



DUMFRIES, VIRGINIA
Virginia's Oldest Continuously Chartered Town
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17755 Main Street
Dumfries, Virginia 22026-2386
Tel: 703-221-3400 / Fax: 703-221-3544
www.dumfriesva.gov

**AT A REGULAR MEETING OF THE PLANNING COMMISSION, HELD ON NOVEMBER 18, 2013,
AT 7:30 P.M., IN COUNCIL CHAMBERS, 17755 MAIN STREET, DUMFRIES, VIRGINIA:**

I. Call to Order

Mr. Webb called the meeting to order.

II. Roll Call

Present: John Webb, Chair
Christopher Padberg, Vice-Chair
Naeem Arshad
Lou Praino
William O'Kelly Russell
Louise Waggy

Absent: Selonia Miles

Staff Present: Laura O'Dell, Town Planner/Zoning Administrator

III. Approval/Adoption of minutes (none)

IV. Discussion and consideration of the following:

A. Consideration of Canon Ridge Subdivision

Ms. O'Dell noted the application was previously discussed. The request is to subdivide a 2.2-acre lot into two lots. This is before the Planning Commission (PC) for review to consider sending to Town Council for approval.

Mr. Webb was not sure if there was anything the PC could recommend as far as a public hearing or is the subdivision just sent to Town Council with a recommendation for approval.

Mr. Praino moved, seconded by Ms. Waggy, to forward the request to Town Council for approval.

Mr. Russell mentioned that during the previous discussion it was established this subdivision was by right and the application could go forward without any conditions; however, it was discussed and suggested the developer consider doing a Phase 1 Archeological Study of the site considering the location in relationship to Dumfries Elementary where there have been findings.

The motion carried by the following voice vote: Mr. Arshad, yes; Ms. Miles, absent; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, yes; Mr. Webb, yes.

B. Consideration of Conditional Use Permit for Grass Roots Christian Fellowship

Ms. O'Dell noted an application for a conditional use permit was received from Grass Roots Christian Fellowship to allow for a church in the Elwye Building located on South Fraley Boulevard. The church is compatible with surrounding uses. There are neighboring churches to the site. There are approximately 60 attendees to the services. Church services will be held during non-business hours: Sunday mornings and the occasional Wednesday evening. This is before the PC for review to recommend to Town Council if the PC desires.

Mr. Webb asked if it was for a joint public hearing.

Ms. O'Dell confirmed that was correct.

Ms. Waggy moved, seconded by Mr. Praino, to move the conditional use permit to allow Grass Roots Christian Fellowship to operate at 17932 South Fraley Boulevard in Unit 104 of the Elwye Building.

Mr. Webb asked if the recommendation was to move the conditional use permit forward to Town Council for a joint public hearing.

Ms. Waggy agreed.

Mr. Arshad noted that current conditions, as submitted, meet the guidelines; however, in the future, the use of the building is fully occupied and the time changes of the Church, it might create problems for maximizing the number of people using that space.

Mr. Webb noted the PC needs to keep an eye on what goes into the building to make sure the parking is not overloaded on non-work hours.

Mr. Padberg was trying to figure out a way to address this concern in a motion. He mentioned that as long as the uses are business in nature then this seems like an ideal fit from a parking standpoint. He noted there was no reason to burden this applicant with that. He did not think that anyone was suggesting that, but the PC recognizes that seven churches in the building would create a parking problem assuming they were all meeting on the same day. He mentioned if another church were to go in, the church would have to apply for a conditional use permit and the PC would have to review the application and make a recommendation to Town Council, which would self-control the use.

The motion carried by the following voice vote: Mr. Arshad, yes; Ms. Miles, absent; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, yes; Mr. Webb, yes.

C. Consideration of Conditional Use Permit for Grace Church

Ms. O'Dell noted an application for a conditional use permit was received from Grace Church for the expansion of a nonconforming parking lot to allow for 200 additional parking spaces, which will all be located in a resource protection area (RPA). She noted the application was previously reviewed.

Mr. Webb noted there is a power line easement located next to the Church, which is where drainage will flow toward, that is not in the RPA. He did not know who owned the land. He mentioned a parking lot could be placed under the power lines on the easement if the property owner agreed. He noted it was just an idea and an option that would keep the parking lot away from the RPA.

Mr. Padberg moved, seconded by Ms. Waggy, to not recommend the application for approval based on its overall failure to meet the spirit of both the Town's zoning ordinance and the Chesapeake Bay guidelines in general.

Mr. Praino assumed there was a fee paid. He asked if the applicant wished to pursue another alternative whether the application could be deferred for a while.

Ms. O'Dell indicated if an application is received, denied, and the applicant continues to pursue the same application modified it would.

Mr. Praino asked if the application would die if a decision were made.

Ms. O'Dell did not think if it were the same application in the same context just modified, she did not think that that would be grounds to charge an additional fee.

Mr. Padberg wanted to express his thoughts before a policy is established on whether to or not as part of the application. In this case, the fee was related to a conditional use permit and the basis for the denial of the application is not the use in question but the technical means of how to get there. He used the example of an application being denied for a dance hall in an area that it would not fit being the end of the application. In this case, the PC is not suggesting that they do not want to see the Church expand the parking lot; just not expanded in the RPA, which is the basis for the hang up.

Mr. Arshad asked if the parking lot were to go under the power lines whether that could be established by just getting access to the area or does the applicant have to buy the land. He mentioned that some easements are given.

Ms. O'Dell noted the Williamstown Homeowners' Association and South Cove own the property.

Mr. Arshad was wondering if the property could be bought or given to the Church whether the application would then change to whatever the use is.

Mr. Webb explained the application would stay the same. The site plan would change. He was not sure whether it would change the actual conditional use permit or not.

Ms. O'Dell did not think so.

Ms. Waggy noted that since the power line has the right of way through the property both parties involved would have to be contacted.

The motion carried by the following voice vote: Mr. Arshad, yes; Ms. Miles, absent; Mr. Padberg, yes; Mr. Praino, yes; Mr. Russell, yes; Ms. Waggy, yes; Mr. Webb, yes.

V. Presentation Continued by The Berkeley Group

Mr. Webb advised all the questions and issues were taken care of during the work session so there will not be any further discussion on the Comprehensive Plan.

VI. Discussion and Adoption of 2014 Calendar

Ms. Waggy asked if there was a copy of the calendar.

Ms. O’Dell did not have a copy of a proposed calendar since she did not know what the PC wished to do. She was unsure if the PC wanted to move to adopt the current calendar for the previous year or if there any changes. The State requires the PC adopt a calendar each year. She was waiting to get feedback from any motion that was proposed.

Mr. Webb suggested sending a calendar of when the meetings are proposed. Unless a member of the PC wishes to change the schedule, he felt the meetings should be the same. The Monday following the Town Council’s first regular meeting. He requested a list of dates be sent to the PC electronically and a vote can be taken at the next meeting to adopt the calendar.

VII. Member Comments

Mr. Arshad asked about citizen comments.

Mr. Webb explained that is when there is a public hearing.

VIII. Next Meeting:

A. December 16, 2013 – Work session scheduled for 6:00 pm with the regular session starting at 7:00 pm. On December 10, there will be a joint public hearing with Town Council.

Ms. Waggy asked about being at the November 26 Town Council work session.

Ms. O’Dell clarified a presentation to Town Council from The Berkeley Group on the Comprehensive Plan is scheduled and recommended the Planning Commission attend.

IX. Adjournment of Business Meeting

Mr. Russell moved, seconded by Mr. Arshad, to adjourn the meeting.

Minutes submitted by

Approved by

Dawn Hobgood
Town Clerk

John Webb
Chair