



# City of Richmond

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## Meeting Minutes Planning Commission

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Monday, July 7, 2014

1:30 PM

5th Floor Conference Room

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### Call To Order

*Mr. Poole called the meeting to order at 1:30p.m.*

### Roll Call

**Present** 6 - Mr. Rodney Poole  
Mr. Melvin Law  
Ms. Kathy Graziano  
Mr. David Johannas  
Mr. Jeffrey Sadler  
Mr. Doug Cole

**Absent** 3 - Ms. Amy Howard  
Ms. Jane Ferrara  
Ms. Lynn McAteer

### Chair's Comments

*Mr. Poole welcomed everyone who was present.*

### Approval of Minutes

[ID 14-030](#) June 16, 2014 Meeting Minutes

**Attachments:** [Draft June 16, 2014 Meeting Minutes](#)

**A motion was made by Ms. Graziano, seconded by Mr. Law, that the minutes from the 6/16/2014 meeting be approved. The motion carried by the following vote:**

**Aye:** 5 - Mr. Poole, Mr. Law, Ms. Graziano, Mr. Sadler and Mr. Cole

**Abstain:** 1 - Mr. Johannas

### Director's Report

*The Director had nothing to report.*

#### - Council Action Update

*There were no actions from City Council since the previous Commission meeting.*

### Consideration of Continuances and Deletions from Agenda

*There were no continuances or deletions from the agenda.*

## **Consent Agenda**

*There was no public comment or Commission discussion on the Consent Agenda.*

**A motion was made by Ms. Graziano, seconded by Mr. Law, that the Consent Agenda be approved. The motion carried unanimously.**

1. [ORD. 2014-138-133](#)  
[3](#) To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to accept funds in the total amount of \$10,000,000 from the Virginia Department of Transportation, and to appropriate the increase to the Fiscal Year 2014-2015 Capital Budget by increasing estimated revenues and the amounts appropriated to various projects in various categories as set forth on the attachment by \$10,000,000 for the purpose of appropriating funding received from the Virginia Department of Transportation's Fiscal Year 2015 Revenue Sharing Program for various projects.

**Attachments:** [Staff Report](#)  
[Ord. No. 2014-138-133.pdf](#)

**This Ordinance was recommended for approval on the Consent Agenda.**

2. [ORD. 2014-140-135](#)  
[5](#) To close to public travel a portion of right-of-way known as Platinum Road, located between its intersection with Belt Boulevard and its intersection with a CSX Transportation, Inc. right-of-way, and consisting of 25,975± square feet, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[Plat](#)  
[Ord. No. 2014-140-135.pdf](#)

**This Ordinance was recommended for approval on the Consent Agenda.**

## **Regular Agenda**

3. [ORD. 2014-094](#) To amend Ord. No. 2004-325-304, adopted Nov. 22, 2004, as previously amended by Ord. No. 2006-105-183, adopted Jul. 10, 2006, which authorized the special use of the property known as 1619 and 1621 West Broad Street for a radio broadcasting studio and offices on the second floor, including an accessory antenna and a parking waiver, for the purpose of permitting a nightclub use, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[Ord. No. 2014-94](#)  
[Plans](#)  
[Application & Applicant's Report](#)  
[Letters and Emails of Support](#)  
[Petition of Support](#)  
[Letters of Opposition](#)  
[Video Submitted by Oppostion](#)

*Mr. Willy Thompson provided a presentation as outlined in the staff report.*

*Mr. Poole asked has the Zoning Administrator been required to enforce the special use permit that is currently in place.*

*Mr. Thompson stated yes.*

*Mr. Poole asked what was the enforcement.*

*Mr. Thompson stated there was a violation letter provided last year. The applicant then filed for a special use permit application in December and has been moving through that process.*

*Mr. Poole asked was there any previous communication between the Zoning Administrator's office and the applicant before the issuance of that letter.*

*Mr. Thompson stated yes, there were some letters.*

*Mr. Poole asked when did that start.*

*Mr. Thompson stated early in 2013.*

*Mr. Poole asked what were they in reference to.*

*Mr. Thompson stated they were referencing different items, trash, ceasing of entertainment uses and screening of the trash.*

*Mr. Poole asked have you gotten any reports from the Police Department as to any calls or 911 calls.*

*Mr. Thompson stated yes.*

*Mr. Condlin stated the zoning surrounding is appropriate for nightclubs. He asked the Commission to set aside the proeprty owner's violations for a moment. He tied the nightclub use to the nearby Arts & Cultural District and showed similar uses on West Broad Street. He stated that his client is at a disadvantage with limited hours. He requested the Commission to support the local music industry, stating that it is an appropriate use on Broad Street. He continued stating that the Master Plan is outdated; it was created when people only went to the portion of West Broad Street for prostitutes. He stated the FDA was concerned about the unknown when conditions were originally put in place. Mr. Condlin stated there were two (2) violations from the Zoning Office – May 2013 which had something to do with the hours of operation, there were no other violations noted. The next violation was in November 2013 and the owner*

*has been operating within the conditions of the special use permit since then. Police reports show no noise violations. West Grace Street supports the special use permit because there is no greater impact. Mr. Condlin asked the Planning Commission to approve operating hours to 2:00 a.m.*

*Mr. Cole asked why is the Camel different from other uses on Broad Street.*

*Mr. Condlin stated there is no difference.*

*Mr. Poole asked when the client acquired the property, was he aware of the special use permit and its limitations.*

*Mr. Condlin stated yes.*

*Mr. Poole asked Mr. Condlin to acknowledge that most of the other establishments on his list of similar use are predominantly restaurants.*

*Mr. Condlin disagreed stating that they are mostly entertainment venues.*

*Mr. Poole asked is the Master Plan specific about what is appropriate for this property.*

*Mr. Condlin stated no and he talks about the nightclub definition and the language in the Master Plan referring to "nightclubs and adult entertainment" uses as being in appropriate. He asserts that the existing use meets the Master Plan recommendation because it does not have any "adult entertainment" component.*

*Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of this item on the regular agenda.*

*Mr. Adrian CheChe stated he is speaking for the local music industry and that the rules are outdated; an extra hour is everything for struggling artists. The special use permit should be supported.*

*Mr. Richard Shelenburg stated he works at the radio station. They have a special sound room; on his second time there, the police were called on a Saturday afternoon at 3:00 p.m., someone complained about the music; the band downstairs was louder than the sound room. He requested the applicant and the Commission to not kick out the radio station.*

*Mr. George Gilliam stated he is an employee of the Camel, he runs sound there. Since the Camel was built he has seen it go from nothing to something that is a keystone element of music and art in the City. Broad Street is safer because of the Camel and there is local community benefit from the national talent that the Camel attracts. The extra hour makes all the difference in recruiting talent.*

*Mr. Poole asked Mr. Gilliam, since he has been employed there, how many violations have they had since 2008.*

*Mr. Gilliam stated he has been employed for 1-1/2 years, since he has been working at the Camel there has been no violations. Since it has been mandated that they stop music at that certain hour, every sound guy has to keep a log, saying the music stopped when the curfew was imposed, they sign it and have a manager sign. There were numerous violations before the curfew.*

*Mr. Sadler asked Mr. Gilliam if he is familiar with curfew times in other states and what they are.*

*Mr. Gilliam stated in cases that he is familiar with, it is in cases like this, where a neighbor opposes what is going on or a neighborhood committee thinks things are too loud. In this case, it is just one neighbor that has a real problem with it and one person should not ruin it for the whole city.*

*Ms. Kristin Longest stated the city is safer because the Camel is the epicenter for the arts. The Camel is special to Richmond, it should be rewarded, not punished. She stated she feels so safe at the Camel because there is no debauchery there.*

*Ms. Katie Nelson stated she is a senior at VCU. The Camel is a positive venue, it provides jobs. Richmond needs the Camel to keep the City feeling more like a City, because that is what the Camel truly does.*

*Mr. Rand Burgess stated he is the owner and operator of the Camel. He purchased it in July 2008. He commented that when you buy property in the City of Richmond you inherit its baggage. He stated he heard rumors about the special use permit but it was never presented to him, and he had not read it until after receiving the violation. He is trying to make it right. They should not be restricted; they should be treated like other venues on Broad Street. They have the support of two (2) Civic Associations. He stated if this use is not appropriate on Broad Street, where would it be appropriate. Mr. Burgess stated he apologizes for violating the special use permit, he is trying to make it right. He asked the Planning Commission to vote in support of the special use permit.*

*Mr. Sadler asked how many employees does the Camel have and how much is paid in meals and admissions taxes.*

*Mr. Burgess stated he has 20 employees and pays a lot of taxes. He pays meals tax and admissions tax. His business has generated more in meals tax and admissions tax than he has ever made. The City comes first, it has always come first. Several hundred thousand dollars has been generated in meals tax. Not allowing that is a cut to the City as well.*

*Mr. Poole asked how many violations have you had.*

*Mr. Burgess stated they have only had one violation. When they had the violation he tried to make it right. He stated they have bands 365 days a year. When the doors are closed the music cannot be heard.*

*Mr. Breton Pezzelle stated he is a small business owner that does concert promotion production in Richmond, Virginia. When he started his business four (4) years ago, if the Camel had not been in existence, he would not have a business today. He books national bands, no one wants to play and be done by 11:00 p.m.; it is unreasonable.*

*Ms. Graziano asked if a band has to stop playing at 11:00 would they not come.*

*Mr. Pezzelle stated yes, with some caveats.*

*Mr. Matt Voltz stated they are all here because they care about Richmond. Now is the time to make it right. Richmond is blowing up. Their music is better than Nashville. It is not about the money. He stated they did not flood the room with 500 people out of respect for the Commission.*

*Mr. Lucas Fritz stated he is a resident of Richmond; he has a degree in Jazz studies and a minor in Business. He has been the Events Manager at the Camel for 4 years. What the Commission is trying to do with Zoning and what they are trying to do with*

*Richmond is in conflict, but they are trying to put Richmond on the map. He stated that there cannot have talent with restrictions.*

*Mr. Poole asked how many times have they violated the special use permit.*

*Mr. Fritz stated he only books the events, he is not there when they end.*

*Mr. Drew Lucas stated he is a resident. Richmond is a city of art and music, everybody wants it. It seems backwards that one person can stop everything.*

*Ms. Kristy Pavlica stated she is a VCU Art grad, a local artist and a server. As a server she gets off work at 11:00 p.m.. The Camel needs to be open until 2:00 a.m. in order to thrive and so she can hear music after her shift. She stated that music makes them whole.*

*Mr. Carter Anderson stated he is a contractor and ex-school teacher. He loves the Camel. He did the contracting work on the Camel and worked for a beer and food tab - his heart and soul is invested in the Camel. He stated that the magic there happens after midnight.*

*Ms. Katherine Campbell stated she is a classical musician and the one extra hour means a lot to the musicians.*

*Mr. Xavier Beverley stated he is a Richmond resident and head chef of the Camel. The Camel is also an art gallery, restaurant and social oasis. He requested the Commission to support the extended hours of operation.*

*Mr. Jesse Loveland stated he owns a business, Turnstyle in the Arts District. He stated do not go backwards by limiting this business' ability to operate.*

*Mr. Sadler asked does this affect the Arts District.*

*Mr. Loveland stated yes, absolutely. He commented that Rand does it right. We are all Richmond, Virginia.*

*Mr. Alex Gentile stated he is an industrial engineer and musician, he also has an LLC called Super Nova. He explained how music venues affect other businesses. He books national acts to bring to Richmond; with the ordinance that is in place where they have to shut down music by 11:00 p.m., the Camel is no longer a consideration for his business because national acts would not want to do that.*

*Mr. Raphael Katchinoff stated he is a drummer in the City. He shows a poster that was hanging in the hall for the Maymont Festival to support amending the hours in order to attract bands similar to those playing at the Festival.*

*Mr. Sam Belk stated he use to sell Life Insurance now he stays in Richmond, Virginia only because of the music. He stated that Richmond has a nationally recognized music scene because of the Camel.*

*Aaron Pierce stated he is the General Manager of the Camel. The City is awful, it has parking issues. He requested the Commission to support the Camel as a positive force in the City.*

*Mr. Sam McDonald stated he is concerned over the violations, but extending the hours will make enforcement easier. He continued that if the bands have to cease at the same time as alcohol sales adherence to the rules will be easier.*

Mr. Poole asked if anyone would like to speak in opposition to this item on the regular agenda.

Ms. Tricia Dunlap stated she is an attorney, representing Mr. Dan Shorkey. Mr. Shorkey was supportive of music in Richmond but he needs to sleep. The Camel has had a chronic problem with violations of their special use permit. Mr. Shorkey as his neighbor tried to work it out. Mr. Shorkey had to get an attorney to get Mr. Burgess to play by the rules. Mr. Burgess used the speeding analogy, everyone speeds, at some point they take away your license. Current support is for the Camel. If the Commission approves the special use permit the Camel may not be there in a few years. Mr. Shorkey supports the special use permit under the existing limits. She questioned what happens to his investment if the property next store has music blaring until 2 am every night.

Mr. Dan Shorkey shows exhibits of how the wall he shares with the Camel is a shared firewall and not two abutting walls. This makes sound travel between the wall much more of an issue. He stated that it has taken 5 years to get the current owner to adhere to the existing conditions. He stated that a previous case on Robinson Street was not approved and that this business should be held to the same standards. He requests the Commission to deny the request that would allow the Camel to stay open with amplified music until 2 am every night of the week.

Mr. Poole asked you lived there since 2003, how many times have they had violations. He asked what have you done to bring it to the attention of the Zoning Office.

Mr. Shorkey stated there are 365 violations a year. He stated initially he tried to work with Mr. Burgess. He called the Zoning Office and they told him to call the 3rd Precinct; he did that for a number of years. The 3rd Precinct responded looking for a noise violation. He explained it was a special use permit. It is just blatant disregard for the law on the part of Mr. Burgess. He has done construction work with no permits and there have been on-going violations brought to the Zoning Administrator's attention.

Mr. Rex Scudder stated he owns six (6) contiguous properties on West Grace Street since the 1970's. He is very invested in the neighborhood and planning. He stated that the current business it was built on an illegal foundation. It has had numerous violations and the complaints have not resulted in compliance. He requested that the Commission not reward bad behavior.

Mr. Poole stated summarize your effort to ensure compliance.

Mr. Scudder stated he spoke with the owner, CAPS, and Police and ultimately gave up.

Ms. Graziano asked when you called the Police what were you complaining about.

Mr. Scudder stated zoning (hours of operation) and sound.

Mr. Poole closed the public comment portion.

Ms. Graziano stated the City is at fault because the City cannot enforce their own laws. She stated give them a year and have them come back for renewal.

Mr. Johannas asked questions about existing rights. He has two friends that live on West Grace Street, one that loves the Camel and one that feels that bad behavior should not be rewarded. He stated that he is on the fence.

Mr. Cole is in support because the Master Plan is outdated and this location on West

*Broad Street is ideal for a nightclub use.*

*Mr. Law stated he does not like violators and he cannot codify misbehavior. The Master Plan is what the Planning Commission uses to guide their decisions and if it is outdated it must be updated, but the Commission cannot ignore what is in place.*

*Mr. Poole read the applicants report. The applicant clearly understood the responsibility but disregarded it. The special use process is important because it allows flexibility. However, he stated that the Commission cannot reward bad behavior.*

*Ms. Graziano stated the applicant has been operating outside the special use permit, but the neighborhood says they are OK with it. She wants to give it a year and allow only one (1) violation per year.*

*Ms. Markham stated reducing the allowable violations in one year from three (3) to one (1) is possible.*

*Mr. Sadler stated that he managed a restaurant and bar for fifteen years and that the Camel is not a nightclub as he perceives it. However, he understands it meets the zoning definition. In addition, he stated that smoking laws have forced people outside and thus the need for the outdoor dining areas. Finally, he stated a cultural hub has sprung up in this area of Broad Street. He stated that due to the past violations, he is agreeable to the amended motion.*

*Mr. Poole stated that the amended motion is to grant special use permit as applied for but require the owner to return to the Planning Commission in one year and reduce the allowed violations per year from three (3) to one (1).*

*Ms. Graziano stated that it would come back for review, and that if everything is acceptable, then it would continue to be in force as a special use permit.*

*Mr. Olinger clarified that noise is a police issue unless it is specifically relegated to the Zoning Administrator. He stated that in this case, it would be the police department who is responsible for noise issues.*

*Mr. Conlin questioned how the noise ordinance can be pulled into the review of the special use permit.*

*Mr. Welch clarified that the Commission could look at a variety of factors during their review of the use in one year.*

*Mr. Poole stated that if one of the neighborhood associations, one year from now, changed their position on the Camel, that may change the Commission's position as well.*

*Mr. Law asked how would you vote if you lived next door.*

*Mr. Sadler stated any establishment, if run with success, will draw complaints.*

**A motion was made by Mr. Sadler, seconded by Ms. Graziano, that this Ordinance be recommended for approval as applied for with no additional conditions.**

**During the Commission's discussion on the motion Ms. Graziano elaborated that she would only be supportive of the request if the Commission had the chance to review the special use permit a year after it is approved by City Council and that the ordinance be amended to state that if there was one violation, as opposed to the standard three violations, within a 12 month period the Planning Commission**



would automatically review the special use permit.

Mr. Sadler accepted these conditions as an amendment to his motion to recommended for approval of the request.

Mr. Poole repeated the amendments to the motion, stating that the motion is to recommend approval of the request subject to the applicant returning to Commission in one year to review the special use permit and a change in number of violations permitted within a 12 month period from one to three. Mr. Poole called the motion to question. The motion carried by the following vote:

**Aye:** 5 - Mr. Law, Ms. Graziano, Mr. Johannas, Mr. Sadler and Mr. Cole

**No:** 1 - Mr. Poole

4. [ORD. 2014-139-13](#)  
[4](#) To rezone the properties known as 2301, 2323, 2325, 2327 2329, and 2331 East Main Street from the M-1 Light Industrial District to the B-5 Central Business District.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[Plat](#)  
[Application & Applicant's Report](#)  
[Letters of Support](#)  
[Windowless Dwelling Unit Resolution](#)  
[Ord. No. 2014-139-134.pdf](#)

*Mr. Willy Thompson provided a presentation as outlined in the staff report.*

*Mr. Poole recused himself as an owner of nearby properties.*

*Mr. Johannas asked if this property is in the commercial ground floor designation area.*

*Mr. Thompson stated it's just outside the designated area.*

*Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of this item on the regular agenda.*

*Mr. Sam McDonald stated they tried to make the property work as offices but it did not work. It has plenty of windows and the building is not deep spaced. They do not own apartment properties without windows.*

*Mr. Stewart Swartz stated he supports application to B-5 district because it conforms with the Downtown Plan. He state he has received commitment from the applicant to build with windows and would like to see future conversion to mixed use and ground floor commercial uses. He also stated he would like to see the parking lot developed.*

**A motion was made by Ms. Graziano, seconded by Mr. Cole, that this Ordinance be recommended for approval to the City Council. The motion carried by the following vote:**

**Aye:** 5 - Mr. Law, Ms. Graziano, Mr. Johannas, Mr. Sadler and Mr. Cole

**Abstain:** 1 - Mr. Poole

5. [ORD. 2014-141-136](#) To authorize the special use of the property known as 3200 West Clay Street for the purposes of a multifamily dwelling with up to ninety (90) units and accessory parking, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[Plans](#)  
[Application & Applicant's Report](#)  
[Letters of Support](#)  
[Windowless Dwelling Unit Resolution](#)  
[Ord. No. 2014-141-136 - Complete.pdf](#)

*Ms. Lory Markham provided a presentation as outlined in the staff report.*

*Mr. Poole asked on the four (4) units that do not meet the average square footage did you discuss with the applicant about complying with the third criteria.*

*Ms. Markham stated yes, they were not willing to modify the plans any further.*

*Mr. Bill Axselle stated he is representing Thalheimer Realty Partners and goes over his experience. He introduced the team. The building was built in 1941 and is a sizeable building. It has been traditionally used for industrial and warehouse property with a number of uses. It has three (3) benefits, (1) renovate building in accordance with the Department of Historic Resources, (2) make compatible with Scott's Addition and contribute to neighborhood (3) tax revenue. He stated that Charles Samuels is supportive. He compared the proposal to the prior case in terms of parking and light and air. He stated that there is one unit that does not meet CPC Resolution and that he differs with staff in that they meet the resolution because of intent. He stated the reduced the number of units from 101 to 90 units, which is evidence of their commitment. He stated that the resolution talks about what should take place, it never says shall, it never says must; shall and must are mandatory, should is permissive. The resolution talked about what is reasonably possible.*

*Mr. Johanna asked which unit is the one that does not meet the Resolution.*

*Mr. Axselle stated the unit that is only lit by skylight does not meet the Resolution.*

*Mr. Poole stated in the Resolution, there is no shall, only should, but it uses reasonably possible, in the title area. In the second to last paragraph, it sets up the three (3) criteria that is governing the windowless unit issue. The applicant has met criteria #1. For criteria #2, financial documents were presented and showed that more equity would be required to reduce number of units; but why can't criteria #3 dealing with average sizes be met.*

*Mr. Axselle stated reasonably possible has certain constraints with historic buildings and certain financing issues.*

*Mr. Poole stated he respects the movement the developer has made in the case. He stated that the original proposal for this property is the reason for the Resolution and he would like to know why they cannot comply with the 3rd criteria.*

*Mr. Matt Raggi stated they waived their right for a surface parking lot, which allowed Ardent Brewery to open. Ardent Brewery has stated its support. He stated that they*

have worked with planning staff, Department of Historic Resources and the National Parks Service to come to an agreeable plan. Mr. Raggi provided an overview of the project and its amenities. He stated that they are most interested in a quality product and do not feel comfortable building dark units. He stated that each of the 13 units challenged by staff will be have access to natural light and be sufficiently ventilated. They have worked closely with Walter Parks to ensure these goals. He stated that the square footage criteria should be based off comprable units, ie. one bedroom to one bedroom units as opposed to the total units.

Mr. Poole asked Mr. Raggi if the Planning Commission Resolution is wrong and is it clear.

Mr. Raggi stated it is not wrong. He stated they are meeting the market demand.

Mr. Poole asked if Mr. Raggi agreed they do not meet the third criteria.

Mr. Raggi stated yes, but he believes they should not have to build something that does not meet the market.

Ms. Graziano asked Mr. Raggi if they have other studios in this building that are the exact same size.

Mr. Raggi stated the one that is being challenged is larger than the other studio.

Mr. Poole asked about the finanancial aspects and wheather they have looked at doing less than 90 units and adding more equity.

Mr. Drew Wilshire stated they are bringing cash to the deal already, if they were to bring more it would not meet internal criteria.

Mr. Poole stated put more simply, it does not make economic sense to put more money into the project than what you have already proposed.

Mr. Wilshire stated yes, they based the product around the intent of the Resolution.

Mr. Poole asked have you done that same analysis so that you can take those four (4) units and meet the average square footage that is called for in the Resolution. .

Mr. Wilshire stated they would probably lose two (2) of the units and that they have gone as far as they can go.

Mr. Cole stated you should not be punished for creating larger units.

Mr. Johannas stated he is looking at 4 to 5 challenged units and asked what the difference between a studio and two bedroom rent per square foot is.

Mr. Wilshire stated a studio will average \$165 – \$180 per square foot per month and a 2 bedroom will average \$125 – \$140 per square foot per month.

Mr. Poole stated you know the square footage for the entire project, if you were to reduce that by two (2) cents on the square footage, you could do that by moving some of the four (4) units, could you not.

Mr. Raggi stated it is a benefit to have a variety of unit types.

Mr. Walter Parks discussed the thirteen (13) units, showing intrusions into the rooftop

and roof monitor photos. He stated 8 units would have roof monitors, 4 would have pop ups and 1 one would have a skylight. He discussed comparable projects that have had marketability success. He said roof monitors are approximately 6 feet tall. A pop-up is a glass box set on top of the building and allows light to enter into the apartment and there is a rooftop deck. It is very difficult to see the pop-ups as anything but meeting the Resolution. The same with the monitor unit, it is a vertical wall with a roof over the top of it; the one that does not meet Resolution is the skylight unit.

Mr. Poole asked Ms. Markham to help the Planning Commission understand why those units do not meet the windowless unit definition in the Resolution.

Ms. Markham stated the Resolution that the Planning Commission passed defines a windowless dwelling unit as a unit that does not have a window in the exterior wall of a building. The Planning Commission confirmed that the roof monitors did not meet the resolution when they denied the project a year ago.

Mr. Wilshire asked with the units inside the courtyard area where do those fall in the spectrum of staffs' definition of windowless units.

Ms. Markham stated they would technically be considered windowless units as defined by the Resolution.

Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of or in opposition of this item.

There was no public comment.

Mr. Johannas stated he generally supports the project but does not support the argument that monitors constitute windows. He stated that out of the 13 units, the pop ups meet the intent of creating windows, and with the units against the parking facility, 3 are challenged units. He stated that the average size of the units is above the average usually seen in the City.

Mr. Cole stated he voted against the old one but is comfortable voting for this one because it is a vast improvement.

Ms. Graziano stated she wants to revisit the Resolution, specifically the square footage language.

Mr. Poole stated the language is permissive and it should also be revisited.

Mr. Law stated that the permissive language was done on purpose.

**A motion was made by Ms. Graziano, seconded by Mr. Cole, that this Ordinance be recommended for approval to the City Council. The motion carried by the following vote:**

**Aye:** 5 - Mr. Law, Ms. Graziano, Mr. Johannas, Mr. Sadler and Mr. Cole

**No:** 1 - Mr. Poole

6. [PCR No. 2014-06](#) To approve the tree preservation and grading plan for the Villas at Archer Springs Subdivision at 3320 Rear Traylor Drive, 10502 Duryea Drive, 10350A Duryea Drive, 10502C Duryea Drive, 10502B Duryea Drive, 10508 Duryea Drive, 10506 Duryea Drive, 10502D Duryea Drive, 10504A Duryea Drive, 10504 Duryea Drive, 10500 Duryea Drive and

10502A Duryea Drive.

**Attachments:** [Staff Report](#)

[Resolution](#)

[Location Map](#)

[Tree Preservation & Grading Plan](#)

[Ordinance No. 2012-72-2013-132](#)

[Letters of Opposition](#)

*Ms. Jennifer Mullen provided a presentation.*

*Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of or in opposition to this item.*

*Ms. Brenda Levi, Hobby Hill Civic Association stated she is glad the trees are being preserved but the density is too much and will change character of area. Duryea Drive cannot handle additional traffic.*

*Mr. Poole closed the public hearing.*

*Mr. Sadler asked of the staff's recommendation.*

*Ms. Markham stated it was for approval.*

**A motion was made by Mr. Law, seconded by Mr. Johannas, that this City Planning Commission Resolution be approved. The motion carried by a unanimous vote.**

**7. [Subd. No. 2014-02](#)**

Preliminary approval for Villas at Archer Springs Subdivision at 3320 Rear Traylor Drive, 10502 Duryea Drive, 10350A Duryea Drive, 10502C Duryea Drive, 10502B Duryea Drive, 10508 Duryea Drive, 10506 Duryea Drive, 10502D Duryea Drive, 10504A Duryea Drive, 10504 Duryea Drive, 10500 Duryea Drive and 10502A Duryea Drive (96 lots).

**Attachments:** [Staff Report](#)

[Location Map](#)

[Waiver Request - Sec. 94-71](#)

[Waiver Request - Sec. 94-145](#)

[Preliminary Plat](#)

[Ordinance No. 2012-72-2013-132](#)

[Letters of Opposition](#)

*Ms. Jennifer Mullen provided a presentation.*

*Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of or in opposition to this item.*

*There was no public comment.*

**A motion was made by Mr. Law, seconded by Mr. Johannas, that this Tentative Subdivision be approved. The motion carried by a unanimous vote.**

## **Upcoming Items**

*There were no upcoming items to note.*

## **Adjournment**

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*Rodney M. Poole, Chair*

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*Lory P. Markham, Secretary*