



# City of Richmond

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## Meeting Minutes Planning Commission

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Monday, January 4, 2016

1:30 PM

5th Floor Conference Room

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### Call To Order

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

### Roll Call

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

**Absent** 1 - Mr. Vivek Murthy

### Election of Officers

Ms. Cuffee-Glenn recommended keeping the current officers in place and made a motion to that affect, which was seconded by Ms. Robertson.

Mr. Cole volunteered to serve on the Urban Design Committee until his term expires in March.

Mr. Poole volunteered to continue to serve on the Richmond Regional Planning District Commission.

Mr. Johannas volunteered to serve on the Public Art Commission.

Mr. Poole nominated Mr. Murthy in his absence to serve on the Urban Design Committee.

### Chair and Vice Chair for 2016

**A motion was made by Ms. Cuffee-Glen, seconded by Ms. Robertson, that the current officers, Mr. Poole as Chair and Mr. Law as Vice Chair, remain in place for 2016. The motion carried unanimously.**

### Richmond Regional Planning District Commission

**A motion was made by Ms. Robertson, seconded by Ms. McAteer, that Mr. Poole continue to serve as the Commission's representative to the Richmond Regional Planning District Commission in 2016. The motion carried unanimously.**

## Public Art Commission

A motion was made by Ms. Cuffee-Glenn, seconded by Ms. McAteer, that Mr. Johannas serve as the Commission's representative to the Public Art Commission in 2016. The motion carried unanimously.

## Urban Design Committee

A motion was made by Ms. Robertson, seconded by Ms. McAteer, that Mr. Murthy serve as the Commission's representative to the Urban Design Committee in 2016. The motion carried unanimously.

**Chair's Comments**

Mr. Poole welcomed everyone who was present

**Approval of Minutes**

[PDR MIN  
2016-001](#)

December 21, 2015 Meeting Minutes

**Attachments:** [Draft December 21, 2015 Meeting Minutes](#)

A motion was made by Ms. Robertson, seconded by Mr. Law, that the December 21, 2015 meeting minutes be approved as amended. The motion carried unanimously.

**Director's Report**

There was no Director's Report.

**- Council Action Update**

There was no Council Action update.

**Consideration of Continuances and Deletions from Agenda**

1. [ORD.  
2015-245](#) To conditionally rezone the property known as 2801 East Main Street from the M-1 Light Industrial District to the B-5 Central Business District, upon certain proffered conditions.

**Attachments:** [Staff Report](#)  
[Ord. No. 2015-245](#)  
[Location Map](#)  
[Survey](#)  
[Application](#)  
[Proffers](#)

A motion was made by Mr. Johannas, seconded by Ms. McAteer, that this Ordinance be continued for 30-days to the Commission's February 1, 2016 meeting. The motion carried unanimously.

- 2. [ORD. 2015-246](#) To conditionally rezone the property known as 2825 East Main Street from the [M-1 Light] M-2 Heavy Industrial District to the B-5 Central Business District, upon certain proffered conditions. (As Amended)

**Attachments:** [Staff Report](#)  
[Ord. No. 2015-246](#)  
[Location Map](#)  
[Survey](#)  
[Application](#)  
[Proffers](#)

A motion was made by Mr. Johannas, seconded by Ms. McAteer, that this Ordinance be continued for 30-days to the Commission's February 1, 2016 meeting. The motion carried unanimously.

**Consent Agenda**

A motion was made by Mr. Law, seconded by Ms. Robertson, that the Consent Agenda be approved. The motion carried unanimously, with the exception of Mr. Poole's abstention on item number 5 regarding the special use permit at 3111 West Clay Street.

- 3. [ORD. 2015-260](#) To authorize the special use of the property known as 2112 Monteiro Street for the purpose of authorizing a multifamily dwelling with up to 18 dwelling units, upon certain terms and conditions.

**Attachments:** [Ord. No. 2015-260](#)  
[Staff Report](#)  
[Plans](#)  
[Location Map](#)  
[Application & Applicant's Report](#)

This Ordinance was recommended for approval on the Consent Agenda.

- 4. [ORD. 2015-261](#) To authorize the special use of the property known as 3100 East Marshall Street for the purpose of waiving the parking requirement for a two-family dwelling and a dwelling unit located in an accessory building, upon certain terms and conditions.

**Attachments:** [Ord. No. 2015-261](#)  
[Staff Report](#)  
[Application & Applicant's Report](#)  
[Location Map](#)

This Ordinance was recommended for approval on the Consent Agenda.

- 5. [ORD. 2015-262](#) To authorize the special use of the property known as 3111 West Clay Street for the purpose of permitting a social service delivery use, upon

certain terms and conditions.

**Attachments:** [Ord. No. 2015-262](#)  
[Staff Report](#)  
[Survey](#)  
[Plans](#)  
[Application & Applicant's Report](#)  
[Location Map](#)

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

## **Regular Agenda**

6. [ORD. 2015-256](#) To close, to public use and travel, a portion of Northampton Street, located between Carlisle Avenue and Goddin Street and consisting of 9,978± square feet, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Location Map](#)  
[Plat](#)  
[Letters of Support](#)  
[Letters of Opposition](#)  
[Ord. No. 2015-256](#)

Mr. Willy Thompson presented an overview of the proposed development proposal as outlined in the staff report.

Mr. Lee Downey stated that there have been problems with dumping and trespassing in this area and this project will provide additional mixed-use and will rejuvenate this area as a catalytic project in the area. This project will help with connectivity, it will bring positive activity to the area, and future development

Mr. Poole asked if the Commission had any questions.

Ms. McAteer pointed out that the project is not in compliance with the Master Plan and therefore staff did not make a recommendation on the project; however, it is apparent that the City is supportive of the proposal.

Mr. Downey stated this is a good project to recommend because it has connectivity, an influx of people and activity. It is a site that had issues in the past, there are concerns but this project has the positive benefit to move forward because it does provide a catalytic influence and works toward some of the issues that they would like to see addressed in the area.

Mr. Poole asked if the Master Plan update is moving forward.

Mr. Downey stated they recognize the fact that they need to make the update to the Master Plan and are hoping to be moving forward with creating an update to the plan.

Ms. McAteer asked staff if they have any objections or concerns to this plan other than it does not conform to the Master Plan.

Ms. Markham stated the project does not conform to the City's Master Plan. All concerns are listed in the staff report.

Mr. Poole asked were there additional concerns that you expressed as a staff.

Ms. Markham stated all concerns that staff had are listed in the staff report.

Mr. Poole stated there was more than just non-compliance with the Master Plan.

Ms. Markham stated there were some concerns about the enforceability of the access along Carlisle and North Hampton Street and the sale of City park property for development purposes when it is called out for being for park property in the City's Master Plan.

Mr. Poole stated have you spoken to the Zoning Administrator about the enforceability of the allowance for the closure of the streets for up to forty days per year.

Ms. Markham stated yes, the Zoning Administrator did not think it was very enforceable.

Mr. Poole asked what is the current use of the property being sold from Parks.

Ms. Markham stated there is an athletic field on one of the properties and the other property is currently wooded.

Mr. Poole stated the athletic field would become part of this property and no longer available.

Ms. Markham stated correct.

Mr. Sadler asked about the appraised value.

Mr. Downey stated that the assessed value had not been changed in seven or eight years, so they got an appraisal to test the marketability of the land, this is what the appraiser said this property is valued as.

Mr. Sadler asked about them being asked to approve the sale of City property a month ago based solely on the recommendations in the Master Plan.

Mr. Downey stated that the benefits of the project outweigh the recommendations in the Master Plan.

Mr. Sadler questioned the appraisal and assessment of the properties.

Mr. Paul McClellan, Economic and Community Development, stated this property has not been re-assessed in several years, the value has not changed so it did not reflect market changes. When they do these appraisals they do comparables to look at other properties that have sold recently.

Mr. Poole expressed concern about a price for the City owned property that is 35% lower than the assessed value.

Mr. McClellan stated that is approximate.

Ms. Robertson asked about the total number of dwelling units and the total investment.

Mr. Downey stated there will be up to 266 dwelling units with a total new investment of \$30,400,000, which equates to approximately \$360,000 in annual revenue to the City.

Mr. Sadler asked about how this project would help connectivity to the new Bus Rapid Transit system.

Ms. Cuffee-Glenn stated that there have been no issues raised by GRTC that this would be an impediment.

Mr. Sadler asked about process and the timing of approvals related to the utility and performance agreement.

Mr. Welch stated that it is all or nothing.

Mr. Cole asked about the adherence to the City's Master Plan and doing the exact opposite of what the Commission was told it was supposed to do a month ago.

Mr. Downey stated the benefits and merits outweigh the Master Plan.

Mr. Poole asked what the amount of the proposed grant is.

Mr. Downey stated the grant for the entire project is \$750,000 over three installments.

Mr. Poole asked if there has ever been a grant of this scope and nature been done before.

Mr. Downey stated that this is a catalytic project and he is not sure if this has ever been done before.

Mr. Poole asked about the utility work that is part of the project.

Ms. Rosemary Green, Public Utilities, stated that as a result of this project they will install two manholes and confirmed that the developer will pay the tap fees.

Ms. Cuffee-Glenn clarified that there are mutual benefits to the utility work.

Ms. Green stated they will be in there first so there are benefits all around to move the sewer out of the revenue and into the street.

Ms. Maritza Pechin, representing Fulton Hill Properties, stated she would like to rebut a few things that came up in conversation.

1. A lot of the properties have not been assessed since the crash, a lot of properties lost up to 60% of their value in the crash.
2. The public property for sale was a schools property, not parks and recreation property.
3. Connectivity is improved by the project and 40 days allowed to close the road only for events. It is only closed now because people were stealing the roads.
4. LISC plan is much more recent and should supersede Master Plan.
5. Intrinsically different than all other multi-family developments in the City because it is in a neighborhood.
6. DPU work is better because of this project.

Ms. Pechin gave a brief presentation of the proposal about how great the company is and what a great reputation they have. She stated that they are an anchor in the Fulton Hill Neighborhood.

Mr. Johannas asked what is the population of the Fulton Community.

Ms. Pechin stated that it is approximately 4,600.

Mr. Johannas asked about the length of the buildings and the materials being used.

Ms. Margaret Freund stated the length of the building is 118 feet, 30% would be brick.

Mr. Johannas asked if she would commit to that.

Ms. Freund would not.

Mr. Poole stated with the existing special use permit it allows you to have gatherings of up to 500 people.

Ms. Freund stated yes.

Mr. Poole stated there are 60 units going into the old school building so what is the need for the 500 person events.

Ms. Freund stated they would retain gathering space in the building and would not convert the gallery space to residential. She stated they want a mixture of uses, they would have a cafe, their events would be able to occur in the gallery or on the lawn.

#### Public Hearing

Mr. Barry Russell, Deputy Director of Parks and Recreation, stated that the school fields are used for soccer and football. He stated that the Parks Department hopes that those fields would still be made available to the community.

Ms. Robertson asked if Dr. Merrifield was aware of Mr. Russell speaking to this.

Mr. Russell stated that he was not.

Ms. Robertson questioned the appropriateness of his speaking.

Ms. Cheryl Grosswright, spoke in support of the proposed development. She stated that use of the fields will not change.

Ms. Juliellen Sarver, resident of Montrose Heights, stated that in April of 2015 the neighborhood voted to support the project. She stated that the community does not want any additional subsidized housing units.

Mr. Ryan Duffy, Fulton resident, stated that he has concerns about how this plan satisfies the goals and initiatives of the LISC plan. He stated that the Plus Club is not in favor of the proposal. He stated that there are concerns regarding the accessibility and affordability of the development. He stated that the project has not been evaluated as called for in the LISC plan. He also stated that the proposal before the Commission has not been evaluated by the Greater Fulton Association because it has changed since the April 2015 vote.

Mr. Steve Otto, owner of 4 adjacent properties, stated staff's concerns were not expressed and he read them. He stated that he is concerned about traffic flow for the 300 new residents especially given the narrowness of the existing streets. He stated that this needs to be studied and considered. He stated that the environmentally sensitive areas are the same geologically as where 35th Street collapsed and that this should be considered in the foundation design. He stated that this is the location of the Mount Erin Springs and there is known movement of underground water, which should be considered. He stated that he supported the action to close Carlisle Avenue and it is

disingenuous to state that this project will improve connectivity. He stated that he is against the semi-gated nature of the proposal with the closure of the streets. He advocated that the streets should be returned to City control. He disclosed Ms. Juliellen Sarver's relationship to Fulton Hill Properties. He stated that the LISC plan does not support the proposed development. He stated that there is not a groundswell of support for high density residential development.

Ms. Diane Linderman, VHB Civil Engineer for the project, stated that there is a geotechnical study underway.

Ms. Juliellen Sarver stated that she was hired on a short term basis for 3 months by Fulton Hill Properties and worked for Stone Brewery on a contract basis. She stated that the commercial uses in the project will benefit the neighborhood.

Ms. Pechin stated that the market rate units will rent at workforce rates until the market improves. She stated she attended a community meeting, when people asked what the rental rates were, they all thought they were very favorable. The building will be fully ADA accessible. It would be a great location for seniors because it is low maintenance, there is a pool for people that want low impact exercise. She stated she is concerned about the Master Plan because at the time the project was done, the property was shown as public when it is a private entity that owned it. She stated Fulton Hill will be maintaining the field, they would like people to use it.

Ms. Robertson thanked the staff for working to put this development together. She stated that the level of support from the community and the proposal's adherence the plan for the community are positive. She stated that the City desperately needs development and that this is a great use of the property.

Mr. Johanna stated his main concern is the massing, but the density is important for the City.

Ms. Cuffee-Glenn thanked the Commission for their patience with update to the Master Plan. She stated that the outdated Master Plan should not hold this important project back. She stated that this project will provide a positive benefit to the community.

Mr. Sadler stated he just reviewed the ordinance on the sale of City property and do not see where it is contingent upon the performance or utility agreement.

Mr. Welch stated the development could not happen without the utility agreement needs to be in place for them to build.

Ms. Robertson stated when the performance agreement comes before City Council, if there is need for amendments to the agreement to strengthen any of the relationships, City Council will take that into advisement. She stated she will share the concerns that have been raised.

Ms. McAteer voiced her support for the proposed project and stated that this project will increase homeownership in the area.

Mr. Cole stated that it is the Commission's job to follow the Master Plan. He stated that this is a good change from the Master Plan.

Mr. Poole stated that staff does a great job and he finds it odd that they have not made a recommendation of this proposal. He stated staff said it is not in accordance to the Master Plan and they have the following major concerns:

1. The ability of the applicant to gate the streets and prohibit connectivity;
2. Nature of the cost of the acquisition of the two pieces of property being 35% below



the assessed value. He stated that state law provides assessments are done every year;

3. Setting a precedent for the City to give \$750,000 of grant money for market rate apartments.

He stated he intends to vote in opposition.

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

**Aye:** 5 - Mr. Law, Ms. McAteer, Mr. Cole, Ms. Robertson and Ms. Cuffee-Glenn

**No:** 3 - Mr. Poole, Mr. Johannas and Mr. Sadler

7. [ORD. 2015-257](#) To authorize the special use of the properties known as 910 Goddin Street, 1000 Goddin Street, 4907 Goddin Court, a portion of 1000 A Carlisle Avenue, 1000 B Carlisle Avenue, 1021 Carlisle Avenue, and a portion of Northampton Street for the purpose of authorizing multifamily dwellings with up to 204 dwelling units and accessory parking, upon certain terms and conditions.

**Attachments:** [Ord. No. 2015-257](#)  
[Staff Report](#)  
[Location Map](#)  
[Plans](#)  
[Application & Applicant's Report](#)  
[Letters of Support](#)  
[Letters of Opposition](#)

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

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

**No:** 1 - Mr. Poole

8. [ORD. 2015-258](#) To amend Ord. No. 2000-218-231, adopted May 22, 2000, which authorized the property known as 1000 Carlisle Avenue for the purpose of the conversion and occupancy of the existing building as an arts center and performance and reception facility, together with accessory off-street parking, substantially in accordance with the attached site plan and floor plans, to authorize up to 62 multi-family dwelling units and commercial uses and to remove part of 1021 Carlisle Avenue, part of Rear 901 State Street, and 910 Goddin Street, and reduce the required accessory off-street parking, upon certain terms and conditions.

- Attachments:** [Ord. No. 2015-258](#)  
[Staff Report](#)  
[Location Map](#)  
[Application & Applicant's Report](#)  
[Plans](#)  
[Parking Plan](#)  
[Letters of Support](#)  
[Letters of Opposition](#)

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

- Aye:** 7 - Mr. Law, Mr. Johannas, Ms. McAteer, Mr. Sadler, Mr. Cole, Ms. Robertson and Ms. Cuffee-Glenn  
**No:** 1 - Mr. Poole

9. [ORD. 2015-259](#) To declare surplus and to direct the sale of City-owned real estate located at 910 Goddin Street and 1000 Goddin Street for \$80,000.00 to Fulton Hill Properties, LLC, for the purpose of enabling the redevelopment of the property.

- Attachments:** [Ord. No. 2015-259](#)  
[Staff Report](#)  
[Letters of Support](#)  
[Letters of Opposition](#)

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

- Aye:** 6 - Mr. Law, Mr. Johannas, Ms. McAteer, Mr. Cole, Ms. Robertson and Ms. Cuffee-Glenn  
**No:** 2 - Mr. Poole and Mr. Sadler

10. [UDC No. 2015-13](#) Conceptual Location, Character and Extent Review of a new building for the Horticulture, Maintenance and Public Safety Departments at Maymont, 800 Swan Lake Drive

**Attachments:** [UDC Report to CPC](#)  
[Staff Report to UDC](#)  
[Location Map](#)  
[Plans revised for January 4, 2016 PC meeting](#)  
[Application & Plans](#)  
[Letter from City Re Dual Facility](#)  
[Petition of Opposition](#)  
[Letters of Opposition](#)  
[Letters of Support](#)

Mr. Jeff Eastman provided an overview as outlined in the staff report.

Ms. Jennifer Mullen, representing Maymont, provided a presentation on the proposal.

Mr. Will Scribner, SNBW Architects, provided a presentation on the design aspects of the proposal.

#### Public Comment

Ms. Ellen McCompt stated she is a resident of Byrd Park, she has seen many good changes at Maymont. She has attended many neighborhood meetings and would like to congratulate Maymont on their receptiveness to hearing from the neighborhood. After each meeting they have made as many revisions as they can. She believes that this project has been exhaustively examined by the Board, the City, experts and architects to make sure it is environmentally cost effect but most importantly will make Maymont continue to be the wonderful gem that it is. Being a resident of the park they have a concern about traffic and they are delighted that this is going to take traffic off of the roads by having the volunteers go into the Nature Center parking lot.

Mr. Mark Brandon stated he lives in the Maymont neighborhood and is Vice President of the Maymont Civic League. He is speaking in opposition of the plan. The Civic League has been around since 1958. One of their major concerns was to stop unwanted developments, similar to this, in their neighborhood. He stated this is a maintenance facility, this is a garage. No matter how much Mr. Scribner redesigns it, it is missing the point that this is a terrible place to put this. He stated he is opposed of the selection of the site and the view shed.

Mr. Johannes asked now that this is a national historic site would this need to go through Section 106.

Ms. Markham stated it would be triggered with federal funds.

Ms. Sarah Weisiger stated the City and Maymont Foundation's proposal for a maintenance facility off of Hampton Street would expand Maymont's operations into Byrd Parks Shields Grove. The two buildings will break apart a green space and destroy a lovely view. Since the Planning Commission meeting in September, the Virginia Department of Historic Resources Board have placed Byrd Park on the Virginia Landmarks Register and are forwarding the nomination for inclusion in the national register of historic places. The City-owned Maymont estate is also on these registers and in part, because of this status, the City and Maymont Foundation received hundreds of thousands of federal dollars for the renovation of the stable area at the estate. Please vote to deny the proposed location.

Ms. Andrea Levine stated as an Urban Design Committee member she did not vote yes at the UDC meeting in September. Regarding process there was very little outreach to reach the neighbors. She stated they have been presented with the proposed location but they have not had the opportunity to understand the process of other locations that may or may have not come up. They also do not understand what the review have been for any of the other locations in the park. They agree that the viewshed should be preserved. She stated there will be a greater impact on the neighborhood, on the neighbors, on the noise, traffic, pedestrians, cyclist, and on the users of the park especially with a new curb-cut. She has concerns about future proposals and development along Hampton Street from Maymont Park. She stated she would love to see this, if not denied, postponed, giving time for more discussion.

Mr. Turk Sties stated he lives on Lakewood Avenue and is the President of Williamsburg Park. He stated fortunately if this facility is built he would not have to look at it from his front porch but if he could he would be more upset about this. No one wants this facility. His main objection to this is the process. He stated what he heard is, a plan to ask City Council to re-examine the operational agreement with Maymont, which is where this process should start. He stated he hopes the City will stop its annual contribution to Maymont.

Mike Dodson spoke on behalf of the Byrd Park Civic League. He stated about 20 households voted in opposition to this, for the same concerns expressed by others. He stated if you do not vote this down, it needs to be continued to allow the neighborhoods to discuss it and work with Maymont to see if they can come to a better agreement.

Mr. Bobby Junes stated this is not a cool issue. He has had conversations with Mr. Mark Wagner, Virginia Department of Historic Resources, December 2015, William Byrd Park was granted state historic site designation and there is also a smaller area in William Byrd Park that also got the designation. Within the next 50 to 60 days they will get the national review. Mr. Wagner expressed to him that there is a 90% chance that it will get the designation. He stated the Commission should deny or postpone anything as far as building a maintenance or horticultural building within this position.

**A motion was made by Ms. Cuffee-Glenn, seconded by Ms. Robertson, that this Location, Character and Extent Review be continued for 30-days to the Commission's February 1, 2016 meeting. The motion carried by the following vote:**

**Aye:** 5 - Mr. Poole, Mr. Law, Mr. Johannas, Ms. Robertson and Ms. Cuffee-Glenn

**No:** 1 - Mr. Cole

**Excused:** 2 - Ms. McAteer and Mr. Sadler

**Upcoming Items**

- Annual Report

Ms. Markham stated she is continuing to work on the Annual Report and will have a draft at the next meeting. She asked the Commission to please let her know if there is anything that they would like to be included.

- Review of conditions related to special use permit for a nightclub at 1619 and 1621 West Broad Street.

Ms. Markham stated that last year the Commission recommended approval of a special use permit for a night club at 1619 and 1621 West Broad Street, which included a

condition that they come back in one year, that will come back for review, as well as some other character and extent items.

Mr. Law asked did ownership of that property change.

Ms. Markham stated yes.

Mr. Poole asked to have an update of the Master Plan at their next meeting.

**Adjournment**

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Rodney M. Poole, Chair

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Lory P. Markham, Secretary