

**MINUTES OF THE TOWN OF DUMFRIES PLANNING
COMMISSION WORK SESSION
Monday, July 16, 2012 6:00 P.M.
Town of Dumfries Council Chambers
17755 Main Street
Dumfries, VA 22026**

I. Call to Order

Chair Padberg called the Work Session to order at 6:20 P.M.

II. Roll Call

In attendance: Naeem Arshad, Christopher Padberg, William O'Kelly Russell
Morgan Brim, Town Planner/Zoning Administrator
Debi Sandlin, Director of Community Development

Absent: Gina Critchley, James Vinson, Louise Waggy, John Webb

III. Discussion

A. Agenda items listed in the Planning Commission Business Meeting Agenda

Due to not having a quorum, the PC directed staff to schedule a work session and regular meeting on July 23 to elect officers. If a quorum is not available at 7:00 p.m. for the regular meeting/public hearing the items will be scheduled and re-advertised for August 13.

B. Town Council's request for the review, update, and alignment of descriptions, governances, and allowances of business types

- 1) Section 70-246 relating to the intent of the B-1 zoning district, Section 70-247(a) relating to allowable uses in the B-1 zoning district, Section 70-247(b) relating to uses allowed with a Conditional Use Permit in the B-1 zoning district, Section 70-247(c) relating to accessory uses in the B-1 zoning district, Section 70-281 relating to the intent of the B-2 zoning district, Section 70-282(a) relating to allowable uses in the B-2 zoning district, Section 70-282(b) relating to uses allowed with a Conditional Use Permit in the B-2 zoning district, Section 70-282(c) relating to accessory uses in the B-2 zoning district, Section 70-481 relating to the intent of the FB/O-1 zoning district, Section 70-482 relating to allowable uses in the FB/O-1 zoning district, Section 70-483 relating to uses allowed with a Conditional Use Permit in the FB/O-1 zoning district, Section 70-484 relating to accessory uses in the FB/O-1 zoning district, Section 70-316 relating to the intent of the M-1 zoning district, Section 70-317 relating to permitted uses in the M-1 zoning district
- 2) Table of allowed uses

Mr. Brim proposed putting together a table of the uses, the zoning district each use is permitted, whether a conditional use permit would be required, and set up a standard to see if the intent of the zoning is met. There were significant changes in the area of automotive uses and drive-thru facilities.

- 3) Alignment of uses in the Zoning Ordinance with Chapter 18, Div 3, Section 18-98 through 18-114 relating to BPOL

Mr. Brim explained this was to align the uses with the Business Professional Occupational Licenses (BPOL). Staff is currently making sure that businesses operating now have a certificate of occupancy. This is more along the lines of making sure that when a business establishes its use that it falls in line with a permitted use in the BPOL. It was suggested that the Mayor provide a write up or introductory presentation on some of these to determine what he wants the PC to do.

Chair Padberg saw this as an administrative issue and not a PC item.

4) Section 70-9 relating to Certificates of Occupancy

Chair Padberg asked how the enforcement on the certificate of occupancy is being handled. He understood that the application for the certificate of occupancy, depending on the jurisdiction, typically goes hand in hand with a building permit and final inspection. He understood that once you get a certificate of occupancy it is done and it is not like BPOL that is renewed every year.

Mr. Brim explained that in order to get a business license you need a certificate of occupancy first. If the building is already built or is a new building, the building official will go out and make sure that it meets code. The Zoning Administrator signs off that the business is permitted in that zoning district prior to issuing the certificate of occupancy. In the past, there were submissions that were not followed through on. Businesses were just moving in. There was no oversight by staff checking to make sure everyone had a business license, coupled with the turnover in staff has not assisted with getting a program up and running.

5) Section 70-10 relating to Conditional Use Permits (CUP)

Mr. Brim noted number 4, 5, and 6 are all about the uses. It was noted this is a review of what is currently required to have a conditional use permit to determine if there should be a lot of oversight on all the uses.

6) Section 70-576 through 70-583 relating to Nonconforming Uses

Chair Padberg invited Mr. Singh to speak since the PC was done with their discussion.

Mr. Singh was present because of the importance of an occupancy permit. He explained that his building houses several different types of businesses. One suite was designed specifically for a doctor's office, an adjacent suite is for office space, and there is 3,000 square feet of vacant space. The building was designed with a specific use and does not allow him to put anything else in it without being upgraded. He noted that the suites are only valid for a specific use for a certain period of time.

Chair Padberg clarified he did not mean the occupancy permit went with the building; however, it is relative and goes with the tenant.

Mr. Singh explained that if the doctor leaves the space being used then another doctor could come in and use that space; however, it cannot be used as an office without getting a new occupancy permit.

Chair Padberg agreed that would be a change in use.

There was a brief discussion with the Mayor about inviting businesses to speak during the review of the B-1, B-2, and FB/O-1 zoning districts.

IV. Adjournment of Work Session

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II. Roll Call

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Debi Sandlin, Director of Community Development

Absent: Gina Critchley, James Vinson, Louise Waggy, John Webb

Chair Padberg announced there was not a quorum present for the meeting.

III. Adjournment

Chair Padberg adjourned the meeting.

Christopher A. Padberg
Chair

Date