



# City of Richmond

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## Meeting Minutes Planning Commission

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Monday, October 6, 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  
Ms. Kathy Graziano  
Ms. Jane Ferrara  
Ms. Lynn McAteer  
Mr. Jeffrey Sadler  
Mr. Doug Cole

**Absent** 3 - Mr. Melvin Law  
Ms. Amy Howard  
Mr. David Johannas

### Chair's Comments

*Mr. Poole welcomed everyone who was present.*

### Approval of Minutes

[ID 14-038](#) September 2, 2104 Minutes

**Attachments:** [September 2, 2014 Draft Minutes](#)

**A motion was made by Ms. Graziano, seconded by Ms. McAteer, that the minutes from September 2, 2014 be approved. The motion carried by a unanimous vote.**

[ID 14-039](#) September 15, 2014 Minutes

**Attachments:** [September 15, 2014 Draft Minutes](#)

**A motion was made by Ms. Graziano, seconded by Mr. Cole, that the minutes from September 15, 2014 be approved. The motion carried by a unanimous vote.**

### Director's Report

*Mr. Olinger stated they have been doing a neighborhood plan in the Virginia Union University Chamberlayne area; on Thursday night from 6:00 – 8:00 pm, Urban Design associates will share their plan with the larger community.*

*Mr. Olinger also stated the Fan was designated one of the top ten (10) neighborhoods by the American Planning Association for 2014.*

*Mr. Olinger stated the time for the work session on the Master Plan is scheduled from*

10:00 – 2:00 on Monday, October 13. He would like to schedule it from 11:30 – 1:30.

### - Council Action Update

Ms. Markham stated there is no Council Action update.

### Consideration of Continuances and Deletions from Agenda

9. [ORD. 2014-192](#) To authorize the special use of the properties known as 116 East Brookland Park Boulevard, 3004 Lamb Avenue, 3008 Lamb Avenue and 3014 Lamb Avenue for the purpose of permitting the construction and occupancy of a funeral home chapel with accessory parking, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[ORD. 2014-192](#)  
[Plans](#)  
[Application & Applicant's Report](#)

A motion was made by Ms. Graziano, seconded by Ms. McAteer, that this ordinance be recommended for a 30-day continuance to the Commission's November 3, 2014 meeting. The motion carried by a unanimous vote.

17. [ORD. 2014-191](#) To amend Ord. No. 96-17-34, adopted Mar. 11, 1996, which authorized the special use of the properties known as 510-520 West Broad Street, 517-519 West Marshall Street and 304 North Henry Street as a building for retail purposes with an accessory drive-up window and parking, to permit the sale of alcoholic beverages for off-premises consumption, in accordance with a Virginia Department of Alcoholic Beverage Control Wine and Beer Off-Premises license, at the existing retail drugstore, upon certain terms and conditions.

**Attachments:** [ORD. 2014-191](#)

A motion was made by Ms. Graziano, seconded by Ms. McAteer, that this ordinance be recommended for a 30-day continuance to the Commission's November 3, 2014 meeting. The motion carried by a unanimous vote.

18. [ORD. 2014-194](#) To authorize the special use of the property known as 2216 Keswick Avenue for the purposes of a single-family detached dwelling unit and a take-out restaurant, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[ORD. 2014-194](#)  
[Images](#)  
[Letters of Opposition](#)  
[Petition of Support](#)

A motion was made by Ms. Graziano, seconded by Ms. McAteer, that this ordinance be recommended for a 30-day continuance to the Commission's November 3, 2014 meeting. The motion carried by a unanimous vote.

- 14. [ORD. 2013-205](#) To authorize the special use of the properties known as 705 and 709 Libbie Avenue for the purpose of a bank with a drive-up facility and accessory parking, upon certain terms and conditions.

**Attachments:** [ORD. 2013-205](#)

*Mr. Sadler stated this has been on the agenda for the last year, is there anything the Commission should know.*

*Mr. Theobald stated he is here on behalf of the applicant Franklin Federal; the bank is merging.*

A motion was made by Ms. Graziano, seconded by Mr. Sadler, that this ordinance be recommended for a 4-month continuance to the Commission's February 2, 2015 meeting. The motion carried by a unanimous vote.

**Consent Agenda**

A motion was made by Ms. Graziano, seconded by Mr. Sadler, that the items on the Consent Agenda be forwarded to Council with recommendations to approve. The motion carried unanimously.

- 1. [ORD. 2014-168](#) To authorize the special use of the properties known as 3409 Williamsburg Avenue, 4300 Williamsburg Avenue, 116 Nicholson Street, a portion of right-of-way known as Lewis Street and a portion of right-of-way known as 37th Street for the purpose of a brewery, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[ORD. 2014-168](#)  
[Location Map](#)  
[Plat](#)  
[Application](#)

This ordinance was recommended for approval on the Consent Agenda.

- 2. [ORD. 2014-169](#) To authorize the special use of the property known as 108 Nicholson Street for the purpose of a brewery, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[ORD. 2014-169](#)  
[Location Map](#)  
[Plat](#)  
[Application](#)

This ordinance was recommended for approval on the Consent Agenda.

3. [ORD. 2014-184](#) To declare a public necessity for and to authorize the acquisition of the parcel of real property owned by the Richmond Redevelopment and Housing Authority and known as 730 East Broad Street for the purpose of a municipal office building.

**Attachments:** [Staff Report](#)  
[ORD. 2014-184](#)  
[Location Map](#)

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

4. [ORD. 2014-185](#) To declare a public necessity for and to authorize the acquisition of the parcel of real property owned by the Richmond Redevelopment and Housing Authority and known as 101 East Franklin Street for the purpose of a public library.

**Attachments:** [Staff Report](#)  
[ORD. 2014-185](#)  
[Location Map](#)

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

5. [ORD. 2014-186](#) To declare a public necessity for and to authorize the acquisition of the parcels of real property owned by the Richmond Redevelopment and Housing Authority and known as 601 East Leigh Street, 406 North 7th Street and 408 A North 7th Street for the purpose of a sports complex and a convention center.

**Attachments:** [Staff Report](#)  
[ORD. 2014-186](#)  
[Location Map](#)

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

6. [ORD. 2014-187](#) To transfer and appropriate funds in the amount of \$900,000 from the School Planning & Construction project in the Education category within the Fiscal Year 2014-2015 Capital Budget to the Fiscal Year 2014-2015 School Budget for expenditure by the School Board for technology purposes in accordance with the technology major classification for the purpose of providing for the installation of specific technology infrastructure and equipment in the new Huguenot High School.

**Attachments:** [Staff Report](#)  
[ORD. 2014-187](#)  
[Location Map](#)

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

7. [ORD. 2014-188](#) To close to public use and travel a portion of right-of-way known as Lewis Street, located between its intersection with Williamsburg Road and its intersection with a CSX Transportation, Inc. right-of-way and consisting of 24,300± square feet and a portion of right-of-way known as 37th Street, located between its intersection with Lewis Street and its intersection with Nicholson Street and consisting of 5,985± square feet, upon certain terms and conditions.

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

[ORD. 2014-188](#)

[Location Map](#)

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

8. [ORD. 2014-190](#) To conditionally rezone the properties known as 508 N. Adams Street and 510 N. Adams Street from the R-6 Single-Family Attached Residential District to the B-6C Mixed-Use Business District (Conditional), upon certain proffered conditions.

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

[ORD. 2014-190](#)

[Proffers](#)

[Images](#)

[Letter of Support](#)

[Location Map](#)

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

10. [ORD. 2014-193](#) To amend and reordain Ord. No. 88-249-225, adopted Oct. 10, 1988, as previously amended by Ord. No. 91-283-92-1, adopted Jan. 13, 1992, which authorized the special use of the property known as Highland Park School, containing 2.61 acres, more or less, located on the southwest corner of Brookland Park Boulevard and Second Avenue, for an apartment building for the elderly (persons 60 years of age and older), for the purpose of reducing the residency age requirement for at least 80 percent of the occupied units to persons 55 years of age and older.

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

[ORD. 2014-193](#)

[Application & Applicant's Report](#)

[Location Map](#)

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

11. [ORD. 2014-195](#) To amend Ord. No. 95-185-178, adopted Jul. 10, 1995, which authorized the special use of the property known as 2910 Lamb Avenue, for the construction and occupancy of an accessory building serving the

existing funeral home on the adjacent property known as 115 East Brookland Park Boulevard, together with accessory parking, for the purpose of authorizing the expansion of the accessory building, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[ORD. 2014-195](#)  
[Plans](#)  
[Application & Applicant's Report](#)  
[Location Map](#)

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

12. [ORD. 2014-196](#) To amend Ord. No. 2013-245-2014-14, adopted Feb. 10, 2014, which authorized the special use of a portion of the property known as 3805 Cutshaw Avenue for a multifamily dwelling with a total of up to sixty-six (66) dwelling units, for the purpose of amending the site plan and removing the requirements to provide a rooftop deck and to subdivide the property, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[ORD. 2014-196](#)  
[Plans](#)  
[Application](#)  
[Location Map](#)

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

13. [ORD. 2014-197](#) To authorize the special use of a portion of the property known as 411 Bainbridge Street for the purpose of a brewery, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[ORD. 2014-197](#)  
[Plat](#)  
[Application](#)  
[Location Map](#)

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

## **Regular Agenda**

15. [ORD. 2014-160](#) To amend Ord. No. 2012-85-85, adopted June 11, 2012, which authorized a special use of the property known as 25 and 27 North Belmont Avenue, to permit the use of the property as a restaurant, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[September 2, 2014 Staff Report](#)  
[ORD. 2014-160](#)  
[Location Map](#)  
[Images](#)  
[2012 Plan](#)  
[Parking Study](#)  
[Letter of Concern](#)  
[Letters of Opposition](#)  
[Letters of Support](#)

*Mr. Matthew Ebinger provided a presentation as outlined in the staff report.*

*Mr. Poole asked in staff's opinion, nothing has changed with respect to the parking.*

*Mr. Ebinger stated the applicant had been proposing this parking arrangement from the beginning, staff was analyzing the application with that understanding.*

*Mr. Sadler stated outdoor dining in front is not being pursued by the applicant.*

*Mr. Ebinger explains why it is needed.*

*Ms. McAteer asked is there any consideration for outdoor dining only during the daytime hours.*

*Mr. Ebinger stated there has been discussion about limiting the hours, but staff's position is it is more so the proximity to the residential uses than the specific hours.*

*Ms. Graziano stated they are talking about outdoor dining that could hold a maximum of 15 people.*

*Mr. Ebinger stated the indoor structure holds 15 people, if the outdoor patio is used that would not increase the occupancy.*

*Ms. Graziano asked the parking demand during the day would be for a maximum of 15 people.*

*Mr. Ebinger stated yes.*

*Mr. Poole asked is that 15 additional people when you consider the other portion.*

*Mr. Ebinger stated it would be 15 people separate from the northern use but the northern portion is not in operation before 5:00.*

*Mr. Cole stated what the Commission passed last time is past so they are just looking at a little terminology change; just for clarification.*

*Mr. Ebinger stated it has not gone to Council yet.*

*Ms. Graziano asked if it went to Council and Council amended it to allow outdoor dining until 7:00 pm, would it have to come back to Planning.*

*Ms. Markham stated no because the recommendation of the Planning Commission is that outdoor dining be removed so Council can either accept that amendment or change it. It would only have to come back to the Planning Commission if it was amended to be less restrictive than what the Planning Commission has already acted on.*

*Ms. Jennifer Mullen provided a presentation.*

*Ms. Mullen stated the existing restaurant does not change. The space is open after 5:00 pm per the special use permit. It has seven (7) parking spaces per the special use permit, which does not change. The building code restricts the restaurant to 15 people. Ms. Mullen stated outdoor dining will be limited and their parking study shows on-street parking is available.*

*Mr. Sadler asked would the ABC license be extend to outdoor dining.*

*Ms. Mullen stated yes.*

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

*There was no public comment.*

*Mr. Sadler asked about outdoor dining management. He asks for an explanation of enforcement of the hour restrictions. He speaks to how the ABC license relates to the use of outdoor dining.*

*Ms. Markham stated it would be two (2) issues, there is a noise ordinance which the police would be responsible for enforcing. The specific conditions of the special use permit such as the hours of operation is the responsibility of the Zoning Office to enforce.*

*Mr. Sadler asked if there was a complaint on a Friday night at 11:00 p.m. would there be a zoning official available on a Friday night to check it out at that time.*

*Mr. Olinger stated generally speaking, it has been the ones that are open until 2:00 am that are the problems.*

*Mr. Poole stated one thing that is concerning for him is two (2) separate hours on three (3) locations; a later operator could easily confuse what the regulations are. He stated that the enforcement is too complicated.*

*Ms. Graziano stated maybe they should say no special use permits for outdoor dining because enforcement is too hard.*

*Mr. Cole stated the connection between the two (2) spaces changes things. He asked if the two (2) spaces were connected, would it have to come back to the Planning Commission.*

*Ms. Markham stated the plans attached to the original special use permit show it as two (2) separate spaces so if they wanted to connect them in the future it would require an amendment.*

*Mr. Poole asked is there a separate ABC license for each address.*

*Ms. Mullen stated it will be one ABC license with two (2) addresses.*



*Mr. Sadler stated the use of spaces is continuing to change and could be a good amenity. He asked can it be approved for six (6) months.*

*Ms. Markham stated the standard language in the special use permit is if there are three (3) violations in a twelve (12) month period it automatically comes back to the Planning Commission. The question is if the Commission is comfortable with the outdoor dining being there and what is the Planning Commission's recommendation to City Council.*

*Ms. Graziano suggest limiting hours.*

*Ms. McAteer stated she loves outdoor dining.*

*Mr. Cole stated they should compromise to 7:00 pm or 8:00 pm.*

*Ms. Mullen stated the applicant would agree to closing the outdoor dining at 7:00 p.m.*

**A motion was made by Ms. Graziano, seconded by Mr. Sadler, that this Ordinance be approved subject to amendments that would clarify the parking requirements apply separately to the two commercial spaces and that the hours for the outdoor dining in the rear of the buildings be limited to 7:00p.m. The motion carried by the following vote:**

**Aye:** 5 - Ms. Graziano, Ms. Ferrara, Ms. McAteer, Mr. Sadler and Mr. Cole

**No:** 1 - Mr. Poole

**16. [ORD. 2014-189](#)**

To authorize NewPath Networks, LLC, to encroach upon the public right-of-way with proposed overhead and underground fiber optic cables, guy wires, conduit, hand-holes and short-range cellular transmission nodes encroachment, upon certain terms and conditions.

**Attachments:** [UDC Report to CPC](#)  
[ORD. 2014-189](#)  
[UDC Application & Plans](#)  
[Location Map](#)

*Mr. Jeff Eastman provided a presentation as outlined in the staff report.*

*Mr. Poole asked what is the current height of the existing pole.*

*Ms. Rebecca Hunter stated the height varies slightly but 10 feet to 15 feet taller than existing poles;*

*Mr. Poole asked the size of the equipment that is going to be farther down the pole where the box will be added, how big is that.*

*Ms. Hunter stated 2' x 5' cabinet with individual meter from Dominion.*

*Ms. Rosemary Green stated there is an ordinance for a pole attachment agreement and the Department of Public Utilities has no objections to locating on secondary facilities.*

*Mr. Sadler expressed concerned about property damage.*

*Ms. Hunter stated they run a structural analysis and have additional requirements and*

*standards that they work with Utilities on. She stated that they would like to have a franchise agreement like other utility companies.*

*Mr. Cole stated he wants aesthetics to be reviewed.*

*Mr. Sadler stated he agrees that aesthetics are important.*

*Mr. Poole stated he agrees that aesthetics are important. He stated that the built environment should be more beautiful and not just utilitarian.*

**A motion was made by Ms. Graziano, seconded by Ms. McAteer, that this Ordinance be approved subject to amendments that would require the location of the encroachments to be approved by the Director of Planning and Development Review in addition to the Director of Public Works. The motion carried by a unanimous vote.**

**19. [ID 14-037](#)**

**Citywide Master Plan Update**

*Mr. Olinger stated in the last couple of weeks GRTC was awarded \$24.9 million as their portion from the Tiger Grant for Bus Rapid Transit. He stated FTA has released a notice of funding of NOFA for area plans in the vicinity of Bus Rapid Transit projects. That application is due in November. They are looking and talking with GRTC and Henrico to see if there is an opportunity to do a joint application for the funding to do some planning studies along the BRT corridor.*

**Upcoming Items**

**Adjournment**

*Mr. Poole adjourned the meeting at 2:52 p.m.*

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*Rodney M. Poole, Chair*

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*Lory P. Markham, Secretary*