

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

**Monday, June 11, 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  
Gina Critchley  
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.

**III. Discussion**

**(Amending Agenda to Elect Officers)**

Chairman Padberg calls the Work Session to order at 7:00 PM. He adds an item to the agenda for the appointment of a new Chairman and Vice Chairman. He suggests that the Commission call a Secretary as well because the By-Laws indicate that the Commission will have one. There are two duties outlined in the By-Laws, one of which is not being done by staff. Morgan suggests that the Commission hold off on appointing officers until the new Commissioners are appointed and the election is scheduled for a Business Meeting. Chairman Padberg states that there this is an oversight by staff and that the election of new officers should have been on the agenda. He indicates that this is nothing that the public or staff will have a say on and that the Commission should hold the election and then if the Town Attorney feels it needs to be conducted during a Business Meeting, then the Commission will re-hold the election.

Commissioner Webb moves to amend the agenda to add the election of officers. Commissioner Vinson seconds the motion. Commissioner Padberg calls for the vote. The Commission is unanimous and votes in favor of the motion to amend the agenda. Mr. Brim asks the Chairman if he would like to add the election to the end of the meeting and the Chairman states that he would like to conduct the election now. Chairman Padberg asks if any of the Commissioners are in favor of being nominated. Mr. Webb nominates Commissioner Russell as the Chair. Commissioner Russell proposes to nominate Commissioner Waggy as Chair and she declines. Russell then nominates

Commissioner Critchley. Chairman Padberg calls for the vote. And the Commission unanimously votes to appoint Commissioner Russell as Chairman. Chairman Padberg then asks if there are any nominations for the Vice Chair. Ms. Critchley nominates Commissioner Waggy and Commissioner Praino nominates Commissioner Webb. All vote in favor of Ms. Waggy. Chairman Padberg moves to allow nominations for secretary. Commissioner Waggy nominates Commissioner Praino and he declines. Chairman Padberg nominates Commissioner Critchley and Commissioner Praino seconds the motion and the Commission unanimously approves. Chairman Padberg restates the nominations: Russell as Chair, Waggy as Vice Chair and Critchley as the Secretary.

**A. The McDonald's Restaurant is applying to amend its recently approved Site Plan. The applicant is proposing to add an outdoor dining area to the east side of the proposed restaurant. This project is located at the 18050 Triangle Shopping Plaza.**

Mr. Brim overviews the McDonalds Development in the Triangle Shopping Plaza. He explains that McDonalds would like a minor amendment to the original site plan, which adds outdoor sitting space on the northwest side of the building. There will be no change to the driveway, ingress/egress or other areas of the site. Mr. Brim directs the Commission to the plans and indicates that no parking stalls will be required as well. There is no reconfiguration of the site. The applicant is simply adding 700 square feet of patio space to the northwest side of the building. Some of the landscaping will be replaced. Minor amendments to site plans allow the Zoning Administrator to administer the approval with consultation from the Commission. Commissioner Russell asks if there was an overall sign plan for the development. Mr. Brim confirms that there was. No changes are occurring to the approved signs. The U.S. flag pole will be relocated, but is not considered a sign. Menu boards are not considered signage, but should be through an amendment to the sign code. Commissioner Russell asks if the sign code was too restrictive for McDonalds. Mr. Brim thinks they were able to work within the code's parameters. They met the sign code.

Commissioner Russell indicates that the landscaping looks good and that a lot of native plants are being incorporated into the site plan. Chairman Padberg asks if there are anymore comments from the Commission. None were given. He moves to Item two.

**B. The Dumfries Animal Hospital is applying for a Conditional Use Permit for the current use of their property, "Veterinary Hospital". This property is located at 17552 Main Street.**

Chairman Padberg opens the discussion and overviews the project. He indicates that the use was an allowable use but was moved to a conditional use. Mr. Brim confirms that this happened in September 2011. Mr. Brim indicates that they are currently considered a lawful nonconforming use and may continue their business as it was established, but they are unable to expand. They could also lose their use if they stop business for two years. Mr. Brim suggests that Mr. Leming the attorney for the Animal Hospital, be given some time to address the Commission. Mr. Leming introduces his client Roger Nicoles, the Owner of the Dumfries Animal Hospital. He explains the history of the business and explains that he change in the Town Code moved his client's

business in a nonconforming category and it affects the property and could have a negative impact on the future sale of the property. He states that the business is in conformity with all other elements of Town Code. He explains that a field trip can be set up for the Commission. Commissioner Russell says that he'd like to visit the site. Commissioner Russell asks if the applicant is requesting to expand the business. Mr. Leming states that there is a possibility of expansion and that the site plan shows an area of possible future expansion. The plan is to exclude the need for the property owner to have to come back through the approval process if they stay within the expansion boundaries, as outlined in the site plan. Mr. Brim suggests that the applicant provide some uses for the Commission to consider. Chairman Padberg explains that a Conditional Use Permit should not be generic but specific. He would like to see what the use is going to be. He would like to see elevations drawing and what impacts the use will have on surrounding properties. He is not convinced that this is the approach to take. The property can be used now with no action, and if in the future, the property owner would like to expand, they should come forward at that time with proper plans. Mr. Leming explains that they can work with the Commission to establish a set of uses for approval.

Mr. Leming asks when the public hearing can be scheduled. Mr. Brim explains that it can take place as early as July 9<sup>th</sup> and the Commission can vote or hold it until their next meeting. Mr. Brim explains that it could go to the Council in September. The Commission will need more clarity on the use that is being proposed.

Mayor Forman asks to address the Commission. The Chairman allows it. The Mayor explains that the language that was chosen when the changes took place, caused a lot of problems to the business owners. Some businesses were not properly identified. He explains that the vision of the Town should have been properly identified. When uses were moved around, it was the perception that those businesses were not wanted in the Town. The fee schedule comes into effect on July 1<sup>st</sup> and businesses are trying to come in before that date.

The uses were kicked back to first look and see what is there now, is it okay and do we want it there in the future. Second how do we want the Town to be shaped in the future. The Mayor suggests that the ordinance may change in the future and make businesses that are nonconforming into conforming. Commissioner Webb suggests that they just have their existing business approved and establish conditions for the current use of the property and then come back if they want to expand. Mr. Brim explains that Commissioner Webb is correct, but that they are requesting an expansion area so they won't have to come back in the future. Commissioner Russell asks how the business is not in conformance with Town Code and Mr. Brim states "the use". Mr. Brim explains that the Municode website is not up to date with the current code.

The Mayor suggests that the Commission look at the uses for the zones and then move them forward to the Council and hold off on review proposals until the land uses are updated. That way, if there is a conflict with a current use and the zoning code, that conflict could be worked out. Chairman Padberg asks how the process would work with the current application. Mr. Brim explains that the applicant can place their application on hold and wait to see what transpires or they can request that the Town

move forward on it. The applicant does not want to resubmit an application and pay the higher fee and Mr. Brim explains that the application would simply be placed on hold. The Mayor suggests that the Town could reimburse the applicant's fee if the use was then made allowable. Mr. Brim could see a veterinary hospital has a permitted use, but thinks a dog kennel would be better as a conditional use. The Chairman tells the applicant that we can't make a decision or foresee what will happen, but that we can place the application on hold and not charge further fees for the Conditional Use Permit. If the use doesn't become legal by right, the Commission will reopen the application. He would like to see more plans than what was originally submitted, like elevations and detailed site plan. He would like to work with the applicant. Mr. Brim asks what the applicant's timeline is. Mr. Leming is happy to watch what the Town does as it revisits the text amendment. Mr. Brim asks Mr. Leming to provide an email stating that they would like to place their application on hold. Mr. Leming says he'll send one.

**C. Section 70-13(h)(1) related to the definition of "floor area" as it relates to minimum parking space requirements**

Mr. Brim provides an analysis of parking requirements for the Dumfries Shopping Plaza. This shopping plaza is to the point that it has large redevelopment potential. He directs the Commission to the memo and table showing uses. He explains that a factor of .80 was used. A factor of .75 and the current standards were used as comparables. Office and retail contain the largest share of square footage of the building. The entire site wasn't used, because it is broken into two major spaces. The number of parking stalls provided currently is 301 and the current standards would require 350 parking stalls. If this site was built right now it would require much more parking. A factor of .8 requires 280 stalls and a factor of .75 requires 270 stalls. Other uses in the site don't change because the code doesn't use square footage for all use parking calculations. Commissioner Russell would like to know what the FAR would be, Mr. Brim explains that the code doesn't use FAR. Commissioner Russell would like to know if there is a required open space percentage. Mr. Brim indicates that he hasn't seen one. He also states that the area calculation was taken from interior square footage.

Mr. Brim indicates that he has provided the Commission with the text amendments that the applicants provided.

**D. 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 directs the Commission to item four of the memo. He provides ordinances of other Cities and how they use parking credits. He also provided a link to the California APA Conference presentation on parking credits. It shows the overall vision of parking credit programs. He explains that Prince William County provides parking credit for uses that complement each other according to hours of operations, availability of transit, public garages and so on. Mr. Brim goes on to explain that the Commission could allow the installation of bike parking to count towards the overall parking demand. He points out that PWC allows up to a 75% credit for uses that don't overlap at all.

Mr. Webb asks how we handle when uses change on a site once a parking credit is already established. Mr. Brim indicates that it is done through a parking agreement and it requires an efficient record keeping system to manage these agreements. Commissioner Russell explains that most municipalities require uses to get recertified once the property redevelops.

The Commission directs staff to use the County's text as a guideline for drafting an ordinance.

**E. 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 explains that the Commission could look at amending the sign code to get the same result. Chairman Padberg suggests that there be a minimum acreage size. Later on he details the history of sign packages of the early 80s and 90s and suggests that sign packages have not been successful. He indicates that the ARB should look at signage. The ARB should look at this and work out how they would like to handle this in the historic district. Hold it until then.

- F. 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**
- G. 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 explains that this really falls under the next item concerning uses on the ground floor and allowable residential accessory uses. He reads the applicant's proposed text amendment and points out that they are requesting that only 25% of the ground floor be required to be commercial. In the last Work Session the Commission had discussed the possibility of using the rear portion of the property as residential. Chairman Padberg explains that he originally thought that it might work, but is now not in favor of the change. He feels that there are too many unknowns and that as of right now he is not in favor of the change. The Chairman asks how everyone feels about the accessory uses. Commissioner Russell states that the percentage as proposed is too low. It comes down to the design and the creation of neighborhoods. It should not be ad-hoc with businesses and residential thrown into the middle of it. Mr. Brim explains that a common practice is to take a gym that is supposed to be open to the public, but then charge a large amount for the public and make it free to residents of the development. Ms. Sandlin brings up the point that the market is residential and that the applicant needs to make the numbers work. She suggests that there be an allowance in height to accommodate the developer. Chairman Padberg explains that it is not the job of the Commission to develop the property but to instead do what is best for the Town. Commissioner Russell reiterates that it's about creating neighborhoods and the ground floor fronting Main Street needs to be commercial.

Chairman Padberg indicates he has come to the realization that successful designs he has seen where residential is successful on the ground floor is where the commercial is developed heavily and residential on the ground floor is lightly sprinkled in. He directs the Commission to the fact that many properties on Main Street are already being used as residential. Ms. Sandlin points out the open space of the residential amenities on the site plan. Commissioner Praino states that homes should not be put on the same street as commercial, but it does work above commercial. There are conflicts with traffic and noise. He points out that residential does work behind commercial.

Chairman Padberg explains that we are all saying the same thing, but that he doesn't know how to write it in our code so that the development occurs in such a way that it gets the Town what they are really wanting. Mr. Brim asks Commissioner Russell if he can direct him to municipalities that have made it work. Mr. Brim also explains that what the applicant is proposing is changing the district to residential and that the applicant should instead apply for a zone change.

**H. 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 suggests that allowing an increase in height would provide the developer an opportunity to get the residential units they want, while preserving the ground floor for commercial. Ms. Sandlin explains that they could mirror the six story building shown in the plans.

Mr. Brim suggests that allowing the height through a conditional use permit provides the Town the ability to use setbacks to buffer existing residential and mitigate other possible impacts from the development. Commissioner Russell states that residential should only be accessed from residential street and not from Main Street. He later indicates that the developer should have some flexibility, but the Town doesn't want a wall of six story buildings fronting Main Street.

Mr. Brim indicates that the additional height could be designed to be placed inside of a dormer or pitched roof. Commissioner Russell says that we should provide a density number so we are not shooting in the dark. This needs to be clarified. The Town should be driving the discussion of density. The Town should be able to provide numbers of what density should be allowed for build out. This needs to be established in our comprehensive plan.

**I. 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 proposes the text for the amendment update and indicates that it will be scheduled for a public hearing in the next meeting.

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

Mr. Brim explains that the text has been written to take into account the concerns of the Planning Commission and to establish the current practice of the Town by allowing food vendors in conjunction with an event. Mr. Brim describes a meeting that staff had with food vendors and that there was suggestion from one of the vendors that food vendors should be allowed to operate in areas away from the commercial districts. Chairman Padberg suggests that when this goes back to the Council it should be for events like the Farmers Market, but he is not in favor of roaming trucks. Mr. Brim says he'll have it ready for a public hearing in the next meeting. We'll need an increased bond amount. Commissioner Webb asks if the fee should be in the fee schedule instead of the zoning ordinance. He then suggests that we don't put fees in the ordinance and have them all in the fee schedule.

**K. Section 70-679(a) related to meeting times for the Architectural Review Board.**

Ms. Sandlin explains that the ARB would like to delete the start time from the Code and meet when it is most convenient for them.

**IV. Next meeting: July 9, 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 10:07 P.M.

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Planning Commission Chairman - Christopher A. Padberg

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Date