

AT A JOINT MEETING OF THE DUMFRIES TOWN COUNCIL AND THE PLANNING COMMISSION, HELD ON OCTOBER 23, 2012, AT 7:00 P.M., IN THE COMMUNITY CENTER, 17757 MAIN STREET, DUMFRIES, VIRGINIA:

THERE WERE PRESENT: Mayor Gerald Foreman
Vice-Mayor Willie Toney
Charles Brewer
Kristin Forrester
Helen Reynolds
Gwen Washington
Daniel Taber, Town Manager
Christine Sanders, Town Attorney

THERE WERE ABSENT: Louis Praino

THERE WERE ALSO PRESENT: William O'Kelly Russell, Chair
Louise Waggy, Vice-Chair
Naeem Arshad
John Webb

IN RE: CALL TO ORDER AND ROLL CALL

Mayor Foreman called the meeting to order. Dawn Hobgood, Town Clerk, took roll call for Town Council and the Planning Commission.

IN RE: MOMENT OF SILENT PRAYER AND REFLECTION AND PLEDGE OF ALLEGIANCE

There was a moment of silent prayer and reflection, then all in attendance recited the Pledge of Allegiance to the Flag of the United States.

**IN RE: PLANNING COMMISSION OVERVIEW ON THE COMPREHENSIVE PLAN
A. WHERE IT IS NOW AND WHAT HAS BEEN UPDATED**

Mr. Russell, Chair, noted the technical updates to the Comprehensive Plan (CP) completed recently consisted of cleaning up a large part of the language. Major updates were done to the census data, descriptions of and background information for the Town, infrastructure for public utilities, the land use map, the Transportation Plan, the Parks and Recreation Plan to include Ginn Memorial Park, and the Historical and Cultural Resources.

Mayor Foreman asked if the process used in the past that allowed the Council to review the document and make comments was going to be continued.

Mr. Brim asked if a document was provided preliminarily or when the Planning Commission (PC) was done.

Mayor Foreman explained that there was an update done that did not come to Council before being placed on the website. He wanted any updates, once completed, to come to Council for the opportunity to review it.

Mr. Taber asked if it was too early to provide a rough timeline.

Mr. Brim mentioned that was part of what was going to be discussed along with the possibility of setting aside some funding to hire a consultant. He noted that without a consultant it would take approximately nine-months. The process includes public hearings and several work sessions to vet it thoroughly before bringing it to Council. With a consultant, the amount of time can be cut in half. Part of the reason the PC wanted to talk about the CP was to determine where in the process the Council wanted to get involved and the areas to concentrate on.

Mayor Foreman wanted Council apprised of what has been written to date and the areas the PC will be asking the consultant to assist with to allow Council the opportunity to determine whether to fund a consultant.

B. ITEMS THAT NEED TO BE ADDRESSED

Mr. Russell noted the PC has discussed several areas the CP can be expanded on. One is looking at the future of the area along Route 234 and northern Fraley Boulevard in the Land Use Plan. Previously the water front area, Fraley Boulevard, and Main Street were looked at. The subcommittee who looked at those areas developed some strategies that could be looked into further by getting citizen and Council input.

i. MAPS/GRAPHICS

- 1. MAP OF PARKS/TRAILS**
- 2. SECTION SHOWING FUTURE ROUTE 1**
- 3. POTENTIAL OPEN SPACE AND PARK AREAS**

Mr. Russell pointed out the CP does not have many maps of future parks or trail systems that the Town may want to develop. The CP currently has language that describes some of these improvements. Most CP's have some type of graphic or map defining these areas for potential development.

ii. TRANSPORTATION SECTION REFLECTING CHANGES TO ROUTE 1 AND THE OVERALL VISION OF THE AREA

Mr. Russell noted the CP currently defines a six-lane highway for Route 1, but there is no general concept of where the expansion is going to be to allow future businesses to have an idea of what will be developed.

iii. PEDESTRIAN CROSSING CONNECTING BOTH SIDES OF ROUTE 1

Mr. Russell noted one of the things that came up with the future development of Fraley Boulevard was defining pedestrian crossings connecting both sides of Route 1. The PC wanted to make sure Dumfries is a walkable community and that any changes made to Route 1 does not cut one side of the Town off from the other.

Mayor Foreman asked if the PC received copies of the letters that were sent to the Virginia Department of Transportation (VDOT). On VDOT's website there is a map of the Route 1 widening that could be included that has the bus stops and crosswalks identified.

Mr. Taber asked Mr. Brim if he was going to get that information together.

Mr. Brim noted he would get a copy of the letter and the map to the PC. He wanted to make sure things brought up by Council are addressed in the CP in order to keep all the tools and planning documents in line with each other.

C. TECHNICAL UPDATE OF THE ZONING ORDINANCE FOLLOWING THE UPDATE OF THE COMPREHENSIVE PLAN

Mr. Russell explained the PC understands its role in dealing with amendments to the zoning ordinance brought about by property owners and developers. The PC wants to make sure that the changes in the CP end up being reflected in the zoning ordinances. This way there will be no questions about why the CP reflects one thing and the zoning ordinance another. This is where looking at getting a consultant would allow a quicker turnover in making sure all the changes are made. He mentioned the CP helps drive the Capital Improvement Plan (CIP) and these should be in both documents.

Mayor Foreman noted when the zoning ordinance was changed 18 months ago the shape and flavor of the Town was unintentionally changed. The amendments were sent back with the intention of conscientiously shaping the future of the Town for the long haul. He wanted to know at what time the changes were going to come back to Council.

Mr. Brim noted the PC has been working on the changes to the B-1, B-2, and FB/O-1 zoning districts and discussion will continue after the joint meeting this evening. He mentioned the PC is planning on going to a public hearing in November or December and having it to Council after that.

D. FUNDING FOR CONSULTANT SERVICES

Mr. Russell noted this was mentioned previously.

Mr. Taber felt it would be best for the PC to develop deliverables that are expected from the consultant and then some estimates can be gotten on the cost. The timing is good since the mid-year budget review is coming up.

Mayor Foreman suggested using the same reasoning as the Architectural Review Board did.

Mr. Taber explained that it would be four and a half months with a consultant and nine months without.

E. WHAT ARE THE TOWN COUNCIL'S EXPECTATIONS FOR THE PLANNING COMMISSION FOR THE NEXT YEAR

Ms. Washington noted the PC has quite a few months ahead of them for updating the CP and the technical updates to the zoning ordinances. She wanted to make sure there was a timeline. This will keep Council from stressing that the deliverables being brought back are not enough and will assist with the consultant.

Mr. Brim noted the matter would be placed on the next PC agenda to discuss so that a timeline can be presented to Council.

Mayor Foreman felt the biggest travesty last time was not contacting the businesses. He suggested having the requirement to contact the businesses in the contract with the consultant.

Ms. Washington thanked the PC for all of the excellent hard work.

Mr. Toney commended the PC for the work they do.

Mayor Foreman asked what the PC wants from the Council.

Mr. Webb wanted a clear definition of what the Council's vision for the Town is. This would assist the PC with the CP and zoning ordinance updates.

Ms. Forrester wanted to find a good balance. She felt that all the Council members had a beautiful image of what the Town should look like. She noted there has to be a way to work with the businesses that are here and phase in the changes being made.

Ms. Washington thought there should be a way to use the timeline premise with the businesses to phase them into compliance.

Ms. Sanders explained there has been an effort to determine what the nature is of the businesses in the Town and what those businesses are permitted to do. There are businesses that have gone through the process and got a certificate of occupancy that defines the scope of the business; however, many businesses have not. An outreach started with David Moss to create a database to determine who was here. Whether they are permitted to be here or did they just set up shop and are operating without the necessary documentation. There has to be a level playing field. She did not know how to draft an ordinance, unless there is a sunset provision, to phase compliance. She noted that might be one way to handle the mobile food vendor issue.

Ms. Washington noted the answer was good; however, she did not think that everyone was on the same page. She understood bringing the existing businesses up to the ordinance as it is now. She was talking more about the vision for the Town. She used the example of, in ten years, all the buildings along Main Street having plate glass safety windows. She explained that would not be something written in right away. That would be something the Council would say by a specific year all the businesses would have the safety windows. She asked if it was possible when looking at the vision for the Town that can be staggered in.

Ms. Sanders noted that would be a design issue and would be coming to Council from the Architectural Review Board (ARB) as guidelines. She did not think that there was a push to make something required.

Mayor Foreman mentioned wanting to have an economic summit in November with the goal of putting the major property owners of the Town in one room. If the major property owners do not improve their land and a new façade is not going to be placed on the Dumfries and Triangle Shopping Center the Town is never going to be able to attract the businesses the Town needs to attract. He noted the economic summit will play into the CP and will help the Council with the vision for the Town. He mentioned having the economic summit in the January, February timeframe should work

Ms. Forrester explained that many times Council expresses what their desire is, staff explains their position on it, and then it disappears. She noted 30 years ago, it was a matter of a handshake, and business was conducted. This is not the way it should operate now, but that is the way things operated before. New businesses can certainly comply. She felt the handful of people who have been operating off a handshake have to be handled differently.

Mr. Toney clarified the vision for Main Street has been being articulated and has been the same since 2002. He felt it was the implementation and direction that is needed. This has been on the table for years and nothing has changed. Some continuity needs to be had and it cannot be changed every time new people come along.

Greg Tkac, Public Works Director, mentioned the Town had a Charrette five years ago, that cost the Town \$38,000, to develop the Town's vision. He felt it was a huge problem with not being properly staffed in order to implement some of the priorities that Council, the Town, and all the businesses are screaming to have done. He felt the Town needed to reach out to consultants and get additional staff to be able to do things professionally and implement some of this. He did not feel the Town was going to move forward in a meaningful way until an analysis is done to see who can do what work.

Ms. Waggy noted the PC has been working very diligently and sees long hours ahead of them still. She noted they have had homework on more than one occasion. She explained their bylaws require they cut off any new business at 10:00 p.m. and have had to make a motion to continue discussions many times. She also foresees having to have some extra meetings in order to get things to Council in a timely manner.

Ms. Washington agreed the Town needs to move forward. She felt Council and staff needed to do a better job with having a timeline and stop getting sidetracked with other things.

Mr. Brewer explained it all has to do with continuity. He noted the disconnect was from having different Town Manager's, the turnover of staff, and the Council changing every two years. This can be remedied by implementing the vision, getting the ball rolling, with the proper people in place.

Ms. Forrester asked if recommitting to the Charrette could be used as the backbone for planning and the documents the PC will be revising.

Mr. Taber noted the Charrette could be pulled up and reviewed to see how far the Town has strayed from the plan.

Mayor Foreman asked how the Town has drifted from the Charrette. He has heard from all of the Boards and Commissions that they have used the Charrette as a founding document. He did not state the vision statement needed to be rewritten. He felt that if the Council were looking at the CP, the budget, and the CIP it would only make sense to review the vision statement. He wanted clarification on the comment Ms. Forrester made about older businesses. He pointed out that some of the older businesses are not even trying to comply

with the new regulations. He used the example of a restaurant that has been here for 40 years ago with health standards of that time and a new restaurant comes in has to comply with today's health standards. The old restaurant has to comply with the newer health standards. There are businesses that have complied with cleaning things up and others that say they have always conducted business this way. He understood setbacks or environmental issues would take years to clean up.

Ms. Forrester felt that health standards, which are put in place to protect people's best interest, are different then regulations that are put in place for design. A business here for 40 years is not likely to be here for more than 20 or 30 more.

Mayor Foreman wanted some examples of older businesses that need more leniencies.

Ms. Washington is leasing an older business in the Town and feels it is her responsibility to bring the business up to where the ordinances state it needs to be. It does have an expense. The property owner needs to be notified as well as the owner of the business.

Mr. Webb thought what has happened is when some of the uses were changed in the zoning districts it placed some businesses in a non-conforming status and the reason why some of the older business owners are complaining. One of the things that has to be looked at is the business districts that have been set up, B-1, B-2, and FB/O-1, there are certain businesses permitted in each. For instance, B-2 is the neighborhood business district, do you want a concrete plant or an auto repair shop. He explained that if you do not then you change the zoning district it is permitted in from that point forward. It does restrict the current business that is operating from expanding. If the owner wishes to sell his business and the exact same type of business comes in it is allowed to operate; however, if the business stays vacant for two or more years it can no longer operate as that type of business.

Ms. Forrester understood. She pointed out that some of it has not changed it just has not been enforced. She is talking about changing the way they are doing business or coming to the Town wanting to be in compliance only to find out that it is no longer allowed.

Ms. Sanders asked if she was speaking about a specific business.

Ms. Forrester explained there are several who have talked to her that do not want her to intervene. She noted that everyone knows without officially stating it that the Town does not want automobile dealers.

Ms. Sanders noted it has been stated as a Council, in the CP, and zoning text amendments. It was properly advertised and as a Council that has been said. As a Council, she understood that is a problem because per capita the Town probably has more automotive uses than just about anywhere in the County. She explained that the Council plans the Town as they want it and staff implements it.

Ms. Forrester noted the key point is the phase out. She asked if that is choking out the ones that are here or just preventing new ones from coming in.

Ms. Sanders noted that is the non-conforming piece, which is the built in phase out.

Ms. Forrester thought that an example could be given where former staff successfully accomplished running a business off.

Mr. Brewer asked if the two-year timeframe is State law.

Ms. Sanders noted it was enabling legislation from the State and the Town has no way to deviate from that.

Mr. Taber liked the idea of using a timeline and will be moving in the direction to use that approach. He was disappointed in Mr. Tkac's comments. He noted that Mr. Tkac just reviewed applications for a position with a job description that was changed with an increased amount of requirements to allow the individual to do some of the things that Mr. Tkac and Mr. Brim have been tasked with doing. He noted there is a need for more staff, which needs to be balanced against Council's overall desire to lower the tax rate.

Mr. Russell felt that everyone wants to do what is best for the Town, its citizens, and its businesses. The CP is a living document. The thing to remember is that the CP is the vision for the Town. This vision is not a short-term plan, but 20 years in the future. The CP is what justifies the zoning ordinance and what is included in the CIP. He mentioned that there have been numerous Charrettes and studies done that are different pieces of the puzzle that were not put together.

Ms. Waggy did not feel that the Town had the proper enforcement out on the street that is needed. She pointed out the Town has a million dollar Police Department and only one enforcer.

Ms. Washington indicated that Council needs to look at the size of the Town and did not think the citizens would be impressed with Council if there are discussions held about adding a lot more staff. She felt the Town had a sizeable staff for the amount of people in the Town. She mentioned not working harder but smarter. She thought that making the citizens more prideful in the Town that there would not be a need for more staff out there. She suggested a help line for people to call in.

Mayor Foreman noted the Town Manager has not worked with a full staff.

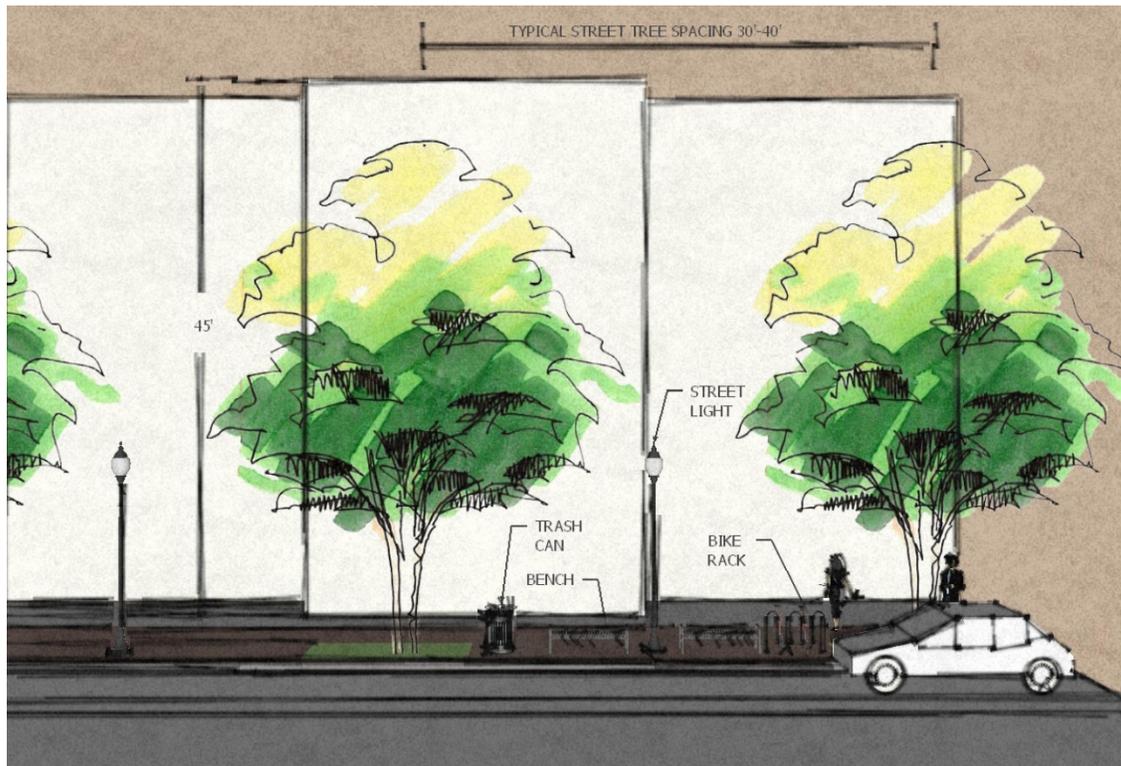
**IN RE: RECESS (TOWN COUNCIL MEETING MOVED TO COUNCIL CHAMBERS)
PLANNING COMMISSION CONTINUED WITH A WORK SESSION IN THE
COMMUNITY CENTER**

Mr. Brim explained the Town Center project is coming online. The problem right now is the developer wants to have retail on the bottom floor, but with the design, there would not be any parking in the front of the building. The Comprehensive Plan (CP) is very specific that private parking has to be to the rear of the building. The idea is to keep Main Street free of parking lots, be pedestrian friendly, allow walking, which is why you would have Main Street parking.

Chair Russell asked if the applicant would be asking for a text amendment to allow on street parking.

Mr. Brim explained if it were public parking, the applicant would not have to apply for a text amendment. The Virginia Department of Transportation (VDOT) controls Main Street and they will not permit on street parking. The Town is currently working on a waiver. The developer proposed placing 90 degree parking out front to create a parking area in front of the building. That goes against the CP. The concept staff provided to the applicant would provide on street parking when Main Street is dedicated to the Town from VDOT after the Route 1 widening takes place. The following graphics were provided to the PC of the concept.





Mr. Brim explained the area needed for the parking would be dedicated to the Town. The front would be retrofitted for the on street parking later to allow the CP to reflect these planning initiatives.

Chair Russell saw it as asking the developer to push his building back further and asking for additional frontage to the existing right-of-way. He would take the route of working with VDOT to see what it would take to get on street parking with what is existing now.

Mr. Brim indicated staff is trying that now.

Chair Russell thought that was taking too much away from the property owner. Space that could be used for the building is being pushed back to expand what Main Street is. Main Street is going to end up being twice as wide as it is now.

Mr. Brim explained that staff has met with VDOT officials and they have unofficially stated there is no way any parking would be permitted along Route 1. Staff is putting together a letter to be brought to Council for approval. It will be signed by the Mayor to make it an official request and not just staff making the request. He explained the design is the next best option if VDOT does not allow on street parking. The developer will not build the project if there is no parking in the front. He explained that traffic moving north is very slow

and maybe a waiver can be gotten from VDOT for just that side. He pointed out the design was nothing official, just something that he came up with for a visual.

I. Roll Call

William O'Kelly Russell, Chair
Louise Waggy, Vice-Chair
Naeem Arshad
John Webb

II. Discussion

A. ZTA-12-002 Town Council's request for the review, update, and alignment of descriptions, governances, and allowances of business types

1. Section 70-247(a) relating to allowable uses in the B-1 zoning district
2. Section 70-247(b) relating to uses allowed with a Conditional Use Permit in the B-1 zoning district
3. Section 70-247(c) relating to accessory uses in the B-1 zoning district
4. Section 70-282(a) relating to allowable uses in the B-2 zoning district
5. Section 70-282(b) relating to uses allowed with a Conditional Use Permit in the B-2 zoning district
6. Section 70-282(c) relating to accessory uses in the B-2 zoning district
7. Section 70-482 relating to allowable uses in the FB/O-1 zoning district
8. Section 70-483 relating to uses allowed with a Conditional Use Permit in the FB/O-1 zoning district
9. Section 70-484 relating to accessory uses in the FB/O-1 zoning district

Chair Russell asked Mr. Brim to update the members on where the PC was at since there were only three members at the last work session.

Mr. Brim provided a chart of the results from the work sheet that was provided during the 9-17-12 work session. He took the comments everyone made and consolidated them into the work sheet. On the work sheet if the entire PC marked no change, he did not add it to the chart. He wanted only to discuss the items that were being eliminated, moving from an allowable use to a conditional use permit (CUP), moving a CUP back to an allowable use, or adding a use to a zoning district. He wanted to get through this relatively quickly. He suggested going over them, he will call out the proposed change, if the PC agrees with the

change let him know or if the PC wants to keep it the same, and any changes that are questionable can be further researched and discussions can be held on those items.

Chair Russell reminded the PC the zoning needs to be based on what the intent of the B-1, B-2, and FB/O-1 zoning language is. For example, businesses in the B-1 zoning district need to be based on the intensity of the use and justified by the CP, which will require looking at the intensity of the use. This would include things such as the number of parking spaces needed, the impact the site has with noise, odor, and garbage.

Mr. Brim noted the PC went through and did an analysis the best that could be done since the CP was not very clear on some of the uses. For example, the B-2 zoning district is a neighborhood commercial use that would allow individuals to walk. This promotes pedestrian activity, mixed uses that would allow an individual to walk to a business, purchase an item, and walk out, not the big box stores. The B-1 zoning district is still pedestrian friendly but would be where the big box larger more intense type retail, commercial, and service oriented uses would be. The FB/O-1 is a light industrial, warehousing, with more intense uses, like automotive uses.

Chair Russell noted the justification for requiring a CUP was looking at the use having potential impacts to the site. For example, a site that would require stacking spaces, such as a bank.

Mr. Brim explained that a CUP would also look at any use that would create a detrimental effect on the surrounding property or the community as a whole that could be mitigated through the imposition of conditions. For example, a dog kennel creates noise to surrounding properties. That is a detriment; however, a condition of approval could be the dog kennel needs to be inside or a certain distance away.

Chair Russell explained that by using the CUP it allows flexibility for staff to work with the applicant to develop the property.

Mr. Brim pointed out it also gives the PC oversight to add recommendations prior to going to Council for approval.

Decisions made by the PC changing the zoning district work sheet are noted with gray highlighting and anything removed is lined through.

B-1 Zone Allowable

The following includes uses that were identified on Commissioner's worksheets that were marked to be moved to allowable, CUP or Eliminated. If the use was marked "No Change" it is not shown here.

Use	Eliminate	Alw to CUP		
Bowling alley		Alw to CUP		Allow
Dog grooming, without indoor or outdoor kennel facilities	Eliminate			Allow
Hospitals (A definition of a hospital versus a clinic or same day surgery facility needs to be developed.)		Alw to CUP Over 12,000 sq ft		Allow Under 12,000 sq ft
Locksmith		Alw to CUP		Allow
Photographic studio	Eliminate			Allow & B-2
Printing, photocopying, photographic processing or blueprinting	Eliminate			Allow
Repair services or businesses, including repair of lamps, microwave ovens, radios, shoes, television sets, toasters, toys, watches, and similar items	Eliminate	Alw to CUP Over 12,000 sq ft		Allow Under 12,000 sq ft
Rescue squads	Eliminate			Allow in FB/O-1 & M-1
Research and development (Non-hazmat)	Eliminate			Allow
Roller Rinks		Alw to CUP		Allow
Stamp and coin stores	Eliminate			Allow & B-2
Stationery store	Eliminate			Allow & B-2
Tailor, seamstress shop	Eliminate			Allow & B-2
Tanning salon	Eliminate			Allow & B-2
Tobacco store	Eliminate			Allow & B-2

B-1 Zone CUP

Use	Eliminate	CUP to Alw		
Amusement parlors		CUP to Alw		
Banks and financial institutions with a drive-through		CUP to Alw		
Bicycle sales and indoor repair		CUP to Alw		Allow & B-2
Child care or adult day care center	Eliminate	CUP to Alw		
Contractors, where all services are performed offsite and where there is no storage of supplies or equipment outside the building (A definition needs to be developed to better describe and separate the types of contractors. Trades versus contractors.)	Eliminate	CUP to Alw		

Convenience stores and service establishments such as, but not limited to automatic self-service laundries		CUP to Alw		Allow
Cultural arts and entertainment centers		CUP to Alw		
Drug store with a drive-through window	Eliminate	CUP to Alw		
Fast food restaurants with a drive-through window	Eliminate	CUP to Alw		
Garages and public parking		CUP to Alw		
Household appliance sales and indoor service store	Eliminate	CUP to Alw Over 12,000 sq ft		Allow Under 12,000 sq ft
Live theaters, live entertainment centers		CUP to Alw		
Miniature golf courses Golf driving ranges (separate the two uses)		CUP to Alw For both		
Movie theaters (indoors){MT} Assembly halls (indoors){AH} (separate the two uses)		CUP to Alw CUP for AH Over 12,000 sq ft		Allow for MT Allow for AH Under 12,000 sq ft
Off premises sales of beer and wine		CUP to Alw		
Pet shops Anything with boarding kennels on the premises	Eliminate	CUP		Allow
Philanthropic and charitable institution offices Common accessory uses to charitable institution	Eliminate	CUP		Allow
Private clubs and lodges		CUP to Alw		
Residential, multifamily, located above a commercial, retail or office use on the ground floor	Eliminate	same		
School, K-12		CUP to Alw		
Uses with a drive-through window		CUP to Alw		
Veterinary hospitals and boarding kennels	Eliminate	same		
Video sales and rental store		CUP to Alw		
Wholesale businesses, with parking to the rear of the building	Eliminate	same		
B-1 Zone Use Considerations				
Use	Add as Alw	Add as CUP	Add as Acc	
Ambulance service, maintenance facility		Add as CUP		FB/O-1 & M-1
Animal shelter		Add as		FB/O-1 or

		CUP		M-1
Any allowable use permitted use greater than 12,000 square feet of floor area. The requirement for a Special Conditional Use Permit shall not apply to grocery stores.		Add as CUP		

The next meeting is scheduled for 10-29-12 at 6:00 p.m.

iii. Adjournment

Mr. Webb moved, seconded by Ms. Waggy, to adjourn the meeting. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, absent; Christopher Padberg, absent; William O'Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

William O'Kelly Russell
Chair