Docket Item #9 Planning Commission Public Hearing May 4, 2021

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of May 4, 2021.

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

ALEXANDRIA PLANNING COMMISSION

May 4, 2021, 7:00 p.m. Electronic Public Hearing Alexandria, Virginia

Members Present:

Nathan Macek, Chair

Melissa McMahon, Vice-Chair

David Brown John Goebel Stephen Koenig Mindy Lyle Vivian Ramirez

Charles Cooper

Members Absent:

None

Staff Present:

Karl W. Moritz Department of Planning & Zoning

Christina Zechman-Brown Office of the City Attorney

Department of Planning & Zoning Nancy Williams Department of Planning & Zoning Anh Vu Jeffrey Farner Department of Planning & Zoning Department of Planning & Zoning Robert Kerns Department of Planning & Zoning Ann Horowitz Department of Planning & Zoning Tony LaColla Sam Shelby Department of Planning & Zoning Margaret Cooper Department of Planning & Zoning Stephanie Sample Department of Planning & Zoning Catherine Miliaras Department of Planning & Zoning Department of Planning & Zoning Jared Alves Department of Planning & Zoning Maya Contreras Department of Planning & Zoning Rachel Drescher Michael Swidrak Department of Planning & Zoning Department of Planning & Zoning Carrie Beach

Jack Browand Department of Recreation, Parks, and Cultural Activities

Department of Code Administration

Helen McIlvaine Office of Housing

Katye North

Department of Transportation & Environmental Services

Melanie Mason

Department of Transportation & Environmental Services

Bob Garbacz

Department of Transportation & Environmental Services

Khoa Dinh Tran

Department of Transportation & Environmental Services

Megan Oleynik

Department of Transportation & Environmental Services

Ryan Knight Department of Transportation & Environmental Services
Alex Boulden Department of Transportation & Environmental Services
Lalit Sharma Department of Transportation & Environmental Services
William Skrabak Department of Transportation & Environmental Services
Christopher Ziemann Department of Transportation & Environmental Services

1. Call to Order.

2. Resolution Finding Need to Conduct the Planning Commission Public Hearing Electronically

<u>PLANNING COMMISSION ACTION</u>: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to approve the Resolution. The motion carried on a vote of 7-0.

CONSENT CALENDAR:

Chair Macek inquired as to whether there were any changes to tonight's Docket. Staff responded stating there is a deferral request received for Docket Item #7. Additionally, Docket Items #3, #4, and #5 were pulled from the Consent Calendar by requests of Chair Macek, Commissioner Brown, and Commissioner Ramirez respectively.

3. Special Use Permit #2020-00107

5101 Seminary Road

Public Hearing and consideration of a request for a Special Use Permit for the operation of a temporary trailer; zoned: CDD #21/Coordinated Development District #21. Applicants: Bashar Mehiar and Ramzi Haifawi

Rachel Drescher, P&Z, is the staff assigned to this Item.

A presentation was not requested by the Planning Commission; instead, Chair Macek explained why he pulled this Item from the Consent Calendar as outlined in the Discussion section.

Speakers:

None.

Discussion:

Chair Macek clarified that his reasoning in pulling Item #3 from the Consent Calendar was to ensure that the conditions of this request – a request for a Special Use Permit (SUP) for a temporary trailer – were not duplicative with conditions included in the business' existing SUP for a restaurant. He asked if it would be possible to strike

Conditions # 6-10 in this SUP #2020-00107 to read the applicant should comply with Conditions #13 and #15-18 of SUP 2020-00074 for restaurant and outdoor dining uses. The change, he indicated, would eliminate the duplication between the two SUPs; he indicated that staff had expressed concurrence with the change. He also asked the applicant if he had any objections, and the applicant indicated that he does not have any objections to the change.

<u>PLANNING COMMISSION ACTION</u>: Item #3 was removed from the Consent Calendar. On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Special Use Permit #2020-00107, as amended, and to close the Public Hearing. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis.

4. Special Use Permit #2021-00011

3649 Wheeler Avenue - Heritage Montessori Day & Preschool Public Hearing and consideration of a request for a Special Use Permit to operate a private academic school with over 20 students; zoned: CSL/Commercial Service Low. Applicant: Heritage Montessori Day & Preschool, LLC.

Rachel Dreschler, P&Z, is the assigned staff for this Item.

Chair Macek asked the Planning Commission if it required a presentation. A presentation was not required by the Planning Commission. However, Commissioner Brown indicated that he had a number of questions for the applicant.

Speakers:

Rosemarie Davis and Dr. Charlottes Haynes, applicants, explained Montessori schools are a philosophy and method of teaching. It was stated that there is no requirement to have a play area on-site. The applicants explained no food preparation would occur on-site.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

Commissioner Brown inquired about the suitability of using of Early Street Park by the proposed school. Staff explained that that request is reviewed by the Department of Recreation, Parks, and Cultural Activities and was not within the scope of the Special Use Permit (SUP).

Commissioner Brown inquired about egress and ingress into the building. Staff explained building safety will be reviewed during the building permit process by Code Administration and was not within the scope of the SUP.

Commissioner Brown inquired about whether there should be a maximum enrollment number. Staff explained enrollment is based on the pick-up and drop-off plan and by the Department of Social Services. If enrollment were to increase, the pick-up and drop-off plan would be re-evaluated.

Commissioner Brown inquired about whether refrigeration was required for drinks brought by students. Staff explained there will be refrigeration for drinks, and this is regulated by the Health Department. Currently, during COVID-19, parents will prepare lunches that the students will bring, and the school will provide packaged snacks. Post COVID-19, the school will provide pre-packaged catered meals that are kept at a designated recorded temperature.

Commissioner Brown stated he felt the application was not well documented; there is not a play area on the site; and he did not feel the business would succeed at this location

Chair Macek responded that there are various departments and state requirements that regulate uses, and the role of the Planning Commission is to regulate the land impacts of the use on the neighboring properties. He offered that the Planning Commission does not evaluate the success of the business. As to the location of the play area, he indicated there are other child-care facilities in the City that use off-site locations for this purpose, and the change in location was a result of the applicant working with the City to find an appropriate location.

Chair Macek stated he was comfortable with this use at this location.

Vice Chair McMahon added that the City has a responsibility to provide common public facilities. Public parks and sidewalks should be available to all neighborhoods. It should not be the child-care's responsibility to provide these public facilities.

Commissioner Brown stated the safety of the children walking to a play area is a land use consideration and indicated he felt neutral about the proposed use at this location.

<u>PLANNING COMMISSION ACTION</u>: Item #4 was removed from the Consent Calendar. On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2021-00011, with the following amendment to Condition #4.

4. <u>CONDITION AMENDED BY PLANNING COMMISSION:</u> Applicant shall apply to the Department of Recreation to establish times and schedules to use Schuyler Hamilton Jones Skateboard P City parks. (P&Z) (PC)

The motion carried on a vote of 6-0-1, with Commissioner Brown abstaining.

Reason: The Planning Commission agreed with the staff analysis.

5. Special Use Permit #2021-00013

1737 King Street

Public Hearing and consideration of a request for a Special Use Permit for additional square footage for projecting signs; zoned: KR/ King Street Urban Retail.

Applicant: DREF King Street Metroplace, LLC, represented by Clay Bryan

Notation: Commissioner Ramirez recused herself from consideration of this Docket Item.

Speakers:

None.

Discussion:

None.

<u>PLANNING COMMISSION ACTION</u>: Item #5 was removed from the Consent Calendar. On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Special Use Permit #2021-00013, as submitted. The motion carried on a vote of 6-0, with Commissioner Ramirez recusing herself.

Reason: The Planning Commission agreed with the staff analysis.

6. Encroachment #2021-00001

2800 Hope Way - The Spire & Episcopal Church of the Resurrection Public Hearing and consideration of a request for an Encroachment into the public right-of-way on North Beauregard Street for steps; zoned: CDD #23/Coordinated Development District #23.

Applicants: AHC, Inc., a Virginia Nonstock Corporation and Episcopal Church of the Resurrection, represented by Haley Norris, agent

<u>PLANNING COMMISSION ACTION</u>: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Encroachment #2021-00001, as submitted. The motion carried on a vote of 7-0.

NEW BUSINESS:

7. This item has been postponed in order to be included as part of the full Arlandria-Chirilagua Plan Update anticipated for a fall Public Hearing.

Consideration of the draft Housing Affordability Recommendations of the Arlandria-Chirilagua Plan Update

<u>PLANNING COMMISSION ACTION</u>: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to defer consideration of the draft Housing Affordability Recommendations of the Arlandria-Chirilagua Plan Update. The motion carried on a vote of 7-0.

8. Public Hearing and consideration of the FY 2022 Long Range Planning
Interdepartmental Work Program
Staff: City of Alexandria, Departments of Planning & Zoning, Office of Housing,
Transportation & Environmental Services, and Recreation, Parks, & Cultural Activities

Carrie Beach (P&Z) presented the Item and answered questions from the Planning Commission.

Speakers:

None.

Discussion:

Chair Macek stated that he was happy to see the continued progress on the plans that are already underway and a plan to close out a number of plans that were previously extended due to the COVID-19 pandemic. He also stated his support for the priority being given to the Community Engagement Principles and Practices work. Further, he noted he was pleased to see the Market Square Study moving forward as he indicated Market Square could potentially be re-evaluated so that better use of the space is made, particularly with the reduction or removal of the fountain. In addition, he stated that he thought it was good that the Upper King Street/ Bradlee Study was coming back for review. Also, he stated that he was happy to have received an update regarding the ongoing Zoning for Housing work being undertaken. Finally, he stated that he is pleased to hear that staff has refined a proposal to bring the Alexandria West Plan forward for consideration, and he encouraged staff to engage with the Planning Commission on both the Alexandria West and Upper King Street/ Bradlee planning efforts along the way.

<u>PLANNING COMMISSION ACTION</u>: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to endorse staff's

recommendation for the FY 2022 Long Range Planning Interdepartmental Work Program. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

9. Zoning Text Amendment #2021-00001

Permitted and Administrative Uses in CDD/Coordinated Development District Zones (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Section 5-602 to allow certain uses in CDD zones to be permitted or administrative uses.

Staff: City of Alexandria, Department of Planning & Zoning

Nathan Randall (P&Z) presented the Item and answered questions from the Planning Commission.

Speakers:

M. Catharine Puskar, attorney, Walsh Colucci Lubeley & Walsh, expressed general support and asked about the specific applicability of this Text Amendment to existing Development Special Use Permits (DSUP) such as the one for the Edens project in Old Town North. Staff indicated the example of the given building would need to be looked at individually; however, the intent would be unless the DSUP approval has certain conditions about standards by which it would be eligible for an Administrative SUP, or unless it is prohibited, then these provisions would govern.

Chair Macek suggested that for the City Council Public Hearing an example, such as the Edens' case or something similar, should be used to show the administrative flexibility that the Text Amendment is intended to provide. Department of Planning & Zoning Director Moritz indicated that while there are limits to the department's ability to pose hypotheticals, and to see how they will play out, it would be helpful to reflect the utility of this Text Amendment.

Commissioner Brown indicated that when a change is made to the Zoning Ordinance there will always be the question of the impact on prior approvals.

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

Vice Chair McMahon expressed her agreement that this Text Amendment would remedy a fairness issue between how uses are regulated between standard zones and Consolidated Development Districts (CDDs), viewing it as an improvement to the Zoning Ordinance.

She also noted that CDD areas are already subject to additional levels of review and planning and that the scope of this Text Amendment would be rather narrow.

Commissioner Brown asked whether this Text Amendment would change the level of regulation for "underlying zones" – a term for the set of regulations that apply to CDDs when redevelopment, consistent with a CDD Concept Plan, has not yet been approved. Staff replied that it would not change regulations in CDDs when using the "underlying zone."

Chair Macek asked whether this Text Amendment would change where, in a building or on a CDD redevelopment site, uses would be allowed. Staff replied that the CDD Special Use Permit or Development Special Use Permit would govern where such uses would be allowed and would continue to do so; this Text Amendment would not change that circumstance.

Commissioner Lyle spoke in support of the Text Amendment, noting that she has been interested in its adoption for a long time. She referenced the experience of Cameron Station having a level of flexibility in its regulations for many years and that the community has not seen any significant problems as a result.

<u>PLANNING COMMISSION ACTION</u>: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to initiate Zoning Text Amendment #2021-00001. The motion carried on a vote of 7-0.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Zoning Text Amendment #2021-00001, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis

10. Special Use Permit #2020-00106

1015 Duke Street

Public Hearing and consideration of a request for a Special Use Permit for a parking reduction and lot modifications for the conversion of a commercial use to a residential use; zoned: CL/Commercial Low.

Applicant: Patrick Jansen

Margaret Cooper (P&Z) presented the Item and answered questions from the Planning Commission.

Speakers:

William Carle, 1017 Duke Street, spoke in opposition of the request, and said the applicant has a history of not being candid with him or the City.

Minturn Wright, representative for William Carle, Helen Choi, and Kumar Patel, spoke in opposition of the request and referenced past staff reports, approvals and, also, comments by the applicant.

Kumar Patel, 1011 Duke Street, spoke in opposition of the request and talked about his past negative experiences with the applicant.

George Best, 421 N Columbus Street, spoke in opposition of the request, and talked about his past negative experiences with the applicant.

Helena Choi, 1017 Duke Street, spoke in opposition of the request, and talked about damage she said the applicant has caused at their home.

Kristen Brady, 1011 Duke Street, spoke in opposition of the request, and talked about her past experiences with the applicant.

Patrick Jansen, applicant, spoke in support of the request and responded to questions from the Planning Commission.

Theodora Stringham, representative for the applicant, spoke in support of the request and responded to questions from the Planning Commission.

On a motion by Commissioner Lyle, seconded by Commissioner Brown, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

Commissioner Brown said he did not support the roundabout way the applicant previously received Board of Architectural Review (BAR) approval for the addition that was constructed, as he believed the applicant avoided the need for a Variance by seeking approval for the addition while the building was used commercially with the intent of reverting to residential. He pointed out that it is unlikely staff, or the Board of Zoning Appeals (BZA), would have granted approval for the addition if the building was used as a residence because of the strict standards required for Variances. While he understood staff's position that the requested modification of the open space requirement represents a minor change, he could not support the open space modification because of the path the applicant took to achieve the addition. The addition resulted in the property being deficient in the required open space, which he stated is a requirement for good site design.

Commissioner Lyle agreed with Commissioner Brown and said she found the applicant's previous review paths to have been a shell game that she could not support.

Chair Macek said he did not like the way the applicant went about getting BAR approval for the addition. However, he found the request to be reasonable and indicated he did not have a problem with the site being residential, especially because the subject property has more parking and open space than the adjacent neighbors. He also said the zoning requirements in some of the zones in the Historic Districts indicate amendments are needed to equally support commercial and residential uses.

Commissioner Koenig agreed that the request is reasonable.

Vice Chair McMahon said there are many inconsistencies between the Zoning Ordinance and the existing buildings in the Historic Districts and thinks 40 percent open space may be excessive for this zone. She said the request was a reasonable variation, as this part of the City has many buildings that have reverted between commercial and residential for years. While she is unhappy with the series of events that led to the Special Use Permit (SUP) application, and the issues the neighbors expressed about the applicant, she finds the request to be reasonable from a land use perspective.

<u>PLANNING COMMISSION ACTION</u>: On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Special Use Permit #2020-00106, as submitted. The motion carried on a vote of 5-2, with Commissioner Brown and Commissioner Lyle voting against.

<u>Reason:</u> The Planning Commission agreed with the staff analysis. Commissioner Brown and Commissioner Lyle dissented as they did not think the deficiency in open space due to the addition was reasonable.

11. Special Use Permit #2021-00017

1503 and 1505 Mount Vernon Avenue - The Garden

Public Hearing and consideration of a request for a Special Use Permit for an increase in outdoor seats; an increase in outdoor hours of operation; a parking reduction; and a zone transition setback modification (amending SUP2019-00004); zoned: CL/Commercial Low

Applicant: Del Ray Gardens LLC., represented by M. Catharine Puskar, attorney

Notation: Commissioner Ramirez recused herself from consideration of this Docket Item.

Sam Shelby (P&Z) presented the Item and answered questions from the Planning Commission.

Speakers:

M. Catherine Puskar, attorney, Walsh, Colucci, Lubeley & Walsh representing the applicant, indicated that the applicant is seeking amendments to increase the seating, to request a one space parking reduction and a zone transition setback modification. She indicated that since the first approval a few years ago, the applicant had opened with success and then the pandemic brought the applicant here today. She added that the applicant is pleased to have the support of the Del Ray Citizens Association and the adjacent neighbor.

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 6-0, with Commissioner Ramirez recusing herself.

Discussion:

Chair Macek indicated that he would like to make changes to Condition #4 to delete the reference to the "adult-only section" so there is consistency between Conditions #2 and #4.

Vice Chair McMahon indicated that to add to that she would also eliminate the reference to "Figure 2" in Condition #2 to keep the change as clean as possible.

Chair Macek then proposed the following changes with the applicant expressing agreement.

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2021-00017, with the following amendments to Condition #2 and #4.

- 2. <u>CONDITION AMENDED BY STAFF AND PLANNING COMMISSION:</u>
 Outdoor dining is limited to no more than <u>146</u> <u>100</u> seated or standing patrons.

 <u>Forty-six spaces shall be placed in the rear area</u> as noted in Figure 2. The applicant may increase the number of seated or standing patrons to 120 through an administrative approval. (P&Z) (PC) (CC)
- 4. <u>CONDITION AMENDED BY STAFF AND PLANNING COMMISSION</u>: The hours of operation shall be limited from 7 a.m. to 11 10 p.m. <u>Sunday through Thursday daily</u>, and 7 a.m. to midnight Friday and Saturday in the area open to all patrons. <u>The hours for the rear seating area adult-only section shall be limited from 7 a.m. to 10 p.m., daily.</u> All patrons must leave the outdoor dining premises by the closing hour. 10 p.m. (P&Z)

The motion carried on a vote of 6-0, with Commissioner Ramirez recusing herself.

Reason: The Planning Commission agreed with the staff analysis.

12. Subdivision #2021-00002

1010 Duke Street

Public Hearing and consideration of a request to re-subdivide an existing lot into two lots; zoned; CD/Commercial Downtown.

Applicant: 1010 Duke St LC., represented by Michael L. Albrittain

Michael Swidrak, P&Z, is the staff assigned to this Item.

Chair Macek indicated that no speakers had signed up for this Item. He inquired if a presentation would be needed by the Planning Commission. There was not a request from the Planning Commission for a presentation.

Speakers:

None.

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

None.

<u>PLANNING COMMISSION ACTION</u>: On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to approve Subdivision #2021-00002, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis.

13. Development Site Plan #2021-00001

114 North Alfred Street - Mechanics Hall

Public Hearing and consideration of a request for a Development Site Plan with modifications to construct a rear addition that is more than a third of the commercial building's existing gross square footage, with modifications to the street tree planting requirement and required setbacks; zoned: CD/Commercial Downtown.

Applicants: Eric and Theresa Olson, represented by William Cromley, agent

Stephanie Sample, P&Z, is the staff assigned to this Item.

Chair Macek inquired if a presentation would be needed for the Planning Commission. There were no questions for staff and there was not a request by the Planning Commission for a presentation.

Speakers:

William Cromley, representing Eric and Theresa Olson, spoke in support of the project. He indicated that the project is relatively small in scope. He indicated that this is a 19th century historic building called Mechanics' Hall. He stated that the owners expressed an interest in moving into the second floor changing it from its current office use, while keeping office on the first floor and the basement. They also indicated a request for an art gallery and an addition for guest space for their adult daughters.

Discussion:

Vice Chair McMahon inquired as to why there are ten parking spaces in the garage. Mr. Cromley indicated that the owners sought to keep the parking since it is there but it also would enable the rooftop open space since the parking will be covered under the proposed design. Vice Chair McMahon indicated that while she would ordinarily question the practicality of keeping urban parking, she expressed support for how the design covers it up and provides open space that the owners can enjoy.

Commissioner Brown expressed his support for the project.

Commissioner Koenig expressed appreciation for the project's design and indicated that the design is very respectful of a great example of architecture.

Chair Macek also expressed support, stating that the proposal reflects a thoughtful design.

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to close the Public Hearing and to approve Development Site Plan #2021-00001, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis.

OTHER BUSINESS:

14. Commissioners' Reports, Comments, and Questions.

Commissioner Lyle reported that, in the near future, there are two more meetings scheduled for the Eisenhower West-Landmark/ Van Dorn Advisory Group and one more community meeting and that they plan to be on schedule for the June 24 Planning Commission Public Hearing.

Commissioner Brown reported that the Open Space Policy Committee's next meeting will be a walking tour of the Waterfront and they will convene at Ford's Landing at 3:00 p.m. He indicated the purpose of the tour is to view the various publicly accessible open spaces as the Committee moves towards making policy recommendations in relation to the Open Space Master Plan. P&Z later confirmed the date of the tour as Thursday, May 20.

Chair Macek reported that the Waterfront Commission has discussed having a Waterfront Walk this year, but additional details are to be determined.

Vice Chair McMahon reported that the Transportation Commission and staff are seeking input on priorities for the use of the American Rescue Plan Act funding that was received by the City. She indicated one of the proposals is related to the permanent closure of the 100 block of King Street.

Commissioner Ramirez reported that the Superintendent's Advisory team is continuing to meet with the public regarding the design for Minnie Howard campus and that several more meetings regarding this topic are planned for the near future, with more details to come.

MINUTES:

15. Consideration of the minutes from the April 8, 2021 Planning Commission meeting.

<u>PLANNING COMMISSION ACTION:</u> On a motion by Commissioner Brown, seconded by Vice Chair McMahon, the Planning Commission voted to approve the minutes of April 8, 2021, with the following amendments:

- Page 9 "flood mitigation" to "waterfront flood mitigation"
- Page 16 "parking areas" to "private parking areas"

The motion carried on a vote of 7-0.

16. **ADJOURNMENT**

The Planning Commission Public Hearing was adjourned at 10:17 p.m.