



City of Richmond

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Meeting Minutes Planning Commission

Monday, September 21, 2015

1:30 PM

5th Floor Conference Room

Call To Order

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

Roll Call

Present 8 - Mr. Rodney Poole
Mr. Melvin Law
Ms. Lynn McAteer
Mr. Jeffrey Sadler
Mr. Doug Cole
Ms. Ellen Robertson
Ms. Selena Cuffee-Glenn
Mr. Vivek Murthy

Absent 1 - Mr. David Johannas

Chair's Comments

Mr. Poole welcomed everyone who was present.

Approval of Minutes

[a2015 -
1239](#) September 8, 2015 Meeting Minutes

Attachments: [Draft September 8, 2015 Meeting Minutes](#)

Mr. Sadler proposed an amendment to the September 8, 2015 meeting minutes which would state, "Mr. Sadler stated that he will not vote for the final design if the conditions have only been given cursory consideration and not been truly considered" at the end of page 11.

A motion was made by Ms. McAteer, seconded by Ms. Robertson, that the September 8, 2015 meeting minutes be approved as amended. The motion carried by the following vote:

Aye: 7 - Mr. Poole, Mr. Law, Ms. McAteer, Mr. Sadler, Mr. Cole, Ms. Robertson and Ms. Cuffee-Glenn

Abstain: 1 - Mr. Murthy

Director's Report

Mr. Mark Olinger gave the Commission an update on the Bus Rapid Transit project and the construction management by the State and final design consideration by the Urban Design Committee and the Planning Commission in November.

Mr. Olinger also informed the Commission that there will be an access study and plan for pedestrians around Kanawha Plaza. He stated that there has been public engagement and online surveys that will be presented to the Commission.

Mr. Poole requested that the final plans for the BRT be given to the UDC and Planning Commission by October 15. He requested that one Commission member be included in the design meetings for the BRT. He stated that Mr. Cole has volunteered and requested the Commission to support that he be designated to the public engagement committee.

Ms. Cuffee-Glenn stated that she welcomed Mr. Cole's participation and that public engagement for the project is of the utmost importance.

Mr. Poole suggested that the Commission receive good notification of the two public meetings on the BRT.

A motion was made by Ms. Cuffee-Glenn, seconded by Mr. Law, that Mr. Cole represent the Commission at the design and public engagement meetings on the Bus Rapid Transit proposal. The motion carried unanimously.

- Council Action Update

Ms. Markham stated that all items recommended for approval by the Planning Commission were approved by City Council with exception of the special use permit request on Stockton Lane, which was continued.

Consideration of Continuances and Deletions from Agenda

- 12. [UDC No. 2015-03\(4\)](#) Final Location, Character and Extent Review of the stage canopy and sun shelters at Kanawha Plaza, 701 E. Canal Street

Attachments: [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

A motion was made by Ms. Robertson, seconded by Ms. Cuffee-Glenn, that this Location, Character and Extent Item be continued to the Planning Commission's meeting on November 16, 2015. The motion carried by a unanimous vote.

Consent Agenda

Mr. Cole clarified that the approval of the Consent Agenda includes the approval of the conditions recommended by the Urban Design Committee (UDC).

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

- 1. [ORD. 2015-175-18](#)
[1](#) 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 2015-2016 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.

Attachments: [Staff Report](#)
[Ord. No. 2015-175-181](#)

This Ordinance was recommended for approval on the Consent Agenda.

2. [ORD. 2015-176-18](#)
[2](#) To authorize the Chief Administrative Officer to accept funds in the amount of \$280,000 from the Virginia Department of Transportation; to amend the Fiscal Year 2015-2016 Capital Budget by establishing a new project in the Transportation Category called the Bellemeade Park Pedestrian Trail and Bridge project; and to appropriate the amount of \$280,000 to the Fiscal Year 2015-2016 Capital Budget by increasing estimated revenues and the amount appropriated to the new Bellemeade Park Pedestrian Trail and Bridge project by \$280,000 for the purpose of designing and constructing a pedestrian trail from the new Oak Grove Elementary School across Bellemeade Park to the park entrance at the intersection of Minefee Street and Gunn Street.

Attachments: [Staff Report](#)
[Location Map](#)
[Ord. No. 2015-176-182](#)

This Ordinance was recommended for approval on the Consent Agenda.

3. [ORD. 2015-177-18](#)
[3](#) To authorize the Chief Administrative Officer to accept funds in the amount of \$340,000 from the Virginia Department of Transportation; to amend the Fiscal Year 2015-2016 Capital Budget by establishing a new project in the Transportation Category called the Hull Street Primary Extension Paving Program project; and to appropriate the amount of \$340,000 to the Fiscal Year 2015-2016 Capital Budget by increasing estimated revenues and the amount appropriated to the new Hull Street Primary Extension Paving Program project by \$340,000 for the purpose of milling and resurfacing Hull Street between Warwick Road and Robinson Lane.

Attachments: [Staff Report](#)
[Location Map](#)
[Ord. No. 2015-177-183](#)

This Ordinance was recommended for approval on the Consent Agenda.

4. [ORD. 2015-178-18](#)
[4](#) To declare surplus and to direct the sale of City-owned real estate located at 3602 Delaware Avenue for nominal consideration to the Southside Community Development and Housing Corporation for the purpose of enabling the redevelopment of the property.

Attachments: [Staff Report](#)
[Location Map](#)
[Ord. No. 2015-178-184](#)

This Ordinance was recommended for approval on the Consent Agenda.

- 5. [UDC No. 2015-12\(2\)](#) Final Location, Character and Extent Review of a new Animal Care building, a new classroom building and associated site improvements in the vicinity of the Maymont Children's Farm, 800 Swan Lake Drive

Attachments: [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

This Location, Character and Extent Item was approved on the Consent Agenda.

- 6. [UDC No. 2015-21](#) Final Location, Character and Extent Review of a proposed data node in Battery Park, 2408 The Terrace

Attachments: [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

This Location, Character and Extent Item was approved on the Consent Agenda, with the following conditions recommended by the Urban Design Committee:

- (1) That the applicant works with staff from the Departments of Planning & Development Review and Parks, Recreation and Community Facilities prior to permitting to provide evergreen vegetative screening around the equipment enclosure, where appropriate.
- (2) That the fenced equipment enclosure be made as small as possible.

- 7. [UDC No. 2015-22](#) Final Location, Character and Extent Review of a proposed data node in Bryan Park, 4308 Hermitage Road

Attachments: [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

This Location, Character and Extent Item was approved on the Consent Agenda, with the following conditions recommended by the Urban Design Committee:

- (1) That the applicant works with staff from the Departments of Planning & Development Review and Parks, Recreation and Community Facilities prior to permitting to provide evergreen vegetative screening around the equipment enclosure, where appropriate.
- (2) That the fenced equipment enclosure be made as small as possible.

- 8. [UDC No. 2015-23](#) Final Location, Character and Extent Review of a proposed data node in Forest Hill Park, 4001 Stonewall Avenue

- Attachments:** [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

This Location, Character and Extent Item was approved on the Consent Agenda, with the following conditions recommended by the Urban Design Committee:

- (1) That the applicant works with staff from the Departments of Planning & Development Review and Parks, Recreation and Community Facilities prior to permitting to provide evergreen vegetative screening around the equipment enclosure, where appropriate.
- (2) That the applicant does not pursue the brick faux chimney and leaves the antenna exposed and painted a dark green to blend with the surrounding vegetation.

9. [UDC No. 2015-24](#) Final Location, Character and Extent Review of a proposed data node in Byrd Park, 1401 Pump House Drive

- Attachments:** [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

This Location, Character and Extent Item was approved on the Consent Agenda.

10. [UDC No. 2015-25](#) Final Location, Character and Extent Review of a proposed data node in Powhatan Park, 1006 Williamsburg Road

- Attachments:** [UDC Report to CPC](#)
[Staff Report to UDC](#)
[Location Map](#)
[Application & Plans](#)

This Location, Character and Extent Item was approved on the Consent Agenda.

11. [CAR No. 2015-110](#) Final Location, Character and Extent Review of renovations to Abner Clay Park at 216 West Clay Street

- Attachments:** [CAR Report to CPC](#)
[Staff Report to CAR](#)
[Application & Plans](#)
[Location Map](#)

This Location, Character and Extent Item was approved on the Consent Agenda, with the following conditions recommended by the Commission of Architectural Review:

- (1) That there is strict adherence to the specified sizes for the trees included in

the planting plan.

Regular Agenda

13. [PCR 2015-13](#) Final Community Unit Plan approval for a multifamily development at 9201 Stony Point Parkway and 9700 Cherokee Road, comprising Northern Map Section L of the Northern Portion of the Stony Point Community Unit Plan.

Attachments: [Staff Report](#)
[Resolution](#)
[Application Form](#)
[Applicant's Memorandum](#)
[Location Map](#)
[Final Community Unit Plan](#)

Mr. Matthew Ebinger presented staff's recommendation as outlined in the staff report.

Ms. Jennifer Mullen, representing the applicant, presented the proposal to the Commission and gave a brief history of the approval of the preliminary community unit plan. She emphasized the consistency of the final plan with the preliminary plan. She stated that they had extensive neighborhood outreach through the preliminary plan amendment. She outlined the process they undertook to ensure that the Development Review Committee required to receive the plans by the preliminary plan had received the plans and had been given the opportunity to comment. She stated that the final plan meets all conditions of the preliminary plan.

Mr. Poole stated that essentially this plan is the same as the Commission has reviewed and approved previously and that the neighborhood had received the plans on August 24, 2015.

Mr. Nick Valdrighi, a Cherokee Road resident, stated that the neighborhood initiated contact with the applicant in December 2012. He stated that they were against the density and the buffer size. He stated that there have been a number of iterations with the CUP and they wanted Northern L to be treated the same as Southern L in terms of buffers. He gave a history of the court actions that had occurred between the property owner and the neighborhood associations. He questioned if the preliminary CUP was null and void because of the time frames for submittal of plans within the CUP and nothing had happened within 18 months.

Ms. McAteer asked if their primary objection was to the multifamily use of the property.

Mr. Valdrighi stated that the density and buffers proposed were the main objections.

Mr. Poole stated that the density has not changed since preliminary approval.

Ms. McAteer asked what the required buffer is.

Mr. Ebinger stated that it varies but the minimum 180 feet, which is greater than it was for office previously.

Mr. Valdrighi stated it is not as great as Southern L, which is also residential.

Mr. Cole stated that in other jurisdictions 50 feet is a very large buffer.

Mr. Valdrighi stated that too much time has elapsed between the preliminary and final plan approval for the preliminary approval to still be valid.

Mr. Gene Winter, a neighboring resident, stated that the process is flawed and is weighted towards the property owner and the developers and the neighbors who have limited resources have to rely on the City for protection. He stated that the time frames for final plan submittal and approval are clear in the ordinance and that the time frame may not have been met, which would render the preliminary plan that authorized the multifamily use null and void. Mr. Winter also expressed concern over the absence of limits on construction timing and noise.

Ms. Mullen reminded the Commission that this is the final plan and it is consistent with the preliminary plan and what was approved in 2013. She respectfully requested the Commission to approve the plans.

Mr. Sadler asked if Ms. Mullen had any response to the construction concerns of the neighbors.

Ms. Mullen stated that all construction access will be from Stony Point parkway and that there will be no restrictions on time of construction, but there will be the 180 foot buffer that must be maintained and limits on clearing that were negotiated in 2013.

A motion was made by Mr. Law, seconded by Ms. McAteer, that this City Planning Commission Resolution be approved. The motion carried unanimously.

Upcoming Items

Ms. Markham stated that there will be several special use permits and the Brookland Park Boulevard and Meadowbridge/Six-Points rezoning ordinances on the next Planning Commission agenda.

Adjournment

Mr. Poole adjourned the meeting at 2:30p.m.

Rodney M. Poole, Chair

Lory P. Markham, Secretary