



City of Richmond

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Meeting Minutes Planning Commission

Monday, March 7, 2016

1:30 PM

5th Floor Conference Room

Call To Order

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

Roll Call

-- Present 9 - * Mr. Rodney Poole, * Mr. Melvin Law, * Mr. David Johannas, * Mr. Jeffrey Sadler, * Mr. Doug Cole, * Ms. Ellen Robertson, * Ms. Selena Cuffee-Glenn, * Mr. Vivek Murthy, and * Ms. Elizabeth Greenfield

Chair's Comments

Mr. Poole welcomed everyone who was present.

Approval of Minutes

[CPC MIN
2016-004](#)

February 16, 2016 Meeting Minutes

Attachments: [Draft February 16, 2016 Meeting Minutes](#)

A motion was made by Mr. Law, seconded by Mr. Cole, that the February 16, 2016 meeting minutes be approved. The motion carried unanimously.

Director's Report

Mr. Olinger gave the Commission an overview of Ord. 2016-026, which authorized a process for parklet encroachments within the right-of-way. He stated that the Planning Commission will be required to recommend approval of these encroachments to the Director of Public Works. He stated that staff has developed guidelines for these type of encroachments and would like to have the input from the Urban Design Committee of the proposed guidelines before bringing them back to the Planning Commission for adoption.

Mr. Johannas asked if the parklets would be temporary.

Mr. Olinger stated that they could be permanent, but they would need to be easily disassembled. The license would be issued for three year terms.

This was approved

- Council Action Update

Ms. Markham informed the Commission that Res. 2016-007 was recommended for a continuance to the March 24, 2016 Governmental Operations subcommittee. She also informed the Commission that despite the language in the Resolution, it was expressed by the City Clerk's Office that the intention was to transfer all of the notification

responsibility for both Planning Commission and City Council public hearings from the City Clerk to the Department of Planning & Development

Ms. Cuffee-Glenn informed the Commission that the staff would be meeting with the patron of Res. 2016-007 in order to gain further clarity on the goal of the Resolution.

Ms. Markham stated the special use permit for the multi-family development in Jackson Ward was approved per the recommendation of the Planning Commission.

[CPCR](#)
[2016-025](#)

Parklet Design Guidelines

Attachments: [Parklet Design Guidelines](#)

A motion was made by Mr. Johannas, seconded by Mr. Murthy, that the Parklet Design Guidelines be referred to the Urban Design Committee for a recommendation to the Commission. The motion carried unanimously.

[RES.](#)
[2016-R007](#)

To declare a public necessity and to initiate an amendment to the City's zoning ordinance making the Department of Planning and Development Review, instead of the Office of the City Clerk, responsible for the mailing of required notices of City Planning Commission meetings.

Attachments: [Res. No. 2016-R007](#)

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 Ms. Robertson, seconded by Mr. Johannas, that this Ordinance be continued to the Commission's April 4, 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: [Ord. No. 2015-246](#)

[Staff Report](#)

[Location Map](#)

[Survey](#)

[Application](#)

[Proffers](#)

A motion was made by Ms. Robertson, seconded by Mr. Johannas, that this Ordinance be continued to the Commission's April 4, 2016 meeting. The motion carried unanimously.

Consent Agenda

A motion was made by Mr. Johannas, seconded by Mr. Sadler, to move item number 5 regarding the update to the City's Master Plan from the Consent Agenda to the Regular Agenda. The motion carried unanimously.

A motion was made by Mr. Law, seconded by Mr. Murthy, that the Consent Agenda be approved. The motion carried unanimously with the exception of Mr. Johannas' abstention on item number 3 regarding the special use permit for 3410 Cutshaw Avenue and Mr. Cole's abstention on item number 4 regarding the subdivision plat for Church Hill North.

3. [ORD. 2016-035](#) To authorize the special use of the property known as 3410 Cutshaw Avenue for the purpose of single-family attached and two-family attached dwellings, upon certain terms and conditions and to repeal Ord. No. 79-118-111, adopted July 23, 1979.

Attachments: [Ord. No. 2016-035.pdf](#)

[Staff Report](#)

[Location Map](#)

[Application Form & Applicant's Report](#)

[Plans](#)

[Letter of Support](#)

This Ordinance was recommended for approval on the Consent Agenda.

Aye -- 8 - * Mr. Poole, * Mr. Law, * Mr. Sadler, * Mr. Cole, * Ms. Robertson, * Ms. Cuffee-Glenn, * Mr. Murthy and * Ms. Greenfield

Abstain -- 1 - * Mr. Johannas

4. [SUBD 2016-004](#) Preliminary approval for the Church Hill North Subdivision at 1611 North 31st Street (85 lots).

Attachments: [Staff Report](#)

[Preliminary Plat](#)

[Application](#)

[Location Map](#)

This Tentative Subdivision was approved on the Consent Agenda.

6. [CPCR 2016-022](#) To authorize an exception to §14-264 of the Code of the City of Richmond for the property known as 5800 Willow Creek Way pursuant to §14-294(c) of the Code of the City of Richmond.

Attachments: [CPCR 2016-022](#)
[Staff Report](#)
[Location Map](#)
[Application & Applicant's Report](#)

This City Planning Commission Resolution was approved on the Consent Agenda.

7. [CPCR 2016-023](#) To reappoint Paul Di Pasquale to the Public Art Commission for his second term commencing March 7, 2016 and ending March 7, 2019.

Attachments: [CPCR 2016-023](#)
[Paul Di Pasquale Resume](#)
[Paul Di Pasquale Application](#)

This City Planning Commission Resolution was approved on the Consent Agenda.

8. [CPCR 2016-024](#) To reappoint Francis Thompson to the Public Art Commission for his second term commencing March 7, 2016 and ending March 7, 2019.

Attachments: [CPCR 2016-024](#)
[Francis Thompson Resume](#)
[Francis Thompson Application](#)

This City Planning Commission Resolution was approved on the Consent Agenda.

Regular Agenda

5. [CPCR 2016-007](#) To amend the City's Master Plan Land Use for certain properties located in the Church Hill Central, Woodville and Creighton neighborhoods to reflect the land use recommendations contained within the conservation plans for the Church Hill Central Conservation Area and the Woodville/Creighton Conservation Area.

Attachments: [CPCR 2016-007](#)[Staff Report](#)[Location Map](#)[Existing Master Plan Land Use](#)[Proposed Master Plan Land Use](#)[Woodville/Creighton Conservation Plan](#)[Church Hill Central Conservation Plan](#)

A motion was made by Mr. Johannas, seconded by Mr. Sadler, to continue this City Planning Commission Resolution. The motion failed by the following vote:

Aye -- 1 - * Mr. Sadler

No -- 8 - * Mr. Poole, * Mr. Law, * Mr. Johannas, * Mr. Cole, * Ms. Robertson, * Ms. Cuffee-Glenn, * Mr. Murthy and * Ms. Greenfield

Ms. Markham provided a brief presentation on this item.

Mr. Johannas stated his concern that he does not understand what the conservation plan limits them to. He is concerned that the overall zoning that is designated in the conservation plan does not meet the level of density that they should be looking at; it looks like there are areas where, for example, there is R6 overriding areas where there are lots that are not 50' wide and that is one of the requirements. He asked why hasn't the Conservation Plan come before the Planning Commission; why have they not seen more of a Master Plan development for this area; does the conservation area limit the actual development of the neighborhood plan for this area; are we putting an extra layer of restrictions onto the area if people want to come in and start developing.

Ms. Markham stated the single family low density areas are being proposed to be changed to single family medium density in the Master Plan, which is a land use recommendation. Currently they area proposed for R-1 through R-5 districts and what is being proposed is to change them to be recommended for R-6 and R-7 category, so, it is actually increasing the density and is more reflective of what is the development pattern that is out there. There are representatives from Richmond Redevelopment Housing Authority that have developed the conservation plans that can speak more directly to this.

Mr. Johannas stated he would like to receive a presentation on how it is working and what is going on. He stated he would like to see what the plans are for the area and how they came up with the current zoning.

Ms. Markham stated they can request additional information from the Richmond Redevelopment Housing Authority.

Mr. Craig Wilson stated he works with Community Planning Partners in Richmond, they work with the Richmond Redevelopment Housing Authority and the City on their Conservation Redevelopment Plan. He stated he would be happy to answer any questions that he can.

Mr. Johannas asked what are the limitations of the conservation plan.

Mr. Wilson stated the Randolph Redevelopment Plan had to be re-upped a number of times; that is a redevelopment plan not a conservation plan. Redevelopment plans by law can only be for 5 years. It can be changed any time it is amended. This conservation plan is intended to be for a 10 year timeframe, the state code does not

limit it to the 5 years or give it any other date, but the date that they recommended, should only be a 10 year plan. Indifferent than a redevelopment plan, the purpose of a conservation plan is to save as much as you can yet have some of the same tools you have in a redevelopment plan, particularly as related to eminent domain, to acquire blighted properties. It also gives you the possibility that you can acquire property with a clouded title, where you might have a bunch of owners and cannot find them, but the allowance under state code for a conservation redevelopment plan says you only have to find one owner, if you can find one owner that agrees you can acquire that property by eminent domain. There are parcels that are still vacant in Woodville Creighton and Church Hill Central. There is a lot of development potential there. As Creighton Court gets redeveloped there will still be a need for housing units in that part of town. The true limitation at this point is you can do more and be a little denser if you want to be on this property than is currently allowed.

Mr. Johannas stated his concern is what is the Commission recommending; his biggest concern is that they are not providing enough intensity and enough development to support the commercial corridor. He stated he would like to have an understanding of what their population and development goals are.

Mr. Sadler stated if they are talking about increasing density and residents in the area, that they include schools in the conversation as well, there are various levels of decay and various levels of overcapacity or near capacity.

Ms. Markham stated what the commission is being asked, do you think it is appropriate to amend the Master Plan to update the land use, so that they match what the conservation area plans reference.

Mr. Johannas made a motion to Continue.

Mr. Sadler seconded the motion but added an amendment to get input from the school system, what the potential impacts would be in the long term for this conservation district.

Ms. Markham stated the commission is not acting on the conservation plan, only on the changes to the Master Plan.

Ms. Cuffee-Glenn stated she does not want us to move beyond what the expectation would be in coming back with information so she is encouraging the City Attorney's office to work collaboratively with the Housing Authority just to make sure they are not going beyond what the request is based upon the conservation plan amendment or the inclusion into the Master Plan.

Mr. Johannas stated he would like to separate the two. He would like to see what is going on with the zoning and understand that.

Ms. Robertson stated just for clarity, the Conservation Plan is not something that comes before the Planning Commission for approval. City Council has taken action on the conservation plan, so this paper amends the Master Plan to support the Conservation Plan that has been adopted by City Council. This request is to have a better understanding of what the Conservation Plan consists of. They have no authority over the conservation plan but they have authority over amending the Master Plan. The rejection over the amendment to the Master Plan kills Council's action of the adoption of the conservation plan because the conservation plan cannot move forward if the Master Plan is not amended.

Ms. Robertson asked staff if there are any grants being sought that may create a negative impact based on their actions to continue.

Ms. Denise Lawus stated they plan to apply for a Federal Choice Neighborhood Application Grant. They are also in the process of trying to use certain City money and transferring it to the Richmond Redevelopment Housing Authority for demolition; a lot of this is impacted by the establishment of the conservation areas.

Mr. Poole stated City Council decided to propose a conservation area, they vetted that, looked at it and said this is what we want. What the Commission is being asked to do today is modify the Master Plan to effectuate the Conservation Plan.

A motion was made by Mr. Law, seconded by Ms. Cuffee-Glenn, that this City Planning Commission Resolution be approved. The motion carried by the following vote:

Aye -- 8 - * Mr. Poole, * Mr. Law, * Mr. Johannas, * Mr. Cole, * Ms. Robertson, * Ms. Cuffee-Glenn, * Mr. Murthy and * Ms. Greenfield

No -- 1 - * Mr. Sadler

9. [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](#)

Ms. Onufer presented an update on this item to the Commission as outlined in the Urban Design Committee (UDC) Report to the Planning Commission.

Ms. Jennifer Mullen, representing the Maymont Foundation, presented updated plans to the Commission and outlined the changes that had been made since the proposal was considered by the UDC.

Mr. Sadler asked if there are any renderings that do not include the trees in full foliage.

Ms. Mullen stated no.

Public Hearing

Mr. Joshua Builder stated that the proposal will enhance the neighborhood and expressed his support for it.

Mr. Mark Brandon, Maymont Civic League, stated that the site is very different without leaves on the trees and distributed a photo of the site. He stated that the neighborhood is opposed to the proposal. He stated that since the proposal was first brought forward Byrd Park has been designated as State Historic District. He complained that the outreach to the neighborhood and surrounding property owners, including the Virginia

Home, had been lacking. He stated that no one wants the proposal to be located here and the criteria for choosing this site has not been shared with the neighbors. He suggested that the facility be located at the mulch pile site and distributed photos of the site.

Mr. Bobby Junes, Parks Commissioner from Henrico County, stated that he is not choosing sides and is trying to be objective in his review of the proposal. He stated that Byrd Park has received designation as a Historic District. He questioned Chesapeake Bay regulations and the adjusted location of the facility.

Ms. Sarah Weisiger stated that the Planning Commission should reject this proposal. The Maymont Master Plan has not been approved by any government body. If a plan for this public space had formerly involved people of the City of Richmond we would not be in favor of paving and building over segments of Byrd Park. She stated we are here because the Urban Design Committee reviews projects on City owned land and the Planning Commission acts on their recommendations. What you are evaluating is a project by a foundation raising money from wealthy individuals. Maymont is using its Master Plan for this purpose. This is not fair to the generous donors, and especially not to the citizens of the city. The Maymont Foundation did hold three outreach meetings for this particular project. It was met with fierce opposition every time. The friends of William Byrd Park of which she is a member have spent several years trying to get the City to initiate a Byrd Park plan, which could be used to raise money for improvements, but so far to no avail. The City's Master Plan as it applies to parks and neighborhoods is ancient by today's standards. With regard to Byrd Park's historical significance and according to the City's Website, it is the duty and function of the commission to preserve historical landmarks. The operating agreement between Maymont and the City is 21 years old. There is a legacy of listening to the people when it comes to Shields Grove, please do not make this a legacy of building over green space.

Ms. Jolanda Knezevich, Civic League Vice President, Byrd Park, stated Byrd Civic League voted and are very much opposed to this project. This type of facility would have a negative impact on Byrd Park and properties around it, not just value but quality of life. They would like to see this maintenance facility stay behind the property lines and in Maymont Park since it is only servicing Maymont Park. Please consider this and the people that live there who love and support both Byrd Park and Maymont Park and would love to continue living the way they do and have a nice surrounding area.

Ms. Andrea Levine expressed her opposition for the proposal and had everyone in opposition stand to be recognized.

Mr. Michael Dodson stated that Maymont has overstepped their boundary and requested the Commission reject the proposal.

Mr. Turk Sties stated that he is opposed to the proposal because it encroaches into Byrd Park. He stated that the Commission should ask the City Attorney if the proposal violates the terms of the operating agreement and if the Commission should be acting on the item at this point. He stated that the tree coverage shown in the renderings is very misleading. He questioned whether or not there was a new entrance proposed on Hampton Street.

Ms. Dolores Whitaker, 1319 Hampton Street, stated that she has lived with Maymont for 50 years and enjoyed the view every morning. She stated that she does not want her view disturbed and expressed her opposition to the plan.

Ms. Andrea Almond, resident of the Maymont neighborhood, stated that she loves Maymont and complimented the design of the building. She stated that the real issue is the proposed location of the building, which will disturb the historic view.

Ms. Mullen stated the building has been changed for the better based on the feedback. The landscaping has not been fully decided. The commentary today can be part of the process that would allow the view to be opened up from what it is today. The view would be a sideview of a building that is small in nature, it is pushed down, it is complimentary to the nature center materials with a metal roof, very low impact, tucked in on the side with limited visibility. The sidewalk is going to be maintained. Overall, this is the opportunity to take a building that has been mitigated with the comments that was heard about noise, about traffic, about light, all to make those internal to Maymont. Any structure, whether it is proposed by the City, the foundation or any other party requires Planning Commission approval. This is a well-designed compatible building that with location, character and extent will determine to be appropriate, per the Urban Design Committee recommendation.

Mr. Cole asked if the proposal could be located at the mulch pile suggested by Mr. Brandon.

Ms. Mullen stated that there is no room there because of renovations to the Children's Farm and expansion of parking area. She stated that there would be too many pedestrian conflicts.

Ms. Robertson stated the question that has been raised as it relates to the boundaries of Maymont versus Byrd, does that create any challenges as it relates to moving forward with this development.

Ms. Mullen stated from the Planning Commission perspective, location, character and extent is required under the city charter for any structure on city owned property. The management agreement has a provision that all new structures within the area, that is Maymont Park as a going forward basis, there will be a boundary established so that everyone knows where that line is.

Mr. Law stated that no one is guaranteed a view and progress demands that views change.

Mr. Johannas stated that the public domain should have a higher treatment and he cannot support the proposal.

A motion was made by Mr. Law, seconded by Mr. Cole that Location, Character and Extent Item be conceptually approved. The motion carried by the following vote:

Aye -- 7 - * Mr. Poole, * Mr. Law, * Mr. Cole, * Ms. Robertson, * Ms. Cuffee-Glenn, * Mr. Murthy and * Ms. Greenfield

No -- 2 - * Mr. Johannas and * Mr. Sadler

Upcoming Items

Mr. Sadler asked for updates on Kanawha Plaza, T. Tyler Potterfield Bridge and the Floyd Avenue Bike Boulevard.

Mr. Poole stated that he will not be attending the next two meetings.

Mr. Parker Agelasto stated in his communication with the City Attorney, because of the boundary concerns and that needing to be addressed in a separate document for the operating agreement, he advised that it will not be permitted to begin the construction of the building for the Horticulture Maintenance Facility until such boundary has been resolved because it is exceeding beyond the fence. He stated he would like to make

sure that it is clear to the Planning Commission who has approved the location, character and extent that from the City Attorney, pulling permits cannot occur until a new revised operating agreement defines the boundaries and that would require City Council action.

- [ORD. 2016-044](#) To conditionally rezone the property known as 2201 East Franklin Street from the M-1 Light Industrial District to the [B-5] B-5C Central Business District, upon certain proffered conditions. (As Amended)

Attachments: [Ord. No. 2016-044 - Amended 20160328](#)

[Staff Report](#)

[Location Map](#)

[Proffer Statement](#)

[Application Form & Applicant's Report](#)

[Survey](#)

Key Issues:

Retain on Consent Agenda

Move to Regular Agenda

Refer Back to Committee

Remove from Council Agenda

Strike Withdrawn ---- Continue to:

- [ORD. 2016-043](#) To authorize the special use of the properties known as 1401 West Leigh Street, 1405 West Leigh Street, and 1400 Catherine Street for the purpose of permitting up to 11 dwelling units, upon certain terms and conditions.

Attachments: [Ord. No. 2016-043](#)

[Staff Report](#)

[Location Map](#)

[Plans & Survey](#)

[Application Form & Applicant's Report](#)

[Letters of Support.pdf](#)

- [ORD. 2016-042](#) To authorize the special use of the properties known as 501 and 503 Maple Avenue for the purpose of permitting up to four single-family detached dwellings, together with associated improvements, including a private street, upon certain terms and conditions.

Attachments: [Ord. No. 2016-042](#)

[Staff Report](#)

[Location Map](#)

[Plans](#)

[Application & Applicant's Report](#)

[Citizen Concerns](#)

- [ORD. 2016-041](#) To authorize the special use of the property known as 1608 West Cary Street for the purpose of permitting a two-family attached dwelling unit and accessory parking, upon certain terms and conditions.

Attachments: [Ord. No. 2016-041](#)

[Staff Report](#)

[Location Map](#)

[Application](#)

[Applicant Report](#)

[Plans](#)

[Survey](#)

[Letter of Support](#)

[Letter of Support](#)

- [ORD. 2016-040](#) To authorize the special use of the property known as 3210 Chamberlayne Avenue for the purpose of permitting offices and artist studios, upon certain terms and conditions.

Attachments: [Ord. No. 2016-040](#)

[Staff Report](#)

[Location Map](#)

[Application](#)

[Applicant's Report](#)

[Plans](#)

[GPRA Letter of Conditional Support.pdf](#)

- [ORD. 2016-039](#) To authorize the special use of the property known as 3303 Lawson Street for the purpose of permitting up to four single-family detached dwellings, together with associated improvements, including a parking area, upon certain terms and conditions.

Attachments: [Ord. No. 2016-039](#)

[Staff Report](#)

[Location Map](#)

[Application, Survey, Plans](#)

[Support Petition.pdf](#)

[Hull St-Midlothian Civic Support Letter.pdf](#)

Adjournment

Mr. Poole adjourned the meeting at 3:17 p.m.

Melvin D. Law, Vice Chair

Daniel "Willy" Thompson,
Acting Secretary