director of Planning & Zoning. This connection may be internal (ex. through the Multifamily Building) or external (ex. along the north edge of the podium along Mill Road).~~ **(PC)**
  - b. The Applicant shall work with City Staff to ~~strengthen the water~~ design an interactive and dynamic focal feature, and its setting, shown in the publicly accessible plaza as depicted in submitted plans to ensure it serves as a focal point to the public realm. Public art may be considered for incorporation

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into this focal feature., however the cost of the water feature may not be included in the contribution calculation for Public Art. **(PC)**

24. **CONDITION AMENDED BY PLANNING COMMISSION:** Ground floor uses of areas designated on the plan as “retail” shall be limited to retail, personal service uses and restaurants, as defined in the Zoning Ordinance, with the exceptions identified below:
- a. One leasing office for each building is allowed;
  - b. ~~Retail shopping establishments shall not include, auto parts stores and lawn and garden supply stores;~~ **(PC)**
  - c. ~~Personal service uses shall not include appliance repair and rental, contractors’ offices, laundromats, and pawnshops;~~ **(PC)**
  - d. Restaurants are subject to the development standards described in Condition ~~20 #27.~~ **(PC)**
45. **CONDITION AMENDED BY PLANNING COMMISSION:** Provide the entry/exit improvements, to include raised concrete directional median and striping, at the Hoffman Garage, as shown on the preliminary plan dated 5/2/2017. All work is to be done within the public right of way. (T&ES) **(PC)**
117. **CONDITION DELETED BY PLANNING COMMISSION:** ~~If a restaurant use is proposed, the use of loudspeakers or musicians outside is prohibited.~~ (T&ES) **(PC)**
131. **CONDITION AMENDED BY PLANNING COMMISSION:** All relevant provisions of any condominium association documents (as to any part of the development that is subject to a condominium), or any reciprocal easement agreement or equivalent (that governs the rights among owners of different air lot subdivisions) (as applicable, the “Supporting Documents”) shall be reviewed by the Director of P&Z and the City Attorney to ensure inclusion of all the conditions of this DSUP prior to applying for the first certificate of occupancy permit for the project. The Supporting Documents shall include the conditions listed below, which shall be clearly expressed in a separate section of the covenants. The language shall establish and clearly explain that these conditions cannot be changed except by an amendment to this development special use permit approved by City Council.
- a. The principal use of the residential portion of the parking structure and parking spaces shall be for motor vehicle parking only; storage which interferes with the use of a parking space for a motor vehicle is not permitted unless approved pursuant to the DSUP Conditions. **(PC)**
  - b. ~~No more than two parking spaces shall be assigned to a specific condominium unit until all settlement on the units are complete;~~ a. All unassigned spaces in the garage shall be made generally available to

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residents and/or visitors. All landscaping and open space areas within the development shall be maintained by an owner's association or a designated representative of the owners (the "Responsible Party"). (PC)

Reason: The Planning Commission agreed with staff analysis.

**OTHER BUSINESS:**

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13. Commissioner Reports, Comments & Questions

**MINUTES:**

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13. Consideration of the minutes from the January 4, 2018 Planning Commission meeting.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner Brown, the Planning Commission voted to approve the minutes from the January 4, 2018 Public Hearing.

14. Consideration of the minutes from the February 6, 2018 Planning Commission meeting.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to approve the minutes from the February 6, 2018 Public Hearing.

15. Adjournment

The Planning Commission meeting was adjourned at 11:45 p.m.