

Docket Item #16  
Planning Commission Meeting  
October 3, 2019

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting  
of October 3, 2019

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – OCTOBER 3, 2019

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

ALEXANDRIA PLANNING COMMISSION

October 3, 2019, 7:00 p.m.

City Council Chambers

Alexandria, Virginia

Members Present:

Nathan Macek, Chair

Maria Wasowski, Vice Chair

David Brown

John Goebel

Stephen Koenig

Mindy Lyle

Melissa McMahon

Members Absent:

N/A

Staff Present:

Karl W. Moritz

Department of Planning & Zoning

Nancy Williams

Department of Planning & Zoning

Anh Vu

Department of Planning & Zoning

Ann Horowitz

Department of Planning & Zoning

Max Ewart

Department of Planning & Zoning

Tony LaColla

Department of Planning & Zoning

Catherine Miliaras

Department of Planning & Zoning

Marlo Ford

Department of Planning & Zoning

Robert Kerns

Department of Planning & Zoning

Nathan Randall

Department of Planning & Zoning

Christina Zechman-Brown

Office of the City Attorney

William Skrabak

Department of Transportation & Environmental Services

Khoa Tran

Department of Transportation & Environmental Services

Ryan Knight

Department of Transportation & Environmental Services

Jeremy McPike

Department of General Services

Alfred Coleman

Department of General Services

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### 1. **Call to Order.**

NOTATION: Items are listed in the order discussed by the Planning Commission, which differs from the docket order, due to deferrals and the pulling of an item from the Consent Calendar.

The Planning Commission Public Hearing was called to order at 7:00 p.m. All members were present at the call to order.

Chair Macek inquired as to whether there were any changes to the docket. The Planning Commission Clerk responded indicating that requests for deferral have been received for Item #5, a Development Special Use Permit, and for the Encroachment under Item #11. The Chair noted the deferral requests.

### **CONSENT CALENDAR:**

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As described immediately below, Items #3, #4, and #6 were approved on consent, as submitted. The Planning Commission voted to accept deferral requests for Item #5, a Development Special Use Permit, and for the Encroachment under Item #11. Item #2 was removed from the Consent Calendar.

3. Special Use Permit #2019-0066  
417 North Washington Street - Parking Reduction for a Single-Family Dwelling  
Public Hearing and consideration of a request for a Special Use Permit for a parking reduction; zoned: CL/Commercial low.  
Applicant: Brian Fowler, represented by James Palmer, agent

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2019-0066, as submitted. The motion carried on a vote of 7-0.

4. Special Use Permit #2019-0067  
805 King Street - Apartment Hotel and Parking Reduction  
Public Hearing and consideration of a request for a Special Use Permit to operate an apartment hotel with a parking reduction; zoned: KR/ King Street urban retail.  
Applicant: Old Town 1, LLC, represented by Robert Brant, attorney

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2019-0067, as submitted. The motion carried on a vote of 7-0.

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6. Development Site Plan #2018-0026  
2300 Richmond Highway and 300 Block of East Raymond Avenue - Mount Jefferson Park Improvements  
Public Hearing and consideration of a request for an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance of Development Site Plan #2015-0025 to improve Mount Jefferson Park; zoned: POS/ Public Open Space and Community Recreation.  
Applicant: City of Alexandria, Department of Recreation, Parks and Cultural Activities

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to approve Development Site Plan #2018-0026, as submitted. The motion carried on a vote of 7-0.

5. Development Special Use Permit #2018-0012  
1101 and 1102 Finley Lane - Pickett's Ridge Phase II - Fourth Extension  
Public Hearing and consideration of a request for an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance and to update standard conditions under Development Special Use Permit #2015-0017; zoned: R-20/ Single-Family.  
Applicant: Sutton Building Corporation

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to defer Development Special Use Permit #2018-0012. The motion carried on a vote of 7-0.

11. Encroachment #2019-0004  
5601 & 5603 Courtney Avenue and 720, 730 & 750 South Van Dorn Street - Virginia Paving Company Review  
Public Hearing and consideration of a request for various Encroachments into the public right-of-way on Courtney Avenue; zoned: I/ Industrial.  
Applicant: Atlantic Coast, LLC, represented by Mary Catherine Gibbs, attorney (Encroachment)

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to defer Encroachment #2019-0004. The motion carried on a vote of 7-0.

2. Special Use Permit #2019-0043  
2500 North Van Dorn Street - Our First Steps Day Care Center  
Public Hearing and consideration of a request for a Special Use Permit to operate a day care center; zoned: RC/High density apartment.

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Applicant: Zuleima L. Villa

Max Ewart (P&Z), Ann Horowitz (P&Z), and Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

### Speakers:

Kevin Turner, 2500 North Van Dorn Street, a resident of the Park Place Condominiums, shared concerns about parking for employees and the potential for traffic congestion in the parking lot related to the morning drop-off for children.

Michael DeLiso, 2500 North Van Dorn Street, representative of the Park Place Board of Directors, thanked staff for addressing the board's initial concerns and indicated the board looks forward to welcoming the applicant to Park Place. He added that the Park Place Board of Directors hopes to see improved access to Fort Ward Park across North Van Dorn Street and increased public transportation options for the Park Place Condominium residents.

Chair Macek closed the Public Hearing.

### Discussion:

Commissioner Lyle inquired about pedestrian access to Fort Ward Park. Department of Planning & Zoning (P&Z) staff responded by indicating that Department of Recreation Park and Cultural Activities (RPCA) staff have shared that there is an Advisory Group meeting that will be held in the coming weeks during which the Advisory Group will be looking at planned improvements under implementation efforts for the 2015 Master Plan for Fort Ward Park, including access for Fort Ward Park. P&Z staff indicated that there is not a definitive schedule, as yet, for the improvements, but, P&Z staff will remain in contact with RPCA staff on this subject.

Chair Macek acknowledged the compatibility of day care with the residential nature of the area and with the multi-family use of the site. He indicated it is a good use for the area indicating it will not only bring a service but will bring ground floor activation for the site. He inquired if crosswalks on Van Dorn, which he believes fall within the Department of Transportation and Environment Services' purview, are being addressed. P&Z staff indicated that the Department of Social Services will ensure safety for the children as it pertains to crosswalks if Fort Ward Park is used by the day care. Chair Macek indicated that while some related matters are not within the Planning Commission's purview, he would like to have an update on the status of the improvements in a month or so. P&Z staff agreed.

Vice Chair Wasowski indicated her belief that concerns related to shared parking and child pick-up and drop-off impacts are best addressed between the applicant and the Park

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Place Board of Directors. She affirmed that arrangements for an outdoor play area are outside the purview of the Special Use Permit (SUP) review and are part of the Department of Social Services' licensing requirements.

Commissioner McMahon agreed with Chair Macek regarding the compatibility of the day care and multi-family uses. She continued that parking and traffic impacts would be minimized as parents with young children, living in the building, would walk to the on-site day care center.

### **PLANNING COMMISSION ACTION:**

This item was removed from consent. On a motion by Vice Chair Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-0043, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis.

### **NEW BUSINESS:**

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7. City Charter Section 9.06 Case #2019-0002  
912, 916 and 920 King Street and 116 South Henry Street  
Public Hearing and consideration of a request for Planning Commission to review whether the proposed sale of property by the City of Alexandria to Galena Capital Partners, LLC and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter.  
Applicant: City of Alexandria

NOTATION: Chair Macek stated that Commissioner Lyle recused herself from Item #7.

Catherine Miliaras (P&Z), Jeremy McPike ( Department of General Services), and Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

### **Speakers:**

N/A

Chair Macek closed the Public Hearing.

### **Discussion:**

Vice Chair Wasowski asked if the central parking structure on the 116 S. Henry Street site would be available to both sites which make up the project. Jeremy McPike, Director

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of the Department of General Services, confirmed that all required parking for the residential units on both sites would be provided through the automated parking garage.

Commissioner McMahon stated that she agreed that the proposal is consistent with the City's Master Plan. She expressed surprise that the Request for Proposals issued by the City would require 100 percent replacement of existing parking given the King Street location. However, she also noted that the location of the garage between the two Route 1 arterials was the most logical place. She was excited to see that the garage would be automated and noted that it might make some users more likely to use a garage instead of circling for street parking. She also noted that several recent parking studies have indicated that many of the parking garages in Old Town are underutilized.

Chair Macek noted that he looks forward to seeing more mixed-use development on King Street, filling in the gaps where vacant lots have been.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chair Wasowski, seconded by Commissioner McMahon, the Planning Commission voted to find the proposed sale of property consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. The motion carried on a vote of 6-0, with Commissioner Lyle recusing herself.

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

8. Small Business Practical Updates  
Discussion item to consider for amendments to the Zoning Ordinance regarding business uses.  
Staff: City of Alexandria, Department of Planning & Zoning

Ann Horowitz (P&Z) and Tony LaColla (P&Z) gave the Planning Commission an update on the proposed Small Business Practical Updates.

**Speakers:**

N/A

**Discussion:**

Chair Macek stated that he would like to see a framework in place for permitting administrative approvals for other things including outdoor dining, live entertainment, and permitting the sale of alcohol.

Commissioner Lyle also stated she would like to see the standard operating hours condition of "5 a.m. -12 a.m." changed to 24 hours in order to give applicants more flexibility in structuring their hours of operation. In addition, Commissioner Lyle

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inquired whether staff had talked to Fairfax and Arlington Counties to analyze their approval processes for restaurants. Staff confirmed they have not yet, but certainly intend to as analysis related to these practical updates moves forward.

Vice Chair Wasowski voiced her support for year-round approvals in relation to outdoor dining. In addition, Vice Chair Wasowski questioned why seat volumes are scrutinized by P&Z in relation to restaurant approvals. She indicated the numbers should be based upon safety.

Commissioner Brown voiced his concern in regard to the strict regulations Alexandria has in regard to restaurant approvals and stated he does not wish to see Alexandria become infamous for making the opening of new restaurants a difficult process. In addition, he stated he wishes to see a better balance between the controls in place for opening a restaurant in relation to the red tape one must wade through in order to do so.

Chair Macek then stated that if so many use approvals are to be tied to the Administrative Special Use Permit process, then, as an alternative, perhaps the City should consider placing the standards in the Zoning Ordinance to allow them by-right to better streamline the process.

Vice Chair Wasowski voiced her agreement with Chair Macek's statement.

Chair Macek asked staff to confirm whether outdoor dining on King Street is currently being approved via an administrative process, which staff confirmed is the case.

Chair Macek inquired whether the review process for pick-up and drop-off points in relation to day care approvals is currently being done administratively, which staff confirmed is the case.

Chair Macek then suggested that staff consider a broader mix of zones in which Outdoor Food and Craft Markets could be approved, for example in the Public Open Space and Utilities/ Transportation zones.

Vice Chair Wasowski stated that she is pleased to see that staff is expanding upon the definition of what constitutes an Outdoor Food and Craft Market and that restrictions garnering their approval are being loosened.

Commissioner McMahon commented that staff might consider allowing Health and Athletic Club uses in Industrial zones as well. Chair Macek voiced his agreement with Commissioner McMahon's statement. Vice Chair Wasowski also voiced her agreement with Commissioner McMahon's statement.

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Vice Chair Wasowski asked staff what parking requirements Food & Beverage Production uses had. Staff responded that the parking requirements vary based on whether it is a retail or industrial use, if the property in question is located inside or outside of the enhanced transit area, and the square footage of the building in which the use would be located.

Chair Macek stated he would like to see the definition of what constitutes an Amusement Enterprise expanded.

Commissioner McMahon stated that she believes it is important to keep an open mind as to what uses will energize our streets and what makes a use compatible with its neighbor in today's day and age.

Commissioner Brown requested that when staff evaluates the Convenience Store component of the proposed update that staff conduct empirical testing on the notion of merging the Convenience Store and Grocery Store uses.

In relation to Home Occupation uses, Commissioner McMahon asked staff to evaluate potential updates based on the impacts that various Home Occupations may have, as opposed to uniform regulation across all potential occupation types.

### 9. Text Amendment #2019-0006

Fences on Corner lots, Fences with Zone Transition, Height of Accessory Structures in Required Yards, and Sheds and Other Small Accessory Buildings in the Historic District (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article II (Definitions) to address arbors, pergolas, and trellises; amend Section 7-202(A)(1) to increase the height of open fences in required yards; amend Section 7-202(A)(5) to set an allowable height for arbors and trellises and to allow -pergola- in all required yards; amend Section 7-202(B)(4)(c) to allow on properties located in the historic district accessory structures within the five foot setback for structures facing a shared property line with windows lower than eight feet; amend Section 7-202(D) to correct citation to the Zoning Ordinance ; amend Section 7-801 to change how vision clearance is calculated; amend Section 7-902(C) to allow fences and accessory private walls within 100 feet of a residential zone line; and amend Section 7-1700 to add a section allowing fences on through lots and clarifying language and images for fences on corner lots.

Staff: City of Alexandria, Department of Planning & Zoning

Marlo Ford (P&Z) Tony LaColla (P&Z), and Ryan Knight (T&ES) presented the case and answered questions from the Planning Commission.

Speakers: N/A

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Chair Macek closed the Public Hearing.

Discussion: Vice Chair Wasowski questioned why a height limit of ten feet is being proposed on pergolas and arbors. Staff indicated the height limitation is needed to avoid abuse of the regulations. Vice Chair Wasowski indicated that perhaps the City can monitor this change to see if the regulations are working. Staff added that the market standard for such accessory structures is ten feet and other jurisdictions generally set regulations at ten feet for such uses.

Commissioner Brown used a fence in slide 5 of the presentation to note that fences do not have to be setback from the sidewalk, do not have to be cut off, and can be 50 percent open. He added that there is no prohibition regarding putting shrubs behind a fence thus making it opaque. He stated support for the overall regulations but inquired as to the impetus and the interest of increasing the height of a fence from three and one-half feet to four feet. Staff indicated that most fences that are being sold on the market now are between four and five feet and are open. Also, staff looked at other jurisdictions and, based on all information, made the recommendation to increase the height by one-half foot. Commissioner Brown also asked if there are examples of where fences, at a height of three and one-half feet, are at the property line. Staff said there are quite a few. Commissioner Brown indicated that staff should consider whether or not it is appropriate to address the opaqueness of shrubs for fences for acute angled intersections.

Referring to slide 7, titled Setback for Accessory Structure in Historic District, Chair Macek suggested staff also examine how the proposed amendment to Section 7-202(C)(2)(c) to exclude historic districts – may also be applicable as appropriate to areas outside historic districts. Staff indicated that it will look at such situations to determine potential options to address them.

Commissioner Koenig noted that he is completely in support of section 7-801 as another example of a continuous well-organized, thoughtful examination of the Zoning Ordinance. He added that the information has been thoroughly considered; it is practical and makes sense. He indicated he is pleased with the vision clearance adjustment. He particularly noted that the vision clearance is moving from the centerline of the street to the curb. In so doing, he indicated that takes the width of the street out of the equation which previously skewed it.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chair Wasowski, and seconded by Commissioner Lyle, the Planning Commission voted to initiate Text Amendment #2019-0006. The motion carried on a vote of 7-0.

On a motion by Vice Chair Wasowski, and seconded by Commissioner Lyle, the

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Planning Commission voted to recommend approval of Text Amendment #2019-0006, with the following amendments. The motion carried on a vote of 7-0:

7-801 - Vision clearance required.

For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by a diagonal line connecting two points located 30 feet from the intersecting curb line centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below, there shall be no structure, fences, shrubbery or other obstruction to vision more than four feet above the three and one half curbline curb grade with the following exception:

(A) Trunk of a tree but not branches or foliage less than 8 feet in height as measured from grade. All residential zones and the CL, CC and CSL zones: 100 feet

(B) All commercial, office, industrial and mixed use zones: 75 feet.

Reason: The Planning Commission agreed with the staff analysis.

10. Subdivision #2019-0005  
502 North Quaker Lane  
Public Hearing and consideration of a request for a Subdivision to re-subdivide an existing lot into two lots; zoned: R-20/ Single-Family.  
Applicant: Charles R. Hooff, III, represented by M. Catharine Puskar, attorney

Ann Horowitz (P&Z), Max Ewart (P&Z), and Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

Speakers:

Cathy Puskar, applicant's attorney, submitted a letter before the hearing that expressed concerns about a late arriving memorandum suggesting conditions about tree preservation. Ms. Puskar stated that a Subdivision approval is a ministerial act and that it should be approved objectively, not subjectively. Ms. Puskar also expressed the applicant's objections to staff accessing the property to review trees, indicating that the Zoning Ordinance and the City Charter do not require the preservation of trees when reviewing Subdivisions and that the preservation of the trees has no bearing on the health, safety or welfare of the population. Ms. Puskar expressed belief that staff went beyond the request of Commissioner Brown in reviewing trees on the lot and wanted the Planning Commission to know that her client does not intend to remove trees that do not

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need to be removed for construction of the home and driveway.

Commissioner Brown inquired of staff as to the status of the placards for this site. Staff responded that once staff was informed that there were no placards on the site, staff immediately re-posted placards. Also, staff confirmed that the applicant complied with noticing as well.

Chair Macek closed the Public Hearing

### Discussion:

Commissioner Brown indicated that a letter submitted by the applicant was misleading and he believes staff was within their right to conduct a site visit. Commissioner Brown cited the City Charter, stating that it gives staff the right to add conditions regarding trees and that it was the right thing for staff to consider for the public interest. Commissioner Brown supports the staff's efforts to maintain the trees on the subject property. He concluded by referencing Section 11-1708(B)(3) of the Zoning Ordinance and stated he hopes staff continues to look for different strategies to preserve trees.

Commissioner Lyle took issue with staff providing a late memorandum with potential conditions. Commissioner Lyle expressed belief that tree preservation should come in during plan approvals for the site and indicated her support of staff analysis in the original staff report.

Commissioner Koenig asked Deputy City Attorney Christina Zechman-Brown whether the Planning Commission has the authority to include these conditions, to which Ms. Brown confirmed it could, citing City Charter language which does not limit standards that can be considered by the Planning Commission. Commissioner Koenig still expressed some discomfort and indicated his support for the original staff report.

Chair Macek commended Commissioner Brown's efforts for tree preservation. Chair Macek acknowledged that he does not have an issue with staff suggestions coming in at a late hour when such situations cannot be avoided; he also indicated that additional information can often help the Planning Commission in making its decisions. However, he also indicated that he does not feel comfortable with the suggested conditions indicating he believes they veer too much into the realm of the development itself and where the development would be located on the site. He added that he appreciates the applicant's willingness to preserve as many trees as possible.

Commissioner McMahon expressed support for the Subdivision request with the original conditions of the staff report. Commissioner McMahon shared the sentiment that some procedural processes regarding staff's ability to conduct a site visit should be clarified and she noted the need for added clarity in regulations to specify when tree preservation

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should be considered.

Vice Chair Wasowski indicated tree preservation is important but expressed concerns with regulating private space.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to approve of Subdivision #2019-0005, as submitted. The motion carried on a vote of 6-1, with Commissioner Brown voting against.

**Reason:** The Planning Commission agreed with the staff analysis as stated in the staff report.

11. Special Use Permit #2017-0097  
5601 & 5603 Courtney Avenue and 720, 730 & 750 South Van Dorn Street - Virginia Paving Company Review  
Public Hearing and consideration of a review of a previously approved Special Use Permit (amending SUP #2010-0014) regarding the continued operation of an asphalt plant pursuant to Condition #75 of said Special Use Permit; zoned: I/ Industrial.  
Applicant: City of Alexandria, Department of Planning & Zoning (SUP Review)

Nathan Randall (P&Z), Robert Kerns (P&Z), William Skrabak (T&ES), and Khoa Tran (T&ES) presented the case and answered questions from the Planning Commission.

**Speakers:**

Mary Catherine Gibbs, representing Virginia Paving, spoke in favor of the continued operation of the use. She stated her belief that the asphalt plant is not inconsistent with the Eisenhower West Small Area Plan (SAP) or area development, noting that development has already been occurring in the area. She stated that allowing three years of operation for the plant prior to its closure was not reasonable or just. She explained that City Council intended to craft Condition #75 such that the seven years of additional operating time prior to closure would start at the time of the Special Use Permit (SUP) review rather than at the adoption of the SAP.

Arthur Impastato, representing Cameron Station Civic Association, agreed with the staff recommendation for the SUP review. He stated that the sunset clause in Condition #75 represents the City's vision for the future of the West End. He indicated that the clear answer to the two-pronged question in the condition is that the asphalt plant is inconsistent with the SAP and the ensuing and foreseeable development in the area. He also noted that he was a member of the SAP Steering Committee and emphasized that it was not the vision of the Plan participants to have a heavy industrial use, like the asphalt plant, in the West End.

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Chair Macek closed the Public Hearing.

### Discussion:

Commissioner Brown asked staff about the approach to implementing planned zoning under the SAP, and staff responded that the SAP calls for individual property owners to request re-zonings through Coordinated Development Districts (CDDs), which has begun on nearby properties. Commissioner Lyle also provided background regarding the SAP. She stated that Virginia Paving has made many improvements over the years and that it has become more community focused. She indicated her belief that setting a definitive sunset clause is needed to move development forward but allowing only three years of additional operation (November 2022) would not be fair to Virginia Paving. She stated that seven years would be more appropriate to allow Virginia Paving and staff more time to make decisions about the future of the site.

Vice Chair Wasowski shared her experience working on the SAP. She stated that some hesitation existed among participants to give a date certain for closure of the asphalt plant because uncertainty existed about what would happen in the area in the future. She indicated her belief that it would be somewhat arbitrary to close the plant three years from today and questioned whether the City should be in the position to close down a business. She stated her agreement that allowing seven years of additional operation instead of three would be a reasonable consensus on the issue.

Commissioner Koenig stated that the decision made in 2006 to include the land-use review in Condition #75 was commendable. He expressed support for the finding that the asphalt plant is inconsistent with the SAP and the ensuing/foreseeable development in the area, believing that it is a sound land-use decision on which to base the new sunset clause. He stated an interest in having a smooth path of departure for the business and accepted the idea that the seven-year window for additional operation should begin now rather than four years ago.

Commissioner McMahon stressed the importance of the Virginia Paving site being in close proximity to the Van Dorn Metro station, stating that an important part of the “inconsistency” with the SAP is that a site so close to Metro is not suitable for an asphalt paving plant. She expressed some concern about the potential for the site being vacant upon closure, noting that it would not be worth closing the business and losing jobs for such an outcome. She noted the good community work on the part of the plant in the last several years and said she was comfortable with the idea of allowing the plant to continue operating for seven years from today.

Commissioner Brown expressed agreement with the idea that the plant should have a sunset clause allowing operation until seven years from today. He discussed various elements of the SAP and said that the meaning of some of its recommendations can be

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debated. He also expressed hope that the neighborhood around the plant will be comprehensively re-zoned in the future. He expressed support for the idea that the use is inconsistent with the SAP, a circumstance that he indicated will be especially true in the future.

Chair Macek concurred that the use is becoming inconsistent with the SAP and that it should have a sunset clause. He stated that the absence of the plant would help the neighborhood achieve the vision of the SAP. He understood the literal wording of Condition #75 but does not believe that his prior vote for the SAP automatically meant that the use would close. He stated that, understanding the seriousness of closing a business and, in fairness to that business, the seven-year sunset date “clock” should start today.

### **PLANNING COMMISSION ACTION:**

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Special Use Permit #2017-0097, with the following amendment to Condition #75. The motion carried on a vote of 7-0.

#### **75. CONDITION AMENDED BY STAFF AND PLANNING COMMISSION:**

The asphalt plant use and all related and tenant operations shall cease operation at the site no later than November 14, 2022 January 1, 2027. (P&Z) (PC)

Consistency with Eisenhower West Small Area Plan (SAP) and Sunset Provision:

City Council shall review this SUP, conduct a public hearing, and determine if the continued operation of this use is inconsistent with the Eisenhower West Small Area Plan (SAP) and implementing zoning amendments, anticipated for adoption in 2009, and with the ensuing and foreseeable development and redevelopment in the area. Such public hearing shall be held, and determination made, on or about three years after adoption of the SAP. In the event Council does not determine that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use may continue, subject to the terms and conditions of this SUP, including a new or revised sunset date. In the event Council determines that the continued operation of the use is inconsistent with such SAP, implementing zoning and development or redevelopment, the use, and all related and tenant operations on or within the site after expiration of the current lease (which is in 2016), shall terminate at such time as the Council shall determine, which shall not be sooner than seven years after adoption of the SAP nor longer than the applicable amortization period under Zoning Ordinance Section 12-214 as demonstrated by the Applicant. Investments made subsequent to this SUP Amendment will not be included in such an amortization analysis. With the

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~~exception of removing a claim of additional vested rights, or a claim for an extension of the amortization period based upon additional investments made, as a result of or subsequent to this amendment to the SUP, this provision is written as a declaration of existing zoning rights on the property. Nothing contained herein is a concession from Virginia Paving that a rezoning of their property is necessary or appropriate under the SAP. (City Council) (P&Z) (SUP#2005-0042)~~

Reason: The Planning Commission agreed with the staff analysis, finding that the asphalt plant is inconsistent with the Eisenhower West Small Area Plan and the ensuing/foreseeable development in the area. It also believes that extending the closure date of the plant from the staff-recommended November 2022 to January 2027 is reasonable and appropriate.

### **OTHER BUSINESS:**

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#### 12. Commissioners' Reports, Comments, and Questions.

Commissioner Brown reported that he visited the subject site in SUB2019-00005 and had noted that there were no hearing notice placards on site. However, upon reporting this to City staff, the missing placards were promptly replaced. Commissioner Brown then invited staff to consider potentially modifying the Zoning Ordinance to place more responsibility on the applicant to notify the City when placards are removed and/or fall. Staff indicated that it will look into that suggestion.

Chair Macek then proposed the idea of requiring more sturdy placards to be placed on site to impede their removal. Staff also indicated that it take another look at its options in this regard.

Vice Chair Wasowski inquired of staff as to whether, as Planning Commissioners, they have the right to investigate a property associated with an application request. Staff indicated that they will follow up with the Commissioners to confirm the extent to which they are permitted to do so.

Commissioner Brown then cited Section 9.08 of the City Charter and subsequently inquired of staff whether this would permit Planning Commissioners to inspect properties associated with an application request. Staff responded that, in general, this did cover the Planning Commissioners to do as much.

Vice Chair Wasowski subsequently stated that she recognized that the public notice endeavor is a huge task for the City to take on each month.

Chair Macek inquired as to whether there was a more modern approach the City could consider to proactively push out notice to those who may be affected by a given project.

## ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – OCTOBER 3, 2019

Commissioner Koenig reported that the Planning Commission's recent decision on the Holly Street Subdivision case was appealed to City Council and the City Council overturned the Planning Commission's approval.

### **MINUTES:**

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13. Consideration of the minutes from the September 3, 2019 Planning Commission meeting.

### **PLANNING COMMISSION ACTION:**

The Planning Commission will consider the September 3, 2019 minutes at the November 7, 2019 hearing.

### **ADJOURNMENT**

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14. The Planning Commission Public Hearing was adjourned at 10:38 p.m.