



City of Richmond

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Meeting Minutes - Draft Planning Commission

Monday, October 7, 2019

1:30 PM

5th Floor Conference Room

Call To Order

Mr. Poole called the regular meeting of the Planning Commission to order at 1:30 p.m.

Roll Call

- Present 8 - * Chair Rodney Poole, * Vice Chair Melvin Law, * Commissioner David Johannas, * Commissioner Vivek G. Murthy, * Commissioner Elizabeth Hancock Greenfield, * Commissioner Max Hepp-Buchanan, * Commissioner John Thompson, and * Commissioner Lenora Reid
- Absent 1 - * Commissioner Ellen Robertson

Chair's Comments

Mr. Poole welcomed all who were present.

Approval of Minutes

Director's Report

- Council Action Update

Mr. Ebinger provided an update on the actions taken by City Council at its September 23, 2019 meeting.

- Richmond 300 Update

Mr. Olinger stated they are continuing to have Richmond 300 meetings.

Consideration of Continuances and Deletions from Agenda

There were no continuances or deletions from the agenda.

Consent Agenda

Consent agenda public hearing: no one spoke.

A motion was made by Vice Chair Melvin Law, seconded by Commissioner John Thompson, that the Consent Agenda be approved. The motion passed by the following vote:

- Aye -- 8 - * Chair Rodney Poole, * Vice Chair Melvin Law, * Commissioner David Johannas, * Commissioner Vivek G. Murthy, * Commissioner Elizabeth Hancock Greenfield, * Commissioner Max Hepp-Buchanan, * Commissioner John Thompson and * Commissioner Lenora Reid

1. [ORD. 2019-257](#) To rezone the properties known as 13, 17, 19, 21, and a portion of 9 West 20th Street; 16, 18, 20, and 22 West 19th Street; 1900, 1906, 1920, and 1922 Bainbridge Street; and a portion of 2005 Hull Street from the M-1 Light Industrial District to the B-7 Mixed-Use Business District; the property known as 12 West 19th Street and a portion of 9 West 20th Street from the M-1 Light Industrial District to the TOD-1 Transit-Oriented Nodal District; and the properties known as 1901, 1917, and a portion of 2005 Hull Street from the B-3 General Business District to the TOD-1 Transit-Oriented Nodal District.

Attachments: [Staff Report](#)
[Ord. No. 2019-257](#)
[Application Form and Applicant's Report](#)
[Map](#)
[Survey](#)
[Springhill Association Letter of Support](#)
[Sportscar Workshops Letter of Support](#)
[Swansboro Neighborhood Association Letter of Support](#)

This Ordinance was recommended for approval to the City Council.

2. [ORD. 2019-258](#) To authorize the special use of the property known as 3119 Grayland Avenue for the purpose of a swimming pool accessory to a single-family detached dwelling, upon certain terms and conditions.

Attachments: [Ord. No. 2019-258](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Plan & Survey](#)
[Map](#)

This Ordinance was recommended for approval to the City Council.

3. [ORD. 2019-261](#) To authorize the special use of the property known as 2100 North 29th Street for the purpose of a private school, upon certain terms and conditions.

Attachments: [Ord. No. 2019-261](#)
[Staff Report](#)
[Application Form and Applicant's Report](#)
[Plans](#)
[Survey](#)
[Map](#)

This Ordinance was recommended for approval to the City Council.

4. [ORD. 2019-267](#) To amend Ord. No. 2019-043, adopted May 13, 2019, which (i) accepted a program of proposed Capital Improvement Projects for Fiscal Year 2019-2020 and the four fiscal years thereafter, (ii) adopted a Capital Budget for Fiscal Year 2019-2020, and (iii) determined a means of financing the same, to modify the purpose of the East District Park Transformation project in the Culture and Recreation category to provide that such project consists of ongoing improvements to parks and recreational facilities within the Seventh Council District, including, but not limited to, the sites of Oakwood Park, Ethel Bailey Furman Park, Lucks Field/Fairmont, and Woodville.

Attachments: [Ord. No. 2019-267](#)
[Staff Report](#)

This Ordinance was recommended for approval to the City Council.

5. [PAC 2019-004](#)

Attachments: [PAC Report to CPC](#)
[Staff Report to PAC and Attachments](#)

This Section 17.05 Review was approved.

6. [Location 2019-01](#)

Attachments: [Staff Report](#)
[Easement Plat](#)
[Map](#)

This Location Review Item was approved.

The consent agenda consists of items that appear relatively non-controversial in nature and for which there was no known opposition at the time this agenda was set. The Consent Agenda items will be considered by the Commission as a group, and there will be a single combined staff presentation and a single combined public hearing held for all items listed on the Consent Agenda.

Regular Agenda

7. [ORD. 2019-259](#) To amend and reordain Ord. No. 2000-319-326, adopted Nov. 13, 2000, as amended by Ord. No. 2007-222-194, adopted Sept. 10, 2007, which authorized the special use of the property known as 214 North Lombardy Street for the purpose of modifying the exterior and interior of the building and adding new signage to the facade, to authorize a restaurant, tearoom, café, delicatessen, ice cream parlor, or similar food and beverage service establishment and up to three dwelling units, upon certain terms and conditions.

Attachments: [Ord. No. 2019-259](#)
[Staff Report](#)
[Application Form & Applicant's Report](#)
[Plans](#)
[Survey](#)
[Map](#)
[Design and Layout Samples](#)
[FDA Letter of No Opposition](#)
[Letters of Opposition](#)
[Additional Letters of Opposition Provided at Planning Commission Meeting](#)

Jonathan Brown provided staff's presentation.

Preston Lloyd provided the applicant's presentation.

Public Hearing:

Support:

Approximately 20 individuals stood in support of the application.

Ms. Taylor DeBrecky, Potential Coffee Shop tenant, spoke in support of the application. She stated they plan on being open 6:00 AM - 3:00 PM for 1st year.

Opposition:

Approximately 10 individuals stood in opposition to the application.

The following three individuals spoke in opposition:

Mr. Bennett Burkes does not believe proposed ordinance meets the conditions they agreed to.

Mr. Thompson asked what about this ordinance and proposal is different from what the FDA voted on.

Mr. Burke stated we believe the ordinance will allow for trash cans in the alley. We have had representations that all of the trash will be put in the enclosed area. There was never any discussion about a sidewalk cafe, there was never any discussion about acoustic instruments, it is still unclear to us whether there is going to be an attempt to allow outdoor seating on the roof and in the breezeway. That was an issue with the previous occupant and we are concerned it may be an issue with this ordinance.

Mr. Paul Monroe is concerned that the special use permit also approves a restaurant, not just a coffee shop. Also opposed to an additional dwelling unit.

Mr. Greene is concerned about the demand for employee parking and trash in alley way.

Mr. Poole asked Mr. Lloyd to clarify trash collection condition.

Mr. Lloyd stated any commercial user would be required to have private service garbage, that must be placed and maintained in the screened courtyard that is not visible. Super cans typically are placed behind homes for removal by the City department.

Mr. Poole asked, your applicant has not been subject to stop work orders have they?

Mr. Lloyd stated there was a matter of confusion concerning whether a specific building permit that had been issued was consistent with the special use permit so we met previously with Mr. Olinger's team to confirm that no further approvals were necessary for rehabilitation work that was being done on the residential units within the building but not within the commercial space. Following that a complaint was received by the Zoning Department, a notice was issued and we then met with Mr. Olinger and it was determined that previous determination that building permits could be issued was not correct. He stated we are not sure where the confusion arose. At that point all work that was being done on any residential aspect of the property was ceased and we moved forward with the special use permit conditions.

Mr. Poole stated with respect to any application for a sidewalk cafe they will be subject to just a normal ordinance with respect to the approval and the City will measure the sidewalk and that sort of thing.

Mr. Lloyd stated yes. The Department of Public Works may or may not issue a permit, because the special use permit condition is clear, we wanted to make sure that we were very transparent in saying the only exception to that would be if the Department of Public Works would issue a sidewalk ordinance.

Ms. Greenfield asked Mr. Lloyd to address discrepancies.

Mr. Lloyd stated the process is we submit an application, it goes through staff review, after staff reviews are completed an O and R is filed which triggers the preparation of the actual ordinance language, that comes from the City Attorney's office.

Mr. Thompson stated it sounds like in the ordinance they will not be able to get an ABC License.

Mr. Lloyd stated correct. They will not be allowed to get a mixed beverage license. Virginia ABC can issue a number of different licenses depending on the use. A restaurant that wants to be able to serve liquor will apply for an on premises mixed beverage license. That will authorize them to serve drinks for the consumption on the premises that could include beer, wine or mixed beverages. There is also an on premises beer or on premises wine license that could be applied for. The tenant would also be eligible to apply for an on premises or off premises wine or beer license but not a mixed beverage license, why, because if he went across the street to a market a couple of blocks away, they have a beer tap where you can fill up and leave. That requires an off premises beer license issued by ABC to be able to have that.

Mr. Thompson stated trash, the private contractor that is used for the commercial space, will they be putting out super can style collection or will it be room for more of a steel dumpster.

Mr. Lloyd pulled up a photograph. He stated there is no opportunity for there to be anything larger than what will fit through that door. That is what the special use permit requires for commercial use.

Mr. Johannas stated he remembers the Lamplighter Restaurant and Paliachi's. He stated he hopes that the proper language regarding noise, refuse, density, outdoor seating and parking would help compensate for that. The hours of operation are a big aspect of that. In terms of co-compliance, co-compliance is a fire safety issue and that goes through the City Building Inspection Department so he feels secure that it will be managed and handled properly. The special use also protects outdoor use of the roof and breezeway in public areas. A 9:00 p.m. closing time is very early, a little bit too early to be used as a bar.

Mr. Law stated he plans to support this proposal. He commended both sides for presenting their views in a responsible way. It seems that the City ought to be about giving an opportunity to people who have ideas about improving the community. There is a safeguard for those who are opposed. It seems that if it turns out to be a problem the community has a chance to determine whether or not the business has enough customers or it does not. If it is a responsible business that has been received as a benefit to the community it will be supported. If not, the community will speak by not supporting it.

Mr. Murthy stated this has been a restaurant for three years, when he thinks about what is here and the opportunity here, we are starting to see the re-emergence of our city, amenities like this in communities like Northend Juice Company, Faison Market, Stella's Market are scattered throughout the city and how it has transformed areas where neighbors can meet and talk and hangout, where people who are not from the community are able to walk and meander and run into something that they would not have found. We want more walkable communities, it supports our vision of the city. Related to the units this is an incredibly dense area, a developed area of the Fan and we need more units, one or two always helps. This is a great opportunity to find some creative spaces.

Ms. Reid stated the benefits and amenities that will add to the community will outweigh the concerns that they have. The concerns can be addressed, the zoning code compliance can support many of the mixed use. She is in support.

Mr. Poole stated he plans to support this. It has a history of being a commercial use for a very long time. Lombardy Street has been used as a commercial corridor for many years. There has been one bad actor in that period of time and that is unfortunate. He stated he does not see this applicant is going to be a bad actor, he thinks she is going to be a real good representative for the neighborhood and lives in the neighborhood.

A motion was made by Commissioner Max Hepp-Buchanan, seconded by Commissioner Vivek G. Murthy, that this Ordinance be recommended for approval to the City Council. The motion carried unanimously.

8. [ORD. 2019-260](#)

To authorize the special use of the property known as 1836 Park Avenue for the purpose of office space and occasional events, upon certain terms and conditions.
(As Amended)

Attachments: [Ord. No. 2019-260 - Amended 20191014](#)[Staff Report](#)[Application Form & Applicant's Report](#)[Plans & Survey](#)[Map](#)[Letters of Opposition](#)[Letters of Support](#)[FDA Letter of No Opposition](#)[20191014 Amendment of 2019-260](#)

Jonathan Brown provided staff's presentation.

Mr. Poole asked does the building cover the entire property or is there a backyard?

Mr. Brown stated it covers the entire property.

Mr. Poole asked so the issue of amplified music on the exterior is not relevant that is why it is only the interior that you are making reference to.

Mr. Brown stated yes.

Jennifer Mullen provided the applicant's presentation.

Mr. Olinger asked, no signage?

Ms. Mullen stated none is proposed.

Ms. Reid asked am I understanding correctly that the events that will be taking place in this facility are already taking place in the applicant's home.

Ms. Mullen stated yes they currently host them in their home.

Mr. Poole asked who keeps track of the number of events.

Ms. Mullen stated they will provide the information to the Zoning Administrator.

Public Hearing:

Elliott Clark spoke in support of the application.

No one spoke in opposition to the application.

A motion was made by Commissioner Vivek G. Murthy, seconded by Commissioner Max Hepp-Buchanan, that this Ordinance be recommended to City Council for approval with an amendment to Condition 3(f) as specified in the Staff Report. The motion carried unanimously (Mr. Law was not present for the vote).

9. [PDRPRES](#)
[2019.012](#)

Jennifer Mullen answered questions from the Commission.

Mr. Johannas asked about Phasing.

Ms. Mullen stated A block, then E block which is by the hotel, then F, then C.

Mr. Johannas asked about Infrastructure, when is Clay Street revised.

Ms. Mullen stated the infrastructure goes with Clay Street up to the Public Safety building, that is D, until that building comes down, the infrastructure will go up to that building and all of that needs to be in place prior to the CO for the first building. When the arena opens the right of way conditions require that that section of Clay Street be constructed and dedicated to the City.

Mr. Johannas asked on A Building, the arena portion is the City's responsibility, raising of the bonds.

Ms. Mullen stated the City is only acting as an agent and landlord. The A portion gets transferred to the Economic Development Authority who is the landlord under the arena lease. There is a section of the arena lease that requires the City to be the agent of the landlord just to make sure that the City still control decisions and there is a whole host of obligations in that lease, one which is maintenance of the facility which is not the City or the EDA, it is on the operator side so that is on the private side. It is not being constructed by the City, it is not being maintained by the City, it is not being reserved by the City. The responsibility lies on the private side to ensure that it is maintained, it bears the risk of any operating loss and to make sure that the reserve funds are established so that you have a facility that is in the shape that you are expecting when you get it back.

Mr. Johannas asked on A3 and A2 sections, are they a part of the developers responsibility.

Ms. Mullen stated that is correct.

Mr. Johannas asked, Parcel D and Parcel I are possibly University developed.

Ms. Mullen stated yes. Parcel D is the Public Safety Building. When that block is acquired the whole building will come down and Clay Street will go in and there is a tenant identified as a tax paying tenant. The I block is the Department of Social Services. They have to find a new home for Social Services within downtown, once that home has been found they will be able to move forward on relocating the folks in the Social Services building.

Mr. Poole asked is it safe to say in a general sense you are talking about the \$900M equity that was mentioned and a \$300M bonding which is entirely different than the normal way that most commercial real estate is developed, it is exactly the opposite where you have a much smaller piece of equity and a much larger piece of debt which is in many instances recourse rather than non-recourse.

Ms. Mullen stated that is correct, especially for an asset that is continued to be maintained by the City, the fact that you are able to build it with non-recourse debt that is the benefit of increment financing that goes along with it.

Mr. Poole stated for the benefit of the record, non-recourse is true non-recourse in this instance, there is recourse only to one source and that is the incremental tax increases, which is the only recourse.

Ms. Mullen stated yes.

Mr. Johannas stated part of this area was devastated, it was devastated by the highway act that we built Interstate 95 which basically tore through the district, it split it and it was also devastated by urban renewal and in the process of devastating it, what we ended up with is a dark hole in the middle of the City because we created large super blocks, we have depleted the grid and created an infrastructure during that period which basically has broken down our ability to have this area either grow or to come up with a reasonable approach for development without trying to fix that element of history.

Upcoming Items

-The Planning Commission will hold a special meeting on Wednesday, October 16, 2019 at 3:00 PM in Council Chambers to conduct a public hearing pertaining to the Navy Hill District Project.

-October 21 Regular Meeting: Tentative Items: Special Use Permits at 1301 Bellevue Ave and 1 East Main, respectively; James River Park System Master Plan.

Adjournment

Mr. Poole adjourned the meeting at 3:28 p.m.

All persons attending the meeting are requested to register on the attendance sheets that have been placed on the chairs and are also available at the table by the conference room entrance. Once you have completed an attendance sheet, it should be provided to the Commission staff.