

**MINUTES FOR PLANNING COMMISSION
WORK SESSION & MEETING FOR AUGUST 13, 2012,
VENUE: DUMFRIES TOWN HALL
ADDRESS: 17755 MAIN STREET, DUMFRIES VA 22026**

PLANNING COMMISSION (PC) WORK SESSION 6:00 PM

I. Call to Order

II. Roll Call

III. Discussion

A. 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**
- 2. Section 70-247(a) relating to allowable uses in the B-1 zoning district**
- 3. Section 70-247(b) relating to uses allowed with a Conditional Use Permit in the B-1 zoning district**
- 4. Section 70-247(c) relating to accessory uses in the B-1 zoning district**
- 5. Section 70-281 relating to the intent of the B-2 zoning district**
- 6. Section 70-282(a) relating to allowable uses in the B-2 zoning district**
- 7. Section 70-282(b) relating to uses allowed with a Conditional Use Permit in the B-2 zoning district**
- 8. Section 70-282(c) relating to accessory uses in the B-2 zoning district**
- 9. Section 70-481 relating to the intent of the FB/O-1 zoning district**
- 10. Section 70-482 relating to allowable uses in the FB/O-1 zoning district**
- 11. Section 70-483 relating to uses allowed with a Conditional Use Permit in the FB/O-1 zoning district**
- 12. Section 70-484 relating to accessory uses in the FB/O-1 zoning district**
- 13. Section 70-316 relating to the intent of the M-1 zoning district**
- 14. Section 70-317 relating to permitted uses in the M-1 zoning district**

B. Town Council's request for the review of Section 70-14 Signs, related to the allowance of religious institutions and non-profit organizations to display temporary signs for events and program advertisement.

C. Section 70-541 – Improvements standards for Site Plans. Consideration will encompass landscaping & lighting requirements, public improvements standards, buffering residential uses and related site planning elements.

IV. Adjournment of Work Session, however, the Planning Commission may reconvene the Work Session at the conclusion of the Business Meeting.

Unable to locate a recording or notes for the work session.

PLANNING COMMISSION MEETING 7:00 PM – PUBLIC HEARING FOR TEXT AMENDMENTS

I. Call to Order

Chair Russell called the meeting to order at 7:00 P.M.

II. Roll Call

In attendance: Naeem Arshad, Gina Critchley, Christopher Padberg, William O’Kelly
Russell, Louise Waggy, John Webb
Morgan Brim, Town Planner/Zoning Administrator
Christine Sanders, Town Attorney

Absent: Vacant Seat

~~III. Approval/Adoption of minutes from the July Work Sessions~~

IV. New Business

~~A. Election of Officers for Chairperson, Vice Chairperson and Recording Secretary~~

B. PUBLIC HEARINGS

- 1. Text Amendment to Section 70-13(h)(1) related to the definition of “floor area” as it relates to minimum parking space requirements & 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.**

- a) Staff Presentation – Morgan Brim**

Mr. Brim explained this text amendment was applicant driven and would allow for a parking credit. The applicant requested to have the definition changed for floor area that would bring the multiplier to .75 percent for the gross floor area. The PC directed staff to draft the text amendment with the multiplier of .80 percent. The change would allow the Public Works Director and Zoning Administrator to approve a request to waive up to 30 percent of the required parking [70-13 (k) A]. The applicant would have to provide studies, surveys, reports, or other evidence to support the request. A credit of up to 75 percent may be given when there is no overlap in normal operating hours and up to 25 percent if the overlap is less than four hours per day [70-13 (k) B].

- b) Applicant Presentation**

Pete Singh mentioned the text amendments were proposed for a development called the Town Center he has been working on over the past couple of years. He noted this would be a mixed-use development allowing office/retail space to coexist with residential. The current zoning ordinance does not have provisions for parking considerations to be given when there is a mixed-use.

- c) Public Hearing**

The public hearing was opened to public comments.

Mr. Singh having lived and worked in the Town for many years noted this kind of change would be very beneficial to the Town. He explained that at 5:00 p.m. the parking lot is empty. He mentioned if there had been a residence nearby the parking lot would have been full.

There being no further comments the public hearing was closed.

a) Discussion and Vote

Mr. Webb moved, seconded by Ms. Waggy, to forward the text amendments 17-13(h) 1-6 relating to floor area and 70-13(k) A-B relating to parking credit to the Council with a recommendation to approve.

Mr. Padberg questioned having a 10,000 square foot building that would require 50 parking spaces being allowed to only require 10 if a 75 percent parking credit were given.

Mr. Brim used the example of being required to provide 80 parking spaces. If a 75 percent parking credit were granted, providing there is no overlap whatsoever between the uses, that would decrease the number drastically. The applicant has to provide the studies to justify getting a parking credit.

Ms. Sanders pointed out that it states may authorize.

Ms. Waggy noted the determination would be made from the study.

Mr. Padberg reiterated his issue was allowing the requirement of 50 parking spaces to be reduced to 10 based on a study the property owner submits.

Mr. Brim noted it could be done through a conditional use permit process, which would allow the PC some oversight, the ability to look at the study, and have a recommendation from staff.

Ms. Waggy thought it was better than the blanket idea of percentages.

Mr. Padberg did not think the Town was over parking any properties. He could not, in good faith, allow staff the latitude to allow that type of change based on data gathered by the property owner.

Ms. Waggy asked Mr. Padberg if he could support it if it required a conditional use permit.

Mr. Padberg could support it if the language was scratched. He did not see how a conditional use permit would change it. Planning concrete and asphalt around operating hours is not good planning.

Ms. Waggy did not think there was anything in the Town now that required the change; however, what is being proposed to be built may.

Mr. Brim suggested lowering the percentage. The conditional use permit process provides more oversight and staff does not make the decision. It would require a public hearing and a recommendation from the PC to Council.

Mr. Padberg suggested not giving staff any latitude to change the parking requirements and allow them to be made under a conditional use permit without a defined percentage.

Mr. Brim understood that an applicant would apply for a conditional use permit and the percentage would be defined during the process.

Mr. Padberg agreed. This would allow staff, the PC, and Council to be involved.

Mr. Webb amended his motion to remove the 75 percent and 30 percent from the proposed text amendment and add a conditional use permit requirement.

Mr. Padberg made the friendly amendment for the proposed text amendment to read, "Credit may be given for parking spaces based on a conditional use permit."

Mr. Brim asked for clarification on whether to do away with 70-13(k) A of the proposed text amendment.

Mr. Padberg did not think there would be a situation in the Town that it would apply.

Mr. Brim saw it as applying to the proposed Town Center project.

Mr. Padberg asked Mr. Brim if he would be comfortable with applying provision 70-13(k) A administratively and not come to the PC or the Council.

Mr. Brim indicated he would. He pointed out the provision would still require the property owner to provide a study, survey, or report.

Mr. Padberg amended his friendly amendment to read that anything over 30 percent should then be a conditional use permit. He reminded the PC that a 20 percent decrease from the core amount was given in the first text amendment, so in actuality the changes permit a decrease of more than 30 percent.

Mr. Webb amended his motion to have 70-13(k) B read as follows. "Credit may be given for parking spaces required for one use when parking spaces required for another use on the same lot, or on an adjacent lot, can be used because of a difference in normal operating hours with a conditional use permit above 30 percent."

Ms. Waggy seconded the amended motion.

The motion to forward to Council text amendment 17-13(h) 1-6 relating to floor area and text amendment 70-13(k) A-B relating to parking credit as amended with a recommendation to approve carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O'Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

2. Text Amendment to 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
a) Staff Presentation – Morgan Brim

Mr. Brim explained this text amendment was applicant driven and would allow 75 percent of the ground floor to be residential use. He agreed there needed to be some kind of residential amenity on the ground floor. Residential amenities include things such as a lobby area, elevators, mechanical room, gym, or a pool on the ground floor. Staff recommends allowing up to 15% of the ground floor be dedicated to residential amenities. Residential amenities shall not be located adjacent to Main Street or within 50 feet of the front façade of the building and should be located toward the rear of the building. An equal amount of square footage dedicated to residential amenities on the ground floor, shall be added to the upper floors of the building as commercial space. He noted there would be building codes that will affect the cost of placing commercial use on the second floor. He thought the most important things are to keep Main Street, and the size of the building, a commercial district. He noted that once something is changed to residential it does not go back to commercial. Office, retail, restaurants change intermittently through the years.

Ms. Waggy asked why you would not put all of the commercial on the first floor except the real estate office if it were going to be a requirement to put the same amount of commercial on the second floor as residential on the first.

Mr. Webb was thinking the mechanical part would have to be on the first floor.

Chair Russell asked if the definition for a residential amenity included a swimming pool. He asked if the gym was not for the exclusive use of the residents or tenants, and was open to the public whether it would be classified a residential amenity or a commercial use.

Mr. Brim noted that if it is at market rate it is still considered a residential amenity. This would be determined through a zoning determination. Gyms have gotten affordable; however, if the patrons of the gym can use the pool too it then would be considered a commercial use. It is really up to the applicant to be creative with designing the ground floor.

Chair Russell asked for clarification that the 15 percent is of the gross square footage of the ground floor, the footprint of the building, not the gross square footage. He asked if 15 percent would be adequate depending on the amenities that would be placed on the ground floor. He was thinking that a swimming pool would require at least 1,500 square feet, which does not include

bathrooms or showers. In essence, it is forcing the applicant to make sure the pool is a commercial use.

Mr. Brim indicated if the pool were open to the public, it would be considered a commercial use.

b) Applicant Presentation

Mr. Singh worked with staff over the past two months to determine what amenities were and how to come up with a percentage. He noted there might be a hallway on the end of the building, which is an architectural feature, which should accommodate for ingress and egress for pedestrians or for emergency exits. He explained there is a common factor that is common to the ground floor, second, and third floor. He explained there would be a need for things like loading docks and an electrical room. He mentioned the electrical room for the building would be double the size of Council Chambers. Then there is the need for dedicated amenities, which would fall under the proposed 25 percent. For example, a lobby would be a dedicated amenity. He pointed out that the last sentence of the proposed language states no commercial residential amenities are permitted in single story buildings. A developer of any type would have to have a lobby which is typically a single story building attached to the main building with nice architectural work on the outside. He used the example of a hotel lobby and did not feel this would be practical in the long run. He noted the 15 percent is a little low and concurred completely with the approach of Main Street and the first 50 feet from the front of the building for commercial use. He asked that the PC not consider the need to put the same amount of commercial space on the second floor that is used on the ground floor due to the building code requirements.

c) Public Hearing

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

d) Discussion and Vote

Ms. Waggy noted the recommended language provided by Mr. Singh asks that 25 percent of the ground floor be dedicated for residential amenities. It further reads that the residential amenities will not face Main Street, be 50 feet away from the façade of the building with the residential amenities being located toward the rear or inner core of the building. With the inner core, a lot of the things Mr. Singh would have as amenities could be accommodated. She could see the amenities discussed on the first floor, if open to the public, otherwise they should be confined to an inner core or the second floor.

Mr. Padberg felt the PC needed to decide if it wanted apartments on the first floor on Main Street or offices and businesses. He did not understand the discussion. If there are problems with the definitions then they need to be worked on. He did not have a problem with having the electrical, fire control, fire alarm control panel, etc. on the first floor and it is a matter of needing it defined. He did not support any residential on the first floor outside of the mechanical. All amenities need to be upstairs. He did feel a lobby needed to be accommodated on the first floor and is a definition that needs to be worked on.

Ms. Critchley agreed with Mr. Padberg.

Mr. Webb agreed with staff and was okay with 15 percent. He noted that a leasing office could be on the second floor or office space could be provided on the ground floor to handle leasing and other things with a business license, which would make it a commercial use.

Mr. Arshad agreed with staff and could see the 15 percent for mechanical and a lobby. He noted the Comprehensive Plan (CP) talks about Main Street being a more walkable commercial area.

Mr. Brim clarified that mechanical equipment and electrical rooms are typically not considered a residential amenity, but a necessity.

Chair Russell asked if the fire emergency ingress and egress would be excluded too.

Mr. Brim agreed and felt it would be shared space. The CP states “Integrate medium density buildings with retail/office on the first floor with residential above” and “Buildings should include small-scale neighborhood retail uses, such as cafes, delis, on the ground level in buildings with three or more stories.”

Mr. Padberg understood that all of the mechanical and architectural functions for fire exits can be solved with things that are already on the books and does not have to be designated as residential. He asked how a developer could have a lobby or mailroom on the first floor if there is no residential permitted.

Mr. Brim noted the PC could call out specific uses that would be permitted on the ground floor with a specific percentage or amount of square footage.

Mr. Webb did not see a mailroom as being a residential use since it could be used by the businesses as well. He pointed out that if you have a three-story building with 60,000 gross square feet that would be roughly 20,000 square feet per floor. At 15 percent, it would be 3,000 square feet. That is quite a bit of space.

Chair Russell had a problem with requiring an equal amount of the second floor be set aside for commercial use. He is not an architect; however, putting commercial on the second floor would be very cost prohibitive, especially a small area. He felt the language needed to be looked at. He did not feel it meant the intent of the CP for Main Street and was unfair to the applicant.

Ms. Waggy moved, seconded by Mr. Webb, to forward to Council with a recommendation to approve the ordinance change to 70-282(B)(14) with the following language. “Residential, multifamily, located above a commercial, retail or office use on the ground floor (a) Up to 15% of the ground floor may be dedicated to residential amenities. Residential amenities shall not be located adjacent to Main Street. Residential amenities shall be located at the rear of the building. No residential amenities are permitted in single story buildings.”

There was a brief discussion concerning whether the 15 percent was too high now that it has been determined that the elevator, mechanical room, and other items that were of concern are not going to be considered residential amenities.

Mr. Padberg made the friendly amendment to the motion to change the percentage from 15 percent to 10 percent.

Ms. Waggy and Mr. Webb were agreeable to the friendly amendment.

The motion to forward to Council text amendment 70-282(B)(14) relating to residential on the ground floor as amended through a conditional use permit with a recommendation to approve carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

3. Text Amendment to 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

a) Staff Presentation – Morgan Brim

Mr. Brim explained this text amendment was applicant driven to allow for an increase in building height and modify setbacks with a conditional use permit. The proposal made did not place any restrictions on the height and staffs recommendation is to limit the height. The proposal made by staff reads as follows. “The maximum height of structures in the B-2 zone is 50 feet from grade of the ground, excluding mechanical equipment, which shall be adequately screened. No other architectural features such as false façades and towers, antennas, aerials, satellite dishes, spires, belfries, cupolas, chimneys, flues, flagpoles and steeples and similar devices shall exceed 55 feet in height from grade of the ground. However, additional height may

be approved through approval of a conditional use permit. In no case shall building height exceed the lesser of six stories or 75 feet. Mechanical equipment, architectural features, as listed above, shall not extend higher than 80 feet. Additional height is not guaranteed, and may only be approved upon finding that the additional height will not adversely affect surrounding land uses. Minimum building setbacks for building sides adjacent to residential property or property zoned residentially shall be increased by one foot for every additional one foot of height that a building extends above 55 feet. As part of the approval to increase height, the Council may also reduce the required minimum front setback.”

b) Applicant Presentation

Mr. Singh felt the recommendation made by staff is well written.

c) Public Hearing

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

d) Discussion and Vote

Mr. Padberg moved, seconded by Ms. Waggy, to forward to Council with a recommendation to approve the ordinance change to 70-287 related to heights and setbacks in the B-2 zoning district allowing modification through a conditional use permit.

Mr. Webb was concerned with being able to reduce the required minimum front setback to none, which would allow a building to abut the public sidewalk. He made the friendly amendment to remove the last sentence of the proposed ordinance.

Mr. Padberg and Ms. Waggy were agreeable to the friendly amendment.

The motion to forward to Council with a recommendation to approve the ordinance change to 70-287 related to heights and setbacks in the B-2 zoning district allowing modification with a conditional use permit with the last line being stricken carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

Deadline for Consideration of Agenda Items

Ms. Waggy moved, seconded by Chair Russell, to continue the PC meeting past 9:00 p.m. to finish the public hearings. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

4. Text Amendment to 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

a) Staff Presentation – Morgan Brim

Mr. Brim explained this ordinance change is a proposal from staff to change the site plan review to be handled administratively by the Public Works Director and Zoning Administrator. A site plan is a by-right use and essentially is a building permit, which does not allow conditions to be placed on the project. He noted that conditions should be placed in the ordinance itself for site plans.

b) Public Hearing

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

c) Discussion and Vote

Chair Russell was concerned that there were no standards for site plan review. He felt the Town was very lucky to have qualified staff.

Mr. Padberg moved, seconded by Mr. Webb, to forward to Council with the recommendation to approve the ordinance change to 70-542 relating to the procedures for site plan review as presented by staff. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, no; Louise Waggy, yes; John Webb, yes; vacant seat.

5. Text Amendment to Section 70-22 (Temporary Uses) & Section 70-23 (Temporary Use General Standards)

a) Staff Presentation – Morgan Brim

Mr. Brim explained the PC was tasked by Council to look at the appropriateness of allowing temporary uses for food vendors in a roadside setting and at events. The PC was opposed to the roadside setting; however, felt food vendors were appropriate at events. The changes made to the language in Section 70-22 (1) (g, i, and k) are as follows. “(g) A bond, cash escrow or other suitable guarantee in the amount listed in the Town’s fee schedule shall be provided to insure that conditions of the permit will be met; (i) No more than four such permits shall be issued for the same lot during a calendar year; and (k) No sale of food that has been cooked or prepared onsite is permitted, excepted as stated in Sec. 70-22(3) of this Code.” The changes made to the language in Section 70-22 (2) (d) is as follows. “d. A bond, cash escrow or other suitable guarantee in the amount listed in the Town’s fee schedule shall be provided to insure that

conditions of the permit will be met.” Language in Section 70-22 (3) was added as follows. “(3) Vendors selling food products shall be permitted only in conjunction with a temporary activity listed in Sec. 70-22(2) of this Chapter, provided that: a. A business license is obtained and all applicable standards of chapter 18 of this code are met; c. Within seven days of the conclusion of the event, all gross receipts are provided to the town for tax verification purposes; and d. A bond, cash escrow or other suitable guarantee, as listed in the Town’s fee schedule, shall be provided to insure that conditions of the permit will be met. e. The bond, or other guarantee, required by subsection (3)d., of this section shall be forfeited to the town if the site is not adequately cleared of all trash, debris, signs and temporary structures, the activity remains on the site after the expiration of the permit, or violations of this section of the conditions of the permit are established (but nothing in this forfeiture provision shall limit the town’s ability to enforce this section in any manner provided by law).” In Section 70-23 (b) the list was expanded to include shopping plaza, multi-unit retail strip, office complex or parking lot shared by multiple businesses or uses.

b) Public Hearing

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

c) Discussion and Vote

Mr. Arshad asked if a nonprofit could set up and serve food during a function or an event like a blood drive.

Mr. Brim advised that would be allowed with a temporary use permit since it would be part of an event.

Mr. Arshad asked if this would also require the receipts.

Mr. Brim indicated it would. He noted that a business license would be required. Even though food vendors may be part of the event, they are operating on their own.

Chair Russell pointed out that under Section 70-22(k) it would not permit the sale of any food that has been prepared or cooked onsite except for what is stated in Section 70-22(3). He asked if that meant that bar-b-que, fresh popcorn, the roasting of peanuts, etc. would not be allowed.

Mr. Padberg noted there was no list of exceptions in 70-22(3).

Chair Russell pointed out that many of the non-profits like to have fundraisers that have the food prepared onsite.

Mr. Brim explained the ordinance would need to be reworded. He noted the intent of Section 70-22(k) is to prevent roadside vending but allow them as an event. He suggested the PC provide some language.

Chair Russell understood that if a non-profit hired a food vendor that it would be allowed based on it being an event.

Mr. Brim agreed. He noted there would need to be an event permit.

Mr. Webb asked if the vendor would have to have a business license.

Mr. Brim agreed.

Mr. Padberg noted his question was outside of the PC's purview; however, he wanted to know how the Town was going to verify gross receipts.

There was a discussion had about how to determine gross receipts. It was questioned if a non-profit would need to if the vendor was not charging and it was by donation.

Mr. Brim explained that would be the difference between having an event that is catered versus a fundraising event. He noted the specific requirements for gross receipts and taxing would be left up to the Treasurer.

Ms. Sanders noted the Town would be looking at register receipts, provided by the food vendor, for the days of operation.

Mr. Padberg was clear that tax collection is beyond the scope of the PC, but the PC is one of the groups that the businesses come in front of and ask why something was approved that is causing a hardship or heartburn. He had an issue with allowing a business to come in, set up a temporary business, and report his sales to the Town while a brick and mortar business is opening everyday and paying taxes to the Town and PWC. A suggestion was brought up that one of the jurisdictions nearby, who recognizes a problem with counting sales from a mobile vendor, has a program that charges a set fee.

Mr. Brim understood that PWC charges a \$500 permit fee for a year. He mentioned PWC's code is similar to the Town's in that food vendors are not allowed to operate at the side of the road but are allowed to operate at events. He explained that was part of the reason for taking the fee out of the code. This will allow Council to determine the fee.

Mr. Webb asked if 70-22(k) was going to be reworded.

Mr. Padberg pointed out the ordinance is not trying to prohibit the sale of any particular food but the setting of where the food can be sold.

Mr. Brim agreed that was the intent of the ordinance.

Ms. Sanders recommended rewording 70-22(k) to read, vendors selling food products that has been cooked or prepared on site is not permitted except as stated in Section 70-22(3) of the code and change Section 70-23(3) to read, vendors selling food products are permitted only in conjunction with a temporary activity as listed below.

Mr. Padberg was wondering if the line could just be omitted to keep from causing any confusion.

Ms. Sanders stated it could be omitted. The line is letting vendors know that they are permitted but only in certain circumstances.

Mr. Brim noted that roadside stands for the temporary retail sales of seasonal and holiday goods, excluding fireworks, are permitted and one could argue that the sale of seasonal food items falls under the code. With the proposed verbiage in the code, it limits the sale of food items except at an event.

Mr. Padberg thought that maybe it should read, no roadside sale of prepared food is permitted except as et cetera.

Mr. Brim suggested it read, no roadside sale of food is permitted except as stated in Section 70-22(3) of this code.

Ms. Waggy moved, seconded by Mr. Padberg, to forward to Council with the recommendation of approval ordinance change to 70-22(1) a – k relating to the sale of food by vendors as a temporary use as amended. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, no; Louise Waggy, yes; John Webb, yes; vacant seat.

Mr. Webb moved, seconded by Ms. Critchley, to forward to Council with the recommendation to approve the ordinance change to 70-23(b) relating to the general standards of a temporary use permit. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

6. Text Amendment to Section 70-679(a) related to meeting times for the Architectural Review Board.

a) Staff Presentation – Debi Sandlin

Ms. Sandlin explained code currently has the Architectural Review Board (ARB) meeting at a set time, 7:00 p.m. This is the only Board or Commission who has a set time in code. Staff is recommending removal of any reference to starting time to allow the ARB the ability to start

their meetings when they want to. It also removes any reference to a meeting place since the current code refers to a conference room that no longer exists.

Mr. Webb asked if the ARB has to be in the zoning ordinance by State law or whether all reference of the ARB can be removed.

Ms. Sanders confirmed that it does not.

A brief discussion about having all reference to the ARB removed from the zoning ordinance at a later time was held. Ms. Sanders indicated she would research the matter.

b) Public Hearing

The public hearing was opened to public comments.

There being no comments the public hearing was closed.

c) Discussion and Vote

Mr. Webb moved, seconded by Mr. Padberg, to forward to Council with the recommendation to approve ordinance change to 70-679(a) relating to the Architectural Review Board meeting times and location. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; William O’Kelly Russell, yes; Louise Waggy, yes; John Webb, yes; vacant seat.

II. Information/discussion items

Mr. Brim announced that the PC would be getting nameplates.

III. Member comments

Ms. Critchley noted she would be completing the Planning Commissioner course on August 23 and 24.

Mr. Arshad asked about training available to him.

Mr. Brim explained that the Virginia Association of Zoning Officials (VAZO) has a course for Planning Commissioners. He was going to look at the budget, get back to the PC with the number of Members that can be sent and when the course was being offered.

Chair Russell asked if letters of interest were still being accepted for the vacant seat on the PC.

Mr. Brim confirmed staff was accepting them for the PC and for two seats that are open on the Board of Zoning Appeals.

Chair Russell announced the Ginn Memorial Park is moving forward. He mentioned the next Ginn Park Committee meeting is tomorrow night. He noted if any citizens were interested in information to contact Mr. Brim.

IV. Next meeting: September 10, 2012

V. Adjourn Business Meeting - Planning Commission may reconvene the Work Session

Mr. Webb moved, seconded by Mr. Padberg, to adjourn the meeting. The motion carried by the following voice vote: Naeem Arshad, yes; Gina Critchley, yes; Christopher Padberg, yes; 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