

Town of Ashland



Town of Ashland Planning Commission Work Session Minutes April 11, 2012 – 6:30 p.m.

The Planning Commission of the Town of Ashland, Virginia held a work session on Wednesday, April 11, 2012, in the Town of Ashland Council Chambers located at 101 Thompson Street, Ashland, Virginia.

Present: Bob Brown, Chairman
Felix Stevens, III
Lou Ann Jewell
Bob Flanagan

Absent: Alan Abbott, Vice-Chair

Others Present: Nora Amos, Director,
Planning and Community Development
Bryant Phillips, Senior Planner
Andrea Erard, Town Attorney
Dr. Spagna, Council Liaison
Nancy Offersen, Administrative Assistant

CALL TO ORDER:

Mr. Brown opened the Planning Commission work session at 6:30 p.m.

The Planning Commission reviewed the items for the Planning Commission meeting scheduled for 7:00 p.m.

ADJOURNMENT:

There being no other items, the work session was adjourned at 6:57 p.m.

Town of Ashland



Town of Ashland
Planning Commission
Minutes
April 11, 2012 –7:00 p.m.

A regular meeting of the Planning Commission of the Town of Ashland, Virginia was held on Wednesday, April 11, 2012, at 7:00 p.m. in the Town of Ashland Council Chambers, located at 101 Thompson Street, Ashland, Virginia.

Present: Bob Brown, Chairman
Felix Stevens, III
Lou Ann Jewell
Bob Flanagan

Absent: Alan Abbott, Vice-Chair

Others Present: Nora Amos, Director,
Planning and Community Development
Bryant Phillips, Senior Planner
Andrea Erard, Town Attorney
Dr. Spagna, Council Liaison
Nancy Offersen, Administrative Assistant

CALL TO ORDER:

Mr. Brown called the regularly scheduled Planning Commission meeting to order at 7:00 p.m.

ROLL CALL:

Ms. Jewell	Here
Mr. Flanagan	Here
Mr. Abbott	Absent
Mr. Stevens	Here
Mr. Brown	Here

DETERMINATION OF QUORUM:

Mr. Brown stated that a quorum was present.

APPROVAL OF AGENDA:

Mr. Brown asked if there were any amendments to the agenda, there were none.

CITIZEN INPUT:

Mr. Brown opened the floor for public comment.

There being none, Mr. Brown closed that portion of the meeting.

PRESENTATION OF MINUTES:

- A. January 11, 2012, minutes**
- B. February 14, 2012, minutes**

A motion was made by Mr. Brown to approve the January 11, 2012, and February 14, 2012, minutes as presented.

ROLL CALL:

Mr. Stevens	Aye
Ms. Jewell	Aye
Mr. Flanagan	Aye
Mr. Brown	Aye

With all Ayes, the motion passed.

Public Hearings:

- A. BNH Enterprises, LLC – CUP12-0227** – a request to sell used vehicles.

Mr. Phillips reviewed the staff report as presented in the Planning Commission packets.

Mr. Phillips stated that staff has received a few concerns regarding the current parking along Taylor Street during business hours and whether or not the amount of parking would increase as a result of this Conditional Use Permit being approved.

Mr. Phillips stated the proposed use does not appear to meet the desired intent and character of this zoning district; however, there is an established automobile service center use on this property and to allow the use of the sale of three (3) to five (5) used automobiles as indicated by the Applicant should not distract from this existing use or have an adverse impact on the surrounding properties.

Mr. Phillips stated that staff does recommend a few conditions as a part of the Conditional Use Permit request as follows:

- No signage identifying the property as a used automobile dealership or advertising used automobiles for sale shall be installed on the property.
- No more than five (5) used automobiles for sale may be stored on the property at a time.
- The sale of used automobiles shall only be permitted on the property as a use accessory to the primary use on the property. The sale of used automobiles may not be the primary use of the property.
- The Applicant/property owner must comply with all federal, state, and local laws at all times.
- The Applicant shall participate as necessary in the recordation of this Conditional Use Permit in the Hanover County Circuit Court.

Mr. Phillips stated that in conclusion, staff is recommending approval of the Conditional Use Permit request with conditions.

Mr. Brown asked if the Applicant is allowed to have signage on the vehicles that state the price.

Ms. Amos stated it was her understanding that the Dealer Board requires certain documentation regarding the warranty and other information on the vehicles.

Mac McManus, Owner, BNH Enterprises, LLC.

Mr. McManus stated that he and his wife Lori own and operate the property. Their intentions are not to open up one of the Route 1 used car lot dealerships. There will not be "Sale" written in white shoe polish across the windshield and balloons or banners indicating that they are opening up a used car lot.

Mr. McManus stated that Ms. Amos is correct in stating that the Virginia Motor Vehicle Dealer Board requires a buyer's order which simply shows the year, make, model, and vehicle identification number of the vehicle as well any warranty of the vehicle. This information must be posted on the inside of a side rear window of the vehicle. The information would be on an 11"x14" sheet of paper and attached with a suction cup.

Mr. Brown asked how the Planning Commission can assure the public that the sale of used automobiles will be an accessory use.

Ms. Amos stated that there are various ways; one is with the list of all of the allowable by right uses on the property in the Zoning Ordinance; and as long as one of those uses is occurring and no more than 50 percent of the revenue is from used automobiles, then the other use would be considered the primary use.

Planning Commission Minutes

April 11, 2012

Mr. Brown stated that he wanted to confirm that the Conditional Use Permit runs with the property.

Mr. Brown opened the public hearing and asked if there was anyone that would like to come forward to speak for or against the Conditional Use Permit being presented.

Adrian Schoenes co-owner with Dr. Herbert Schoenes - of the property located at 306 England Street, to the left of the Applicant as one is facing it.

Ms. Schoenes spoke against the Conditional Use Permit request stating that it was her opinion that it was not in keeping with the image of what Ashland is looking to do.

Ms. Schoenes stated that she saw 16 vehicles on Taylor Street, but could not tell if they were the overflow from the service station or if they were parked for other reasons.

Mrs. Schoenes asked who would be monitoring the property to ensure that there are only three (3) to five (5) vehicles being kept on the lot for sale; and who will monitor the signage in the vehicles.

Mrs. Schoenes stated that currently they are considering litigation with the Applicant stating that the addition that was recently constructed on the property by the Applicant goes onto the property that she and her husband own, and that it was acknowledged by the contractor this afternoon.

Mrs. Schoenes stated that this afternoon there were barrels of oil and pieces of metal on their property as well as a truck parked behind the service station in an area that does not belong to the McManus's.

Mrs. Schoenes stated that it was their opinion that granting this Conditional Use Permit without the ability to monitor it is not in the interest of the Town or the adjacent property owners.

Mrs. Schoenes stated that the property owners that reside on College Avenue have chosen to not come to the meeting tonight for one reason or another, but it was her opinion that she has a feeling that they have called the Town and are not thrilled with the request.

Mrs. Schoenes asked if the property owners on College Avenue were notified.

Mr. Phillips stated that all of the adjoining property owners were notified.

Ms. Amos stated that no one on College Avenue, which is not an adjoining street, received a letter.

Mr. Brown asked if Mrs. Schoenes' question can be answered at this time.

Planning Commission Minutes

April 11, 2012

Ms. Erard stated that generally speaking, compliance with the Conditional Use Permit is handled on a complaint basis; therefore, if a complaint is received by the Town, then the Town would conduct an investigation.

Mr. McManus stated that with regards to the amount of vehicles that they service, they serviced 100 vehicles a week and the vehicles are turned over daily most of the time.

Mr. McManus stated that they rent parking across the street for their Mac Service Center overflow.

Mr. McManus stated that the people on the street directly behind his building were notified regarding this information because some of the residents own property in the general vicinity; he has met and spoken with several, including Dr. Haine and explained to him what their intentions were. At that time he was under the impression that everyone was fine with his plans for the future use of the property.

Mr. McManus stated that it would be hard pressed for anyone to do more for the Town of Ashland than has been done by Mac's Service Center; the landscaping, the building and in all honesty, the place looked like it should have been bulldozed when they purchased it.

Mr. McManus stated that they are capable of drawing customers from as far as Baltimore and Virginia Beach. His business is bringing in customers to spend their hard earned cash at restaurants and other facilities.

Mr. McManus stated that he and his wife are very proud to be in Ashland and no way represented anything other than keeping it in its pristine appearance.

Ms. Jewell asked Mr. McManus where exactly he rents space for his overflow vehicles when his lot is full.

Mr. McManus stated that he has an agreement with the property owner of the shopping center across the street (Ashland Town Center) to utilize 11 spaces for his employees to park their vehicles as well as their customers that pick up their vehicles after hours and then some of the vehicles that they service during the day.

Mr. Brown asked how long the vehicles are parked on Taylor Street.

Mr. McManus stated that those vehicles belong to the employees; they are parked there during business hours and occasionally they will have a night drop vehicle parked on Taylor Street.

Lori McManus stated that they could address the issue of vehicles being parked on Taylor Street simply by asking the employees to park across the street at the Ashland Town Center effective tomorrow. Yancey Jones, the owner of the shopping center has told them that they were permitted to park their vehicles in his parking lot.

Mr. Brown stated that Mr. McManus has done a wonderful job with improvements to his property and that the idea of five (5) vehicles with little signs does not seem to bother him; what does concern him is that someone else may own the service station after them and a Conditional Use Permit runs with the property.

Mr. Flanagan suggested the following adjustments to the Conditions:

- 1.) Instead of “no signage” notifying, it read “nothing visible outside of the building” and then at the end of that, “other than required by license.”
- 2.) Regarding the primary use, instead of “49.99% of the use” have a dollar figure.

Mr. McManus stated that the Virginia Motor Dealer Board mandates that a vehicle that is for sale would have to be on the specified property.

Mr. Flanagan asked the Applicant how the loaner situation is affected if he borrows a vehicle to drive to Virginia Beach or Maryland while his vehicle is being worked on.

Mr. McManus stated that they would be required to write a loaner agreement showing that the vehicle is on loan and under a legitimate use, which would be a maximum of three days use if the inspector showed up.

Ms. Jewell asked the Applicant if there were five (5) loaner vehicles would there be an additional five (5) vehicles for sale.

Mr. McManus stated that it was their plan to have the vehicles set aside, it would be an appointment issue, or when an unexpectedly part is not be available, then that customer would be able to use a vehicle as a loaner. That is not to say that he would run out to an auction and purchase another vehicle to place on the lot because when the loaner came back he would not have a place for it.

Ms. Jewell asked for clarification on the loaner vehicles and vehicles for sale.

Mr. McManus stated that they would not have more than five (5) vehicles for sale on their lot at one time.

Ms. Jewell asked for clarification whether the loaner vehicles could be those five (5) vehicles that are for sale.

Mr. McManus stated that the loaner vehicles would be included in those five (5) vehicles that are for sale.

Mr. McManus added that they may have a personal owned vehicle loaned out and then he would use one of the five (5) for sale vehicles and place a dealer tag on it and drive himself home.

Planning Commission Minutes
April 11, 2012

Mr. Flanagan asked what the consequences are should one of the conditions be broken.

Ms. Erard stated that there would be an investigation that would be initiated; then in order to revoke the Conditional Use Permit there would be an advertisement of a public hearing; the case would come to the Planning Commission and then to the Town Council and the Conditional Use Permit could be revoked at that time.

Mr. Flanagan asked if there were any conditions such as three (3) warnings or something such as this.

Ms. Amos stated that it could be set by the Planning Commission if they so desired.

Mr. Flanagan asked the Applicant if there was a way that the Applicant could partner with one of the Route 1 dealers to purchase vehicles.

Mr. McManus stated that the Motor Vehicle Dealer Board will not allow someone go to auction that is not a dealer; therefore, one is not allowed to tag along as a 'buddy'.

Ms. Jewell asked for clarification from Mrs. Schoenes; what negative impact has this business had on their property/business.

Mrs. Schoenes stated that they have had issues in the past with signs blocking the line of sight as customers exit the parking lot; but those signs have been removed.

Mrs. Schoenes stated that their general feeling is that they do not object to the used automobile business, they are just not in favor of it in that location because as they spoke of the enforcement before, when they make a complaint regarding a violation, there are several days that pass, then there is a hearing process. Ashland is a small town and there is not enough staff and time to be going through that process. Therefore, it comes to relying on the integrity of the people involved.

Mr. McManus stated that today is the first that he has met Mrs. Schoenes and it was his opinion that one could not ask for a better neighbor for an auto repair shop than Mac's Service Center. He has run dealerships and service departments and other auto repair shops and Mac's is recognized as one of the top in the Country and they have the data to back it up. Also, it was his opinion that Ashland has a lot to be proud of to have Mac's Service Center in the middle of it.

Dr. David Haine – tenant located at 306 England Street owned by Mr. and Mrs. Schoenes.

Dr. Haine stated that he wanted to note that Mac had done a wonderful job of making his property look good and that it is a true attribute to the Town of Ashland.

Dr. Haine stated that the question that he had was more of a procedural question for Mr. Brown and Ms. Erard.

Planning Commission Minutes
April 11, 2012

Dr. Haine stated that he was not notified about this public hearing and it brought for concern being a neighbor and would like to know why he was not notified.

Ms. Erard stated that she would be happy to talk with Dr. Haine later; and that this time is for questions regarding the case being presented.

Dr. Haine stated that he would re-phrase the question stating that this application did not come to him, and there was no notification and he would like to know why.

Ms. Amos asked Dr. Haine if he was the property owner.

Dr. Haine stated that he was not.

Ms. Amos stated that all property owners are required to get notifications, and that it was her belief that the property owners did receive notification; therefore, the due diligence for the Town was met.

Ms. Amos stated that if there are any further procedural questions then the Town Attorney and she would be happy to speak with Dr. Haine about those following the meeting.

Dr. Haine stated that in the presentation there were no pictures of his facility, no angle shot of what his patients have to see coming out of the parking lot.

Mr. Brown asked what Dr. Haines concern was.

Dr. Haine stated that it is a visibility issue. Mac does a great job. Dr. Haine stated that he does see Mac's employees go across the street to the parking lot to pull vehicles into the facility all throughout the day; therefore, he has some concern regarding the rental property around the service station possibly being used as a loaner/used vehicle sales lot.

Mr. Brown stated that the Applicant has not stated that this was his desire.

Dr. Haine stated that he did not see anything regarding this as a recommendation in the Conditions.

Ms. Amos stated that legally the Applicant is only allowed to have used automobiles stored on the property that he has a Conditional Use Permit for. Ms. Amos added that if he had automobiles stored on other properties then staff would have to take action as stated earlier.

Dr. Haine stated that we did speak earlier about enforcement.

Ms. Erard stated that if Dr. Haine has objections, if he could state the objections so that the Planning Commission could consider them.

Ms. Amos stated that generally there is not a dialog back and forth; the public hearing is an opportunity for the citizens to speak their concerns and then the public hearing is closed and then the Planning Commission has discussion.

Dr. Haine asked how was *“Use should not be detracted from existing use or have additional adverse impacts on surrounding properties”* determined.

Ms. Amos asked if that was Dr. Haines final question.

Dr. Haine stated that it was not.

Ms. Amos stated that Dr. Haine could continue with his questions then the public hearing would be closed and the Planning Commission would consider and discuss the comments that were made.

Dr. Haine stated that was all for now.

Ms. Amos stated that Dr. Haine would not have another opportunity to speak again.

Mr. McManus stated that it was his opinion that he could solve all of this quickly and easily. Mr. McManus stated that at the exit of his parking lot, Dr. Haine is concerned with what he is going to do with the spaces near Dr. Haines’ entrance.

Mr. McManus stated that they currently have an electric vehicle plugged into their water fountain. They are installing a charging station that will be located at the entrance near Dr. Haine’s parking lot entrance and that is set back to allow hybrid and electric vehicle parking only; there is little chance of having a vehicle large enough to block the line of sight from his parking lot, and this should eliminate Dr. Haines concerns.

Ms. Amos asked to view a photo of the site in question so that everyone could see the location of the new charging station. Ms. Amos asked Mr. McManus to please move the sign that is visible in the photo that reminds the public of their time to renew their state inspection that is positioned next to the new charging station location, because it is in the right of way.

There being no further comment, Mr. Brown closed the public hearing.

Ms. Jewell stated that she would like to consider adding under condition number 2 where it states *“no more than five (5) used automobiles will be for sale”*; perhaps change the wording to states *“no more than a total of five (5) used automobiles will be for sale or loaned out.”*

Mr. McManus stated that if he uses one of his personal vehicles then they would be counted as a part of his five (5) vehicles and asked if there was another way to word what the Planning Commission is trying to do.

Mr. Stevens stated that the issue is not whether or not you can sell used vehicles.

Ms. Jewell stated that she sees some of the loaner vehicles as potentially vehicles to be for sale.

Mr. McManus stated that they cannot be; the Motor Vehicle Board states that if the vehicle is there for sale then it must be on the lot as for sale.

Ms. Jewell asked for clarification and stated that if Mr. McManus had five (5) used vehicles on the lot for sale and someone needed a vehicle to drive home then he would not give then a vehicle that is for sale.

Mr. McManus stated that he would probably give the customer a personal vehicle to drive home.

Ms. Amos suggested that the Planning Commission consider a deferral on this Conditional Use Permit request to discuss and research the comments and questions that have been brought up and bring them back to the May 9, 2012, meeting.

A motion was made by Mr. Stevens to defer action on CUP12-0227 a request by BNH Enterprises, LLC, a request to sell used vehicles.

ROLL CALL:

Mr. Stevens	Aye
Ms. Jewell	Aye
Mr. Flanagan	Aye
Mr. Brown	Aye

With four ayes, the motion passed.

ACTION ITEMS:

A. Lance & Bridle Sidewalk Exception Request

Mr. Phillips reviewed the staff report as presented in the Planning Commission packet.

Mr. Phillips stated that the property was rezoned on November 19, 2011, to R-3; the preliminary subdivision plat was approved on February 21, 2012; and the site development plan is currently in the review process.

Mr. Phillips stated that staff is recommending a denial of the request for an exception to the sidewalk requirements.

Planning Commission Minutes

April 11, 2012

There was discussion of the minimum sidewalk requirements per the Town Code and the Applicants request.

Dan Caskie, President of The Bay Companies.

Mr. Caskie stated that they have proposed a sidewalk along Giddy Up Lane, and they have proposed a trail along Maple Street (also known as The Trolley Line Trail). During the Rezoning they agreed to take The Trolley Line Trail approximately 230 feet further to the south along with adding a crosswalk on Ashcake Road and then connecting to the trail on the opposite side of Ashcake Road from the Lance & Bridle Subdivision.

Mr. Caskie stated that Mr. Todd Rogers is the individual that did the Rezoning.

Mr. Caskie stated that Mr. Rogers indicated that during the zoning process, he had some discussion regarding providing a sidewalk on one side of Giddy Up Lane and making it wider to create a more user friendly sidewalk in lieu of having the sidewalk on the opposite side, and Mr. Caskie stated that this is what he is proposing now.

Mr. Caskie stated that the YMCA has a trail and that it has a crosswalk across Ashcake Road to Slash Drive; therefore, they do not feel that having a duplicate trail along Ashcake Road was warranted.

Mr. Caskie stated that it was his opinion in reading the Ordinance that the ultimate goal is to provide interconnectivity and walkable residential nodes to prevent the citizens from having to get into their automobiles; and to have easy access for walking to nearby locations. Mr. Caskie stated that is what they have done, with The Trolley Line Trail, Giddy Up Lane, and the trail to the YMCA.

Mr. Caskie stated that providing an additional sidewalk along Giddy Up Lane does not provide the people with additional walkable options.

Mr. Flanagan asked Mr. Caskie if this plan that is being discussed is the way it was presented to the Planning Commission and the Town Council the first time or if it has been revised.

Mr. Caskie stated that the first plan did not show the sidewalks at all.

Mr. Flanagan asked Mr. Caskie if it was stated that there were going to be sidewalks on both sides when it came to the Planning Commission and the Town Council the first time.

Ms. Jewell stated that yes the sidewalks were stated to be on both sides in the plan presented to the Planning Commission and the Town Council.

Mr. Flanagan asked Mr. Caskie, with regards to the sidewalks being stated on the approved plans if something has changed between November and now.

Mr. Caskie stated that he was not involved in the individual discussions, and that the discussion was done by Mr. Rogers.

Mr. Caskie stated that Mr. Rogers told him that he had approached some individuals regarding doing just a sidewalk on just one side, and if they had known that it was going to have to come back to the Planning Commission and the Town Council, then they would have made the change at that time. It was their thought that it would be an administrative approval.

Ms. Amos stated that the way that the Town's Code is set up, the process is spelled out clearly and that when a waiver request is received from the Applicant, it comes to the Planning Commission and then to the Town Council.

Ms. Amos stated when the Public Works Department was reviewing the site plan, one of their comments was to address the sidewalk and trail issues and that is when staff had a discussion with the Applicant.

Ms. Amos asked with regards to the Planning Commission members that were present during the presentation of Lance & Bridle Subdivision, wasn't there a conversation regarding having one side of the sidewalk as being wider.

Ms. Jewell confirmed, stating that she would just speak on the sidewalk on Giddy Up Lane and not the trail at this time; when Mr. Rogers spoke about the subdivision plat it was stated that a wider sidewalk would serve better on one side than the typical five (5) feet for better pedestrian use.

There was general discussion regarding the Trolley Line Trail; the trail along Ashcake Road, and the sidewalk amendment requests.

A motion was made by Ms. Jewell and seconded by Mr. Brown to recommend to the Town Council to grant the exception for the Lance and Bridle Subdivision to have one sidewalk on the east and south side of Giddy Up Lane with a minimum width of six (6) feet; and to deny the request for an exception for the Trail along Ashcake Road.

ROLL CALL:

Mr. Flanagan	Aye
Mr. Stevens	Nay
Ms. Jewell	Aye
Mr. Brown	Aye

With three Ayes and one Nay the motion passed.

REPORT OF COMMITTEES:

Town Council – George Spagna

Dr. Spagna stated that the recent Town Council Actions are listed in the Planning Commission packet.

Dr. Spagna provided an update on the Trolley Line Trail.

Ashland Main Street Association - Nora Amos

Ms. Amos provided an update on the Ashland Main Street Association.

Economic Development Authority – Nora Amos

Ms. Amos provided an update on the Economic Development Authority.

UNFINISHED BUSINESS:

A. Sign Ordinance Discussion

Ms. Amos stated that last month, the proposed Sign Ordinance was reviewed and generally speaking, the Sign Committee was recommending that the Planning Commission take the time to consider the Downtown District and the type of signs and lighting the Commission would like to see in that area.

There was discussion on what area the Planning Commission would like to call the “downtown area” and what they would like to see in the way of the types of signage; the sizes as well as the lighting in that downtown area.

It was the consensus of the Planning Commission that the downtown area would consist of everything that is currently designated in the Comprehensive Plan with the exception of the HE (Higher Education) District and extend the line into Robinson Street to the back of the theater as well as into Lee Street and Virginia Avenue.

Ms. Amos asked the Planning Commission if they would like to continue working to discuss signage and lighting or if they would like to set up a work session between this date and the May 9, 2012, Planning Commission meeting.

It was the consensus of the Planning Commission to have a work session to continue their discussion.

Mr. Brown stated that he would like to recommend to the Planning Commission that they re-read the Character Chapter, the Land Use Chapter, and the Guiding Principles Chapter.

Ms. Amos stated that a request will be sent out to the Planning Commission for available dates to decide on a date for a work session.

Planning Commission Minutes
April 11, 2012

NEW BUSINESS:

None.

UP COMING ITEMS:

BNH Enterprises, LLC.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:38 p.m.