



# City of Richmond

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## Meeting Minutes - Draft Planning Commission

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Tuesday, September 2, 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** 8 - Mr. Rodney Poole  
Mr. Melvin Law  
Ms. Kathy Graziano  
Ms. Amy Howard  
Ms. Jane Ferrara  
Ms. Lynn McAteer  
Mr. Jeffrey Sadler  
Mr. Doug Cole

**Absent** 1 - Mr. David Johannas

### Staff Present

*Mark Olinger, Director, Planning and Development Review  
Lory Markham, Secretary to the City Planning Commission  
Matthew Ebinger, Planning and Development Review  
Leigh V. Kelley, Planning and Development Review  
Willy Thompson, Planning and Development Review  
Jeff Eastman, Planning and Development Review  
Matthew Welch, Assistant City Attorney*

### Others Present

*Ms. Viola O. Baskerville, Girl Scouts of the Commonwealth of VA  
Ms. Gloria L. Frye,  
Mr. Larry Little, VCU  
Mr. Robert Reardon, VCU  
Mr. Robert Armstrong  
Mr. Jeff Geiger  
Mr. Craig Kilpatrick  
Mr. Thomas Dale  
Ms. Katherine Biley Wright  
Ms. Jennifer Mullen  
Mr. John S. Perel  
Ms. Bonnie Wood*

### Chair's Comments

*Mr. Poole welcomed everyone who was present.*

### Approval of Minutes

**ID 14-034** July 21, 2014 Planning Commission Meeting Minutes

**Attachments:** [July 21, 2014 Draft Meeting Minutes](#)

**A motion was made by Ms. Graziano, seconded by Mr. Law, that the minutes be approved. The motion carried by the following vote:**

**Aye:** 7 - Mr. Poole, Mr. Law, Ms. Graziano, Ms. Howard, Ms. McAteer, Mr. Sadler and Mr. Cole

**Excused:** 1 - Ms. Ferrara

**Director's Report**

**- Council Action Update**

*There was no Director's Report or Council Action Update.*

**Consideration of Continuances and Deletions from Agenda**

- 6. **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](#)

**A motion was made by Ms. Howard, seconded by Ms. Graziano, that this Ordinance be continued to the Commission's October 6, 2014 meeting. The motion carried by the following vote:**

**Aye:** 7 - Mr. Poole, Mr. Law, Ms. Graziano, Ms. Howard, Ms. McAteer, Mr. Sadler and Mr. Cole

**Excused:** 1 - Ms. Ferrara

- 7. **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](#)

**A motion was made by Ms. Howard, seconded by Ms. Graziano, that this**

**Ordinance be continued to the Commission's October 6, 2014 meeting. The motion carried by the following vote:**

**Aye:** 7 - Mr. Poole, Mr. Law, Ms. Graziano, Ms. Howard, Ms. McAteer, Mr. Sadler and Mr. Cole

**Excused:** 1 - Ms. Ferrara

**Consent Agenda**

*Mr. Poole asked whether there are any questions from the Commission regarding items on the Consent Agenda.*

*Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of or in opposition to items on the Consent Agenda.*

*Ms. Viola Baskerville, representing the Girl Scouts of Virginia, spoke in support of item number 3, ORD. 2014-159, stating that the proposed sign is needed for identification purposes and visibility.*

**A motion was made by Ms. Graziano, seconded by Ms. McAteer, that the Consent Agenda be approved. The motion carried by the following vote, with the exception of Mr. Cole's abstention on ORD. 2014-161:**

**Aye:** 7 - Mr. Poole, Mr. Law, Ms. Graziano, Ms. Howard, Ms. McAteer, Mr. Sadler and Mr. Cole

**Excused:** 1 - Ms. Ferrara

- 1. **ORD. 2014-153** To authorize the special use of the property known as 122 West Leigh Street for the purpose of a private museum, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Ord. No. 2014-153](#)  
[Location Map](#)  
[Plans](#)  
[Application & Applicant's Report](#)

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

- 2. **ORD. 2014-155** To authorize the Chief Administrative Officer to accept funds in the amount of \$417,418 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 amount appropriated to the Department of Public Works' Bike Sharrows / Lanes project in the Transportation category by \$417,418 for the purpose of funding the Floyd Avenue Bike Boulevard project to optimize travel for bicyclists and pedestrians on Floyd Avenue between its intersections with North Laurel Street and North Thompson Street.

**Attachments:** [Staff Report](#)  
[Ord. No. 2014-155](#)  
[Location Map](#)

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

- 3. **ORD. 2014-159** To authorize the special use of the property known as 4900 Augusta Avenue for the purpose of certain identification signage, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Ord. No. 2014-159](#)  
[Location Map](#)  
[Plans](#)  
[Application & Applicant's Report](#)

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

- 4. **ORD. 2014-161** To authorize a Preliminary Community Unit Plan permitting the development of a residential community not to exceed four hundred (400) single-family detached and single-family attached dwelling units on approximately 117.88 acres of land located at 6903 Midlothian Turnpike, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Ord. No. 2014-161](#)  
[Location Map](#)  
[Application & Applicant's Report](#)

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

- 5. **ORD. 2014-166** To authorize the special use of the property known as 613 North Lombardy Street for the purpose of permitting up to thirteen (13) dwelling units, upon certain terms and conditions.

**Attachments:** [Staff Report](#)  
[Ord. No. 2014-166](#)  
[Location Map](#)  
[Application & Applicant's Report](#)  
[Plans](#)  
[Letter of Support](#)

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

- 8. **UDC No. 2014-27** Conceptual Location, Character and Extent Review of Phase 4 of the Cannon Creek Greenway, from Valley Road to Oliver Hill Way

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

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

- (1) That the final plans show how pedestrians will be safely accommodated from Richmond-Henrico Turnpike to Oliver Hill Way, whether in the scope of this project or through provision of new sidewalks and crosswalks from other funding sources.
- (2) That the final plans show the location of any trash cans, and that the applicant considers providing trash cans (consistent in design with those used in other phases of the project) at each end of the shared-use segment of the trail and at the corner of Oliver Hill Way and Hospital Street.
- (3) That the final plans show the location of any proposed ornamental street lights, to be consistent in design with those used in other phases of the project.
- (4) That the final plans show the location of any proposed benches, to be consistent in design with those used in other phases of the project.
- (5) That each trail crossing across a roadway be striped with a ladder-style crosswalk.
- (6) That the applicant considers providing street trees along Valley Road between Richmond-Henrico Turnpike and the limited access VDOT right-of-way and along Hospital Street between N. 7th Street and Oliver Hill Way.

- 9. **UDC No. 2014-28** Final Location, Character and Extent Review of a pavilion at Mary Munford Elementary School, 211 Westmoreland Street

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

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

**Regular Agenda**

- 10. **PCR. 2014-007** To amend the Children’s Hospital Institutional Master Plan at 2924 Brook Road.

- Attachments:** [Staff Report](#)  
[Location Map](#)  
[City Planning Commission Resolution](#)  
[Master Plan](#)  
[Application & Applicant’s Report](#)

*Mr. Willy Thompson provided a presentation for both agenda items 10 and 11, the Institutional Master Plan Amendment and ORD. 2014-156 the rezoning at 1308 Sherwood Ave, as outlined in the staff report.*

*Mr. Poole asked whether there are any questions from the Commission regarding these items on the Regular Agenda.*

*Ms. McAteer asked is the parking for the new Virginia Treatment Center shared parking.*

*Mr. Thompson stated yes.*

*Ms. McAteer asked what is the size of the proposed Virginia Treatment Center.*

*Mr. Thompson stated two (2) stories, 132,200 square feet and 48 beds.*

*Ms. Gloria Freye introduced the team and gave an overview of the request, including the request to remove the Brookland Parkway properties from the proposed rezoning application. General Assembly approved funding to replace the outdated center. Parking can be accommodated on site with shared parking. A traffic study was performed that says the intersections can accommodate the traffic. She committed to meeting with the neighborhood to show architectural and landscape plans to garner support. She request the Commission to support the proposal.*

*Mr. Poole asked for a commitment to meet with the neighborhood.*

*Ms. Freye agreed.*

*Mr. Poole opened the public hearing and asked if anyone would like to speak in favor of or in opposition to these items on the Regular Agenda.*

*Mr. Robert Armstrong stated he does not want to come across as in favor of or in opposition. He would like to know if there will be any fencing around the treatment center. He was concerned about run away patients and effects on property values. He asked if there are any statistics about changing zoning and the effect on property values. He asked if there was a time frame for sharing the plans.*

*Ms. Markham stated fencing is shown on the Master Plan amendment.*

*Mr. Poole asked the applicant when they can meet with the neighborhood.*

*Ms. Freye stated before October 13th they will hold a meeting to show the conceptual plans.*

*Mr. Christ Hilbert stated he represents two (2) Civic Associations (Edgehill and Ginter Park). He asked if the associations were notified and did they have an opinion. He stated that he wants to know more about the proposal and the associations' opinions before Council votes.*

**A motion was made by Mr. Law, seconded by Ms. Graziano, that the City Planning Commission Resolution for the Institutional Master Plan Amendment be approved. The motion carried by a unanimous vote.**

**11. ORD.  
2014-156**

To rezone the properties known as 1308 Sherwood Avenue and 1213, 1215, 1217, 1219, 1221 and 1223 Brookland Parkway from the R-3 Single-Family Residential District to the I Institutional District.

- Attachments:** [Staff Report](#)  
[Ord. No. 2014-156](#)  
[Children's Treatment Center.pdf](#)  
[Plans](#)  
[Application & Applicant's Report](#)  
[Revised Ordinance and Application.pdf](#)

*The presentation and public hearing for this item were held in conjunction with the previous agenda item.*

**A motion was made by Mr. Law, seconded by Ms. Graziano, that this Ordinance be recommended for approval subject to an admendment to exclude 1213, 1215, 1217, 1219, 1221, and 1223 Brookland Parkway from the rezoning. The motion carried by a unanimous vote.**

**12. ORD.  
2014-157**

To conditionally rezone a portion of the property known as 6508 Jahnke Road (also known as the Bliley Property) from the R-2 Single-Family Residential District to the R-53 Multifamily Residential District (Conditional) and the remaining portion of such property from the R-2 Single-Family Residential District to the R-7 Single- and Two-Family Urban Residential District (Conditional), upon certain proffered conditions.

- Attachments:** [Staff Report](#)  
[Ord. No. 2014-157](#)  
[Location Map](#)  
[Proffers](#)  
[Plans](#)  
[Application & Applicant's Report](#)

*Mr. Willy Thompson provided a presentation for both agenda items 12 and 13, the rezoning at 6508 Jahnke Road and a special use permit at 6400 Jahnke Road as outlined in the staff report.*

*Mr. Poole asked whether there are any questions from the Commission regarding these items on the Regular Agenda.*

*Ms. McAteer asked are there elevations for the proposed multifamily component.*

*Mr. Thompson stated yes and showed the elevations to the Commission.*

*Mr. Poole asked in the R-7C Conditional, does that include objective design review.*

*Mr. Thompson stated yes, there is objective design review for the R-7C portion within the proffered conditions related to the design of the homes.*

*Mr. Sadler asked if the applicant did not agree to objective design review with the R-53 portion because they were not asked to.*

*Ms. Markham stated the applicant did proffer elevations for the multifamily component and that the issue is not the objective design review. The issue is about the use; R-7 is*

single family, which is supported by the Master Plan, while R-53 is multifamily, which is not supported by the Master Plan.

Mr. Jeff Geiger, representing the applicant, provided a presentation. He stated the proposal has a potential for an increase in tax base with no money from the City. The sign request is for an entrance feature to this new community.

Ms. Ferrara stated that the applicant gave information with regards to the total investment and estimated taxes generated as a result of this development scenario and asked what the difference would be if the entire development was single family.

Mr. Geiger stated the tax base created would be \$15 million for all single family; the proposal with the multifamily component would create \$25 Million in real estate tax base.

Mr. Poole stated the applicant was clear about who was developing the multifamily and asked if there was an expected pricing for the multifamily and the mix of units.

Mr. Geiger stated the unit mixture would be 25% - one (1) bedroom, 50% - two (2) bedrooms, 25% - three (3) bedrooms; one (1) bedroom will start at \$900, rents will go up to \$1,300 per month for three (3) bedrooms.

Mr. Poole asked what kind of amenities would be available with the apartments.

Mr. Geiger stated there would be a club house, pool, and within the club house there would be a recreation center; appliances have not been decided yet.

Mr. Poole asked who is the single family builder.

Mr. Geiger stated they have not put out a bid for a single family builder.

Mr. Poole asked if the single family portion would be built.

Mr. Geiger stated they have to put in the infrastructure and that the economics of the deal require the single family portion to be built.

Mr. Poole asked who exactly is the applicant.

Mr. Geiger stated there is a group of developers who have property under contract.

Ms. McAteer asked what would the price point be for the single family homes.

Mr. Geiger stated the smallest houses would be about 1,500 square feet and would start at \$200,000.

Ms. Ferrara asked what was the current vacancy rate of the surrounding apartment market.

Mr. Geiger stated he does not know, but they are going after a totally different market.

Ms. Howard asked who is the target market.

Mr. Geiger stated young working professionals; nurses, medical residents, young professionals, police, teachers, emergency responders.

Mr. Olinger asked if the park is scheduled to be finished as part of multifamily.



*Mr. Geiger stated yes.*

*Mr. Olinger asked how do the buildings relate to the street or to the parking area.*

*Mr. Geiger stated there will be sidewalks everywhere and entrances from both the sidewalks and the parking areas.*

*Ms. Howard asked if the site plan is final and have any wetlands been taken into consideration.*

*Mr. Geiger stated the conceptual plan has been proffered and that wetlands have been taken into account.*

*Ms. Ferrara asked if there was a pedestrian access from the development to the school.*

*Mr. Geiger stated there was none shown on the conceptual plan, but if the school would like to see connectivity they would be willing to have a conversation with the school.*

*Mr. Poole stated just for clarity if both multifamily and single family would be built at the same time is that a condition that has been proffered.*

*Mr. Geiger stated no, but it is not economically viable to separate the two portions.*

*Mr. Poole asked if the infrastructure will be installed at the same time.*

*Mr. Craig Kilpatrick stated yes.*

*Ms. Graziano asked if the applicant is willing to proffer the simultaneous installation of infrastructure for both the multifamily and single family portions of the development.*

*Mr. Kilpatrick stated that would be difficult because there will be separate entities developing each component and them working together would be complicated.*

*Ms. Graziano stated she likes the project, but is concerned that the single family portion may not be built. She asked how can the Planning Commission and City Council be assured that such a scenario won't happen.*

*Mr. Kilpatrick stated they could be trusted.*

*Mr. Poole stated he has trouble voting against the recommendation of the staff. A major concern that staff has is that single family portion will not be built and a second concern is that it is more density than anticipated in the Housing Opportunity Area recommendation in the Master Plan. He stated he would like to eliminate one of the major concerns that staff has in recommending denial. He stated he would like assurance that the single family portion be built.*

*Mr. Kilpatrick stated the plan for single family is going to be phased and they are willing to commit to beginning Phase I at same time as the multifamily portion.*

*Mr. Olinger stated the school connection is important.*

*Mr. Geiger stated they would be glad to facilitate a conversation with the schools.*

*Mr. Poole asked how many houses were anticipated in the first phase.*

*Mr. Kilpatrick stated 40% in phase one.*

*Ms. McAteer asked what is the time frame.*

*Mr. Kilpatrick stated as soon as possible once the financing is in place.*

*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.*

*Mr. Thomas Dale stated he has concerns but he is neither for nor against. He stated he lives in Westlake Hills and 375 feet of his property borders the Bliley property. He is concerned about the run off; 25 foot buffer should be increased and there is an eight (8) foot alley easement around the property that should be eliminated. He stated he will miss playing on the property.*

*Ms. Katherine Bliley Wright stated she would like to know why there is an objection to multifamily housing in this area. There has been no new construction of single family in the area since the 1950's. There is a need for new single family housing; she stated it would be the best thing to honor her parents. Multifamily apartments – if well managed, will be occupied.*

*Mr. Geiger stated storm water will be handled in an appropriate manner.*

*Mr. Sadler stated the area needs revitalization, the housing stock is not marketable to current buyers and this provides for a needed rezoning of schools. He stated the Master Plan is outdated but would like to see more connectivity to school.*

*Ms. Howard stated she appreciates the comments. The connectivity piece is critical and she is not compelled by arguments heard today to support the proposal. She stated that the Master Plan is the Commission's guide and it should be followed.*

*Ms. Graziano stated the developer has worked hard with the neighborhood and that the Master Plan is outdated; revitalization is needed.*

*Mr. Poole stated the area needs improvement.*

**A motion was made by Ms. Graziano, seconded by Ms. McAteer, that this Ordinance be recommended for approval with admendments to require that the infrastructure for the first phase of the single-family portion of the development consisting of 40 lots would be installed concurrently with the infrastructure for the multi-family portion of the development. The motion carried by the following vote:**

**Aye:** 6 - Mr. Poole, Mr. Law, Ms. Graziano, Ms. Ferrara, Ms. McAteer and Mr. Sadler

**No:** 1 - Ms. Howard

**Abstain:** 1 - Mr. Cole

- 13. ORD. 2014-158** To authorize the special use of the property known as 6400 Jahnke Road for the purpose of authorizing certain identification signage, upon certain terms and conditions.

- Attachments:** [Staff Report](#)  
[6400 Jahnke Road.pdf](#)  
[Ord. No. 2014-158](#)  
[Application & Applicant's Report](#)  
[Plans](#)

*The presentation and public hearing for this item were held in conjunction with the previous agenda item.*

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

**Aye:** 6 - Mr. Poole, Mr. Law, Ms. Graziano, Ms. Ferrara, Ms. McAteer and Mr. Sadler

**No:** 1 - Ms. Howard

**Excused:** 1 - Mr. Cole

- 14. 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:** [DRAFT AMENDED Staff Reprt](#)  
[Staff Report](#)  
[ORD. 2014-160](#)  
[Location Map](#)  
[Images](#)  
[2012 Plan](#)  
[Parking Study](#)  
[Letter of Concern](#)  
[Letters of Support](#)

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

*Mr. Poole asked if there will be no new parking before 5:00 p.m.*

*Mr. Ebinger stated yes, the parking study supports the waiver.*

*Mr. Poole asked Mr. Ebinger did he provide the parking study.*

*Mr. Ebinger stated no, it was provided by the applicant.*

*Mr. Poole expressed concerned about the lack of parking.*

*Ms. Howard asked about clarification on the hours of operation.*

*Ms. Jennifer Mullen provided a presentation. A parking study was done at various times during the day, which showed enough spaces to accommodate their use on Belmont. The building was constructed in 1923 and was originally used as a grocery store. The*

space continued as a commercial space as the zoning ordinance was put into effect. The space was recently used as a catering business. She stated they are amending the special use permit so that everything falls under the realm of the special use permit as a whole. Under the City zoning ordinance there is no definition for catering or private dining, they are asking for both so this falls into the category of restaurant. She stated they are limiting the hours of the outdoor space to 10:00 p.m. nightly; there will be no music live or otherwise. Ms. Mullen stated they respectfully request recommendation of approval.

Ms. Graziano asked what is the Museum District Association's (MDA) opposition to outdoor dining.

Ms. Mullen stated there was no specific objection known other than not to use the outdoor space in the back.

Ms. Markham stated their main objection was its proximity to the adjacent residential properties and the potential negative effect that it could have on the residential properties.

Ms. Ferrara asked was there any conversation related to the hours of use of the outdoor space versus the indoor space.

Ms. Mullen stated they started with limiting the outdoor space to 10:00 p.m.

Ms. Ferrara stated the hours that they saw showed up to midnight.

Ms. Mullen stated this was for inside the space.

Ms. Ferrara asked about the property on Belmont and Floyd, on the southeast corner, is that a Floyd Avenue orientation or Belmont Avenue orientation; what type of use is on that corner.

Ms. Mullen stated it is a Floyd Avenue orientation and it is a residential use.

Mr. Sadler asked if they would have an ABC license in that space.

Ms. Mullen stated yes, they will apply for a license, separate and apart from the special use permit.

Mr. Sadler asked, if the indoor area has an ABC license until midnight how would people indoors be kept from going outdoors with their drinks.

Ms. Mullen stated it would be part of the special use permit that they would not be permitted to be outside and would be monitored by the owner and operator of the establishment. If they have three (3) violations they will lose their special use permit for the entire property.

Mr. Poole stated he thought the request for the front area dining had been withdrawn.

Ms. Mullen stated they have not moved forward with that request.

Ms. Markham stated that the front area dining would be permitted in the special use permit, it is for a two (2) foot strip of property. What Ms. Mullen is referring to is the encroachment permit that would allow the dining to go out into the sidewalk, which would allow for a viable outdoor dining area. They have not moved forward with an encroachment permit.

Mr. Poole asked Ms. Mullen if the applicant wants a front area dining.

Ms. Mullen stated they have not moved forward with that at all; they would like outdoor dining in the rear and they would like the indoor space.

Mr. Poole asked in the pictures of the parking lot in the rear, they showed plenty of spaces, why can't the applicant provide the parking that is required in that parking lot.

Ms. Mullen stated that parking lot is governed under the existing special use permit for all three (3) of the properties to the south of the subject property.

Ms. Markham stated that under the proposed amendment to the special use permit, seven (7) spaces would be required to be provided before 5:00 pm. The old special use permit required seven (7) spaces, but they would only be required during the hours of operation, which was after 5:00 pm. The new special use permit requires ten (10) spaces. Seven (7) are required when the restaurant is open, three (3) spaces are allowed to be provided after 5:00 pm.

Mr. Poole asked since the new space is considered restaurant space, do those seven (7) parking spaces have to be provided all day because the restaurant is open all day.

Ms. Markham stated yes, the ordinance says a minimum of ten (10) off street parking spaces should be provided for restaurant use of the property, seven (7) of these spaces should be provided within three hundred (300) feet of the entrance to the restaurant, three (3) of these spaces must be provided after 5:00 pm and within seven hundred twenty five (725) feet of the entrance to the restaurant.

Mr. Poole asked if they have two (2) separate parking areas.

Ms. Markham stated yes.

Mr. Poole stated this is the second time we have been here for this special use permit for this two (2) building block.

Ms. Mullen stated yes.

Mr. Poole stated one of the major concerns of the neighborhood was that both of them not be restaurant use.

Ms. Mullen stated yes.

Mr. Poole stated what will prevent you from coming back, asking to modify this special use permit by opening up the wall making it full use as a restaurant.

Ms. Mullen stated there is nothing that would prevent them from coming back asking for an amendment to the special use permit. She stated their intention is not to open the wall between the spaces. The only concern that they have heard from the neighborhood is based on the MDA's concern about the outdoor space.

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.

Ms. McAteer stated they are being somewhat inconsistent if they do not allow outdoor

dining because there is outdoor dining within a very close proximity of other residential use on the corner of Belmont and Ellwood.

Ms. Howard stated it is fronting a commercial street opposed to the back with residences around, if there was dining on the front sidewalk she would have less issue.

Mr. Sadler stated outdoor dining is sometimes a nuisance for the neighborhood.

Mr. Poole stated he frequents this area often and disagrees with Ms. Mullen's representation of the parking based on his own personal attendance at that location. Parking during the daytime is difficult. His concern is by increasing the number of patrons by fifteen (15) during the daytime hours, he has concerns about the parking that is provided on Belmont Avenue.

**A motion was made by Ms. Graziano, seconded by Mr. Sadler, that this Ordinance be recommended for approval with amendments to prohibit the proposed outdoor dining. The motion carried by the following vote:**

**Aye:** 7 - Mr. Law, Ms. Graziano, Ms. Howard, Ms. Ferrara, Ms. McAteer, Mr. Sadler and Mr. Cole

**No:** 1 - Mr. Poole

## Upcoming Items

Ms. Markham stated that the following items will be considered at the Commission's meeting on Monday, September 15, 2014:

- Four (4) Location, Character and Extent items
- Citywide Master Plan Update Discussion

She also stated that the Department will be getting a laptop to operated the new Legistar software during the meeting, which will allow the Commission's meetings to be streamed live online.

## Adjournment

Mr. Poole adjourned the meeting at 3:45 p.m.

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Rodney M. Poole, Chair

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Lory P. Markham, Secretary