

**MINUTES OF THE TOWN OF DUMFRIES PLANNING
COMMISSION WORKS SESSION**

**Monday, May 14, 2012 7:00 P.M.
Town of Dumfries Council Chambers
17755 Main Street
Dumfries, VA 22026**

ATTENDANCE

Planning Commission Members: Staff Members:

Christopher Padberg
John Webb
Louis Praino
Louise Waggy
William O'Kelly Russell
James Vinson

Morgan Brim Town Planner/Zoning Administrator
Debi Sandlin Community Development Director

I. Call to Order

Chairman Padberg called the Work Session to order at 7:00 P.M.

II. Roll Call

All Commissioners were present except Commissioner Gina Critchley.

III. Discussion

- A. Section 70-13(h)(1) related to the definition of "floor area" as it relates to minimum parking space requirements
- B. Section 70-13(i) relating to minimum parking space requirements for multifamily residential units
- C. Section 70-13(k) Parking credit allowance, a new section related to allowing a portion of required parking spaces to be waived for uses that might accommodate different parking needs at different times of the day

Mr. Brim provided an over view of discussion items A, B and C. He explains that an applicant has applied to amend several areas of the Town's Code including parking standards. He states that the Town's current parking requirements were cumbersome and negatively impacted development by requiring more parking than was actually needed. Items A, B, & C are three ways in which the Town could reduce its parking requirement. Mr. Brim continued by over viewing what a parking credit allowance could do for the Town. A parking credit allows businesses that have different peak periods in activity to utilize the same parking stock. Mr. Brim gave the example of an office building that is in heavy use during the weekday could share parking with a movie theater or dance club that is used mostly in the evenings and weekends. A parking credit would allow property owners to reduce their required parking requirement, however any waiver request would need to be accompanied by a study

from a traffic engineer and approved by the Town. Chairman Padberg asked if there was a set number or table that could be used to determine the reduction based on the proposed land use and asked if there was a standard for how much parking reduction could be sought or if it was subject to the parking study by the traffic engineer. Mr. Brim indicated that there would be a cap on how much parking could be credited, probably a maximum of 30% if approved by the Town's Public Works Department and engineering consultants. Also, a parking credit would require a Conditional Use Permit. Mr. Brim suggested that it would be prudent to talk with other municipalities in the area and see how they use parking credits. Commissioner O'Kelly Russell indicated that there are national standards being used that have set requirements according to the time of day and day of week. He suggests that traffic engineers will probably just use these numbers.

Chairman Padberg cautioned that whatever we do needs to be done with consideration to the Chesapeake Bay. He suggests that the Town is becoming more urban than it is suburban. Commissioner O'Kelly Russell states that the Comp Plan needs to be amended. Commissioner Waggy points out that the commuter lot is already overloaded and that parking is a large concern. Mr. Brim suggests that a parking credit would provide a catalyst to redevelopment by reducing the overall costs to the developer. Commissioner Waggy explains that her neighborhood is congested with on-street parkers using the commuter parking lot. Commissioner O'Kelly Russell states that it is an enforcement issue. Mr. Brim explains that parking credits provide an incentive for structured parking which is better for storm water runoff.

Commissioner Praino states that we are getting ahead of ourselves and that the Commission needs to look at the Comp Plan. He feels that parking from residences over businesses needs to be considered and asked where are they going to park? Parking also needs to be looked at for redeveloping properties and existing businesses. He cautions that shared parking is a big concern and that it will get confusing when it comes to who maintains the parking lot.

Mr. Padberg explains that mixed uses in shopping centers have been looked at for a long time and that this is not a new issue that civil engineers have considered.

Mr. Brim directs that Commission back to item A, explaining that redefining the definition for floor area is another method for reducing the parking requirement. He continues that Prince William County uses a factor of .75 for determining parking. This is an easier method than taking net because using net means breaking out every use separately, whereas using gross at a factor of .75 is straighter forward. Mr. Praino states maybe it's better to separate the uses and calculate each specific use and Mr. Brim indicates that it is easier to use PWC method. Commissioner O'Kelly Russell points out that PWC method does reduce the parking requirement by 25%.

Mr. Padberg asked how our parking requirements for non-assembly uses relate to those of the County. Mr. Brim states that we use gross floor area at a factor of one and PWC uses .75 and suggests that he could provide a parking analysis to the Planning Commission showing comparables. Mr. Padberg asks Morgan to put something

together on how he would like it written and how it would work best for staff. Commissioner Vinson suggests using PWC definition for gross floor area.

Mr. Brim began the discussion of multifamily parking requirements by discussing the table in the memo that was given to the Commission. This table lists the parking requirements for multifamily residential for PWC, Stafford, Manassas and Dumfries. Manassas is the highest, and Mr. Brim indicates that their downtown is developed in a very walk-able design. Ms. Sandlin indicates that Manassas constructed public parking garages to offset parking for private businesses.

Commissioner Praino suggested that the applicants should be required to cover the cost of reviewing traffic studies. The burden of the review should be placed on the applicant. Commissioner O'Kelly Russell states that this could be required by the Conditional Use Permit. Mr. Brim indicates that he needs to check and see if there is something already in place to charge for traffic study reviews. Ms. Sandlin indicates that the CUP fee has been increased as part of the Fee Schedule update.

Commissioner O'Kelly Russell asked about application checklists. Mr. Brim indicated that checklists are not hard to put together. Ms. Sandlin states that getting checklists together will be part of the department's goals for this year.

Ms. Waggy suggests using a factor of .8 instead of .75 for calculating floor area. Commissioner O'Kelly Russell suggests that staff analyze some existing properties in the Town using .75 and .80 in order to determine the right number. Commissioner Padberg goes on to explain problems exist with on street parking and how work trucks could park in the public right-of-way. Ms. Sandlin states that this is a great topic that we need to have on our radar.

Mr. Brim moves the Commission to discuss multifamily parking requirements and states that the single family homes are only required one parking stall and multifamily units with two or more bedrooms are required to have 2.5 stalls per unit. This seems to be backwards. Commissioner Webb suggests that multifamily units in senior living centers never have enough parking and that parking requirements are just a minimum and that the developer is able to construct more parking if the needs exist. Commissioner Praino brings up the point that there are a lot of home based businesses that require more parking than a standard residential unit. Ms. Sandlin points out that Town Code doesn't allow for home businesses with clients and that they can only be used as a residence.

Mr. Padberg explains that multifamily residential projects that he has seen, do not have enough space. Overtime he believes that property is becoming more congested. He is not in favor of reduces this portion of the parking requirement. However, he is willing to listen to the logic on the business side and thinks that there could be a reduction there.

D. Section 70-14(p) Consideration of modification of sign provisions, a new section related to allow modification of sign requirements to allow for a uniform sign package, subject to Conditional Use Permit

Mr. Brim introduced sign packages to the Commission and explained that sign packages allow property owners to apply for signage for their entire project through a Conditional Use Permit. Sign packages allow applicants to exceed certain elements of the sign code while providing the Town the oversight to ensure a greater continuity of design or establishing an over design theme not allowed with strict adherence to code. Commissioner Webb is concerned that if a larger shopping center were to apply for a sign package that exceeds the code, then other properties would also request to exceed the code and some signs would become too high. Chairman Padberg explained that this would be for larger developments, allowing signage to be established for the site as a whole. Mr. Webb suggested that if sign packages allow a variance to code, it makes the situation unfair to smaller businesses. Instead everyone should have to apply for a Conditional Use Permit.

Commissioner Webb asked for clarification on Conditional Uses. Do they stay with the property or the owner? Mr. Brim explained CUPs do stay with the property. Mr. Webb voiced concern that someone buying a property with a CUP approved would have to be held to the conditions placed on the property. Mr. Brim explained that is part of what the new owner takes on. Mr. Webb further stressed that he was concerned that someone would be able to go beyond code standards through the sign package. Mr. Padberg overviewed the Town Center project approval and stated that they applied for a sign package and that staff did not hold the property owner to that approval. He feels that a sign package would be a difficult thing for staff to enforce. There has been lots of turnover.

Commissioner O'Kelly Russell explains that sign packages help to address all types of signs, including directional signs. The point of the sign package is to balance out larger project. Commissioner Webb responds that the applicant should just be constrained to the sign code. Mr. Padberg asks if all other municipalities use sign packages? Is Dumfries going to be left behind? Mr. Brim says he'll look at surrounding jurisdictions. Ms. Sandlin explains that sign packages are geared for larger projects and that the Planning Commission is a gate keeper because a CUP is required. Commissioner O'Kelly Russell suggests that it would be helpful to illustrate to the Commission what is encompassed in a sign package. Mr. Webb states that a sign package needs to be available for both the small and large scale businesses. Chairman Padberg suggests that if the ARB is working on signage that the Commission should work with them. Commissioner Praino suggests using share of square footage or a square footage threshold.

- E. Section 70-30 - Secondary residential uses in certain commercial zoning districts, a new section related to the allowance of residential units above commercial, retail or office uses on the ground floor**
- F. Section 70-282(B), Uses Allowable Pursuant to a Conditional Use Permit in the B-2 zoning district specifically related to the allowance of multifamily/residential units above commercial, retail or office uses on the ground floor**

Mr. Brim introduced the text amendments and explained that the applicant is requesting to amend the current B-2 Zone to allow residential on the first floor. Currently the B-2 Zone does not allow for residential on the first floor and requires that it be placed above commercial. Mr. Brim explained that the purpose of placing residential above commercial on Main Street is to provide commercial supporting residential and to help to create vibrancy and walk-ability. Commissioner Webb is concerned that the total project will become residential. He states that this is not something that he wants unless done as a ratio. Ms. Sandlin takes his idea further and explains that we could allow 40% to be residential and of the remaining 60%, half would have to be open to the public and the other half as residential amenities like gyms. Mr. Brim disagrees and explains that it would be best to require that the residential portion of the building include residential amenities, because uses accessory to residential are only used by the residents of the building. They are not commercial and should not be counted as such. Commissioner Waggy suggests that the accessory uses to residential should be placed to the rear of the building. She does not want kid toys and play equipment scattered throughout rear yard of the building. Commissioner Praino suggests that we would need to amend the Comprehensive Plan.

Commissioner O'Kelly Russell points out that the design needs to have a distinct separation between uses. It is a neighborhood and needs to be designed to have conformity between similar uses. Ms. Sandlin explains that the residential would be interior and enter through the same entrance, similar to an apartment building. Chairman Padberg thinks that this is a good way to address issues with kid toys. He also suggests that there is a consensus in that the Main Street side needs to be commercial. Mr. Brim explains that he is not completely sold on residential on the first floor, but maybe just allow accessory residential uses to be placed on the main floor on the rear of the building. Also, he stressed that the Town needs to be careful in changing the code and not to focus on a specific development, but look at the code in terms of impact to the entire zoning district. Changes will be applicable to all B-2 zoned properties and not just the applicants. Commissioner O'Kelly Russell stressed that the Commission approach all projects through the "lens of consistency of design". A commercial corridor should be maintained as such, even if it is a commercial side street.

Mr. Brim explains that the B-2 Zone really is a Main Street zone and that we could possibly call out Main Street in the text of the code. He'll need to discuss this further with the Town Attorney. Commissioner Praino explains that the Comprehensive Plan needs to be updated to reflect any changes to the code. Also he suggests meeting with the Council to identify what their feelings are regarding Comp Plan changes. Mr. Brim explains that he can provide some draft language for the Commission to consider. Chairman Padberg states that this may not be a risk the Town should take in amending the code and instead should consider moving on. Mr. Brim states that the Town could draft the code to preserve Main Street as a commercial corridor. It is really a question about the rear side of the building. Chairman Padberg is concerned that the ratio system needs to be looked at and is concerned that the Town is exposing itself and that applicants will push any ration requirement as far as they can. Commissioner O'Kelly Russell states that the project next door does not have any residential. The idea of having residential provides a self supporting project. We need to maintain our corridors.

If the rear of the building is residential it should be maintained as residential. Chairman Padberg asked Mr. Brim to bring the Commission a proposal.

G. Section 70-287 related to allowable heights in the B-2 zoning district to allow modification of height and setback requirements subject to Conditional Use Permit

Mr. Brim explains that the applicant is requesting that the code be changed to allow a modification to required height allowances and setbacks. He explains that the Commission could require conditions such as placing mechanical equipment on the ground or behind the building. Commissioner Webb states that he was under the assumption that there was not a height limit. Ms. Sandlin explains that there is and this would be a request to extend beyond the height requirement. Commissioner O'Kelly Russell stresses that we need to look at the pedestrian environment and details such as outdoor dining. Ms Sandlin then explains that the ARB is looking at Main Street and is considering standards for street features like trash receptacles and benches. Chairman Padberg asked how comfortable is present company in the offset of what the Town will get from allowing increased heights. Mr. Brim explains that there needs to be an essential nexus between conditions imposed on the applicant and the project that is being proposed. Ms. Sandlin explains that this applicant is requesting only one area to be increased five feet beyond the zone's height allowance.

Mr. Praino explains that the Council approved the Comp Plan for professional expertise in guidance with what to do with Main Street. Mr. Brim explains that the Council has amended the proposed budget to add \$7,500 to hire a consultant for design standards and that this will be voted on soon. Ms. Sandlin states that the design standards will take approximately 12 months to approve. Commissioner Praino suggests that the Town look at adopting an overlay corridor and using that as a means to increasing height instead of the Code. Chairman Padberg agrees and feels that this would be a better way of amending heights. Mr. Brim says that he will look for the draft overlay zone.

H. Section 70-542 Procedures related to the process and responsible agents for approval of site plans; specifically to allow site plans to be approved administratively by the Zoning Administrator and the Director of Public Works

Mr. Brim explains that the site plan process requires months for the Planning Commission and the Town Council to approve, when it can easily be reviewed and approved by staff. Site plans are required to be approved if they meet the requirements of the code. Chairman Padberg explains that the Commission has already agreed to this. Commissioner O'Kelly Russell suggested that maybe the Commissioner would approve certain site plans to be approved by staff, but Chairman Padberg explains that all site plans should be approved by staff because they are by right. As long as the applicant meets Town Code the site plan should be approved.

I. Section 70-22 (Temporary Uses) & Section 70-23 (Temporary Use General Standards)

Mr. Brim overviews how other nearby jurisdictions oversee mobile food vendors and explained that Manassas, Manassas Park, Prince William County and Falls Church do not permit this use. Falls Church was specifically concerned that mobile food vendors would undercut existing businesses, because they do not have the over head and can charge much less. Manassas was concerned with over parking sites and that there may be conflicts between pedestrians and traffic.

Chairman Padberg states that permanent businesses are being short changed when a temporary food business comes in. Our permanent businesses pay property and meals tax, plus the County does not allow this use why would we want to go down this road. Mr. Brim explains that the Health Department could provide permits but the County does not allow this use. However, they do allow the sale of uncooked fish and vegetables.

Commissioner O'Kelly Russell states that this would be anti-business. Ms. Sandlin explains, that on the other hand if we didn't do this then some may think that it is anti-business as well. Chairman Padberg also thinks that this would be anti-business. He fails to see the revenue stream because it is a cash business. The Town is not getting anything from it. Mr. Brim explains that other municipalities find it difficult to track these businesses. Commissioner O'Kelly Russell feels that it could be intrusive to adjacent property owners if there is smoke and fumes associated with these businesses. Mr. Brim explains that the Farmers Market is an avenue that could support these types of uses and that it is already lawful for them to conduct business as part of a larger event.

Ms. Sandlin explains that the Council has asked staff to report back on the status of this issue and asks Chairman Padberg to present the Commission's position to the Council. The Commission in general agrees that they are not in favor of allowing mobile food vendors. Commissioner O'Kelly Russell directs staff to inform the Council that this use will undercut existing brick and mortar businesses. Additionally, there are safety, health and general welfare concerns. There is no accountability for these businesses, whereas a permanent business has a tax bill due. Commissioner O'Kelly Russell states that if we make an exception for mobile food vendors then the Town hurts existing businesses.

Mr. Praino asks where these businesses will be located if allowed. Mr. Brim answers that they would locate in parking lots and on the sides of roadways. Commissioner Webb suggests that if the Council allows this use then they would need to also allow all types of vendors. Commissioner Praino suggests looking at creating one large area in the Town where these types of businesses can located.

Commissioner Waggy brings up the point that the bylaws require an appropriate minute book. Ms Sandlin explains that the Commission has the ability to call a secretary to take minutes. Chair Padberg explains that everyone can take notes, but wants to know if the Planning Commission will be taken out of the minutes taking business. It is his understanding that the Commission will not be taking minutes. The Town is now broadcasting meetings and is responsible for taking minutes. Ms. Waggy states the

bylaws do not require the Commission to elect a secretary, but only if they need one. The bylaws do not need to be amended. Elections are scheduled for the next Commission meeting. The Commissioner doesn't have to elect a secretary.

IV. Next meeting: June 11, 2012

V. Adjournment

Chairman Padberg moved to adjourn the meeting. Commissioner Webb seconded his motion and the Commission unanimously voted to adjourn the meeting at 9:58 P.M.

Planning Commission Chairman - Christopher A. Padberg

Date