

Town of Ashland



Town of Ashland Planning Commission Work Session Minutes May 9, 2012 – 6:30 p.m.

The Planning Commission of the Town of Ashland, Virginia held a work session on Wednesday, May 9, 2012, in the Town of Ashland Council Chambers located at 101 Thompson Street, Ashland, Virginia.

Present: Bob Brown, Chairman
Alan Abbott, Vice-Chair
Felix Stevens, III
Lou Ann Jewell
Bob Flanagan

Absent: None.

Others Present: 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 6:40 p.m.

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

ADJOURNMENT:

There being no other items, the work session was adjourned at 7:00 p.m.

Town of Ashland



Town of Ashland
Planning Commission
Minutes
May 9, 2012 –7:00 p.m.

A regular meeting of the Planning Commission of the Town of Ashland, Virginia was held on Wednesday, May 9, 2012, at 7:00 p.m. in the Town of Ashland Council Chambers, located at 101 Thompson Street, Ashland, Virginia.

Present: Bob Brown, Chairman
Alan Abbott, Vice-Chair
Felix Stevens, III
Lou Ann Jewell
Bob Flanagan

Absent: None.

Others Present: 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	Here
Mr. Stevens	Here
Mr. Brown	Here

DETERMINATION OF QUORUM:

Mr. Brown stated that a quorum was present.

APPROVAL OF AGENDA:

Mr. Brown stated that there was a request to change the agenda to have the ‘Upcoming Items’ and ‘Action Items’ to be presented after the ‘Approval of the Minutes.’

A motion was made by Mr. Abbott to approve the change of the agenda.

ROLL CALL:

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

With all Ayes, the motion passed.

CITIZEN INPUT:

Mr. Brown opened the floor for public comment.

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

PRESENTATION OF MINUTES:

None.

UPCOMING ITEMS

- A. **ORD2012-07** – An amendment to The Town Code, Sect. 21-173 to allow retail fuel sales in a Planned Shopping Center District.
- B. **CUP12-0507** – Giant Food Stores, LLC to allow retail fuel sales.

Mr. Andy Condlin of Williams Mullen, Richmond, Virginia.

Mr. Condlin stated he was representing Giant Food Stores for the Martin’s Store.

Mr. Condlin stated that the Ashland Martin’s store would be the fifth store in the Richmond, Virginia area where they would have the fuel facility associated with the store, located in front of the store, as a convenience to their customers.

Mr. Condlin stated that they are particularly excited about the Ashland store because of its location and the extra parking that is available.

Mr. Condlin stated that they have also requested an ordinance change to allow for a small convenience store with fuel sales as well as additional signage in the Planned Shopping Center (PSC) District along with their Conditional Use Permit request.

Mr. Phillips stated that the ordinance and the Conditional Use Permit request will be on the Planning Commission agenda for June 13, 2012, meeting as a public hearing.

Action Items:

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

Mr. Brown stated that the public hearing for this request has been closed, and then acknowledged that there were several persons in the audience.

Mr. Brown asked for a show of hands regarding how many persons in attendance were in favor of the Conditional Use Permit request and how many were opposed.

There were 15 persons in the audience that were in favor of the request; and 2 in the audience that were opposed.

Mr. Phillips reviewed the changes that were made to the conditions for CUP12-0227, BNH Enterprises, LLC, after the public hearing that was held at the April 11, 2012, Planning Commission meeting.

Mr. Phillips stated that at the April 11, 2012, Planning Commission public hearing some of the citizens' concerns were as follows:

- What impact would it have to allow used automobile sales on the England Street corridor?
- The amount of automobiles parked on North Taylor Street along with the shopping center across the street
- How the limit of Five (5) automobiles would be enforced.

Mr. Phillips stated that during the Planning Commission discussion the following items were discussed:

- The parking of used automobiles for sale on North Taylor Street
The Applicant indicated that by law, he is required to store any used automobiles that are for sale on the subject property; so there would be no used automobiles for sale on North Taylor Street.
- Enforcement of used automobile sales as an accessory use
 - The conditions were amended to state that no more than ten (10) percent of the annual revenue of the business could come from the sale of the used automobiles.
 - The conditions were also amended to state that the five (5) automobile maximum shall include both used automobiles and the automobiles that the Applicant uses for his loaner program.

Mr. Phillips stated that the amended conditions are as follows:

- 1.) There shall be no signage or advertising that is visible outside of the building that identifies the property as a used automobile dealership except for any notices that may be required by the *Federal Trade Commission's Federal Buyer Guide* and/or the *Virginia Motor Vehicle Dealer Board*; signs relating to the advertising of used automobiles for sale shall not be installed on the property.
- 2.) No more than a total of five (5) used automobiles for sale/or loan may be located or stored on the property at a time.
- 3.) 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. Accessory use shall be defined, for purposes of this Conditional Use Permit as annual revenue not in excess of ten (10) percent of the business' annual revenue.
- 4.) The applicant/property owner must comply with all federal, state, and local laws at all times.
- 5.) 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 understands that the sale of used automobiles on England Street may not be the most appropriate use of the property; however, this is an accessory use to an already established automobile service center.

Mr. Phillips stated that staff also believes that the conditions that are being recommended should help to alleviate many of the concerns expressed by some of the adjoining property owners; therefore, staff recommends approval of the Conditional Use Permit request with the recommended conditions.

Ms. Jewell asked if the Conditional Use Permit expires upon the sale of the property.

Mr. Phillips stated that the Conditional Use Permit runs with the property.

Mr. Phillips asked the Town Attorney if it would be legal to place a condition in the Conditional Use Permit to state that should the property be sold the Conditional Use Permit would expire.

Ms. Erard stated that language could be placed in the Conditional Use Permit to state that it would automatically expire on a particular date or upon a certain set of circumstances.

Mr. Mac McManus, owner/applicant of BNH Enterprises.

Mr. McManus stated that he was in favor of adding the wording to have the Conditional Use Permit expire upon the sale of Mac's Service Center or BNH Enterprises.

Ms. Erard suggested the following wording:

This Conditional Use Permit shall automatically expire upon the sale or the lease of the property to any other individual other than the Applicant and or the sale of Mac's Service Center/ BNH Enterprises to any other individual other than the Applicant.

Mr. Stevens stated he does not doubt the Applicant's intent; however, when the Planning Commission worked on the Comprehensive Plan, it was his feeling that this use does not fit into the Plan for the intent of what the Planning Commission had planned in making this a part of the corridor into the downtown area; and if we make this exception what is to stop the next exception from coming before the Planning Commission.

Mr. Flanagan asked with regards to the map for the corridor area, is this location included in that area?

Mr. Brown stated that it was not.

Mr. Stevens asked if the zoning allowed this use.

Ms. Erard stated that this use is only allowed with a Conditional Use Permit.

There was discussion of the statement that the sales be limited to 10 percent of the business' annual revenue from the primary business.

Ms. Erard stated that another way of putting the limitation of the use of the business would be to place a limit of the number of vehicles that could be sold per year.

Mr. McManus stated that it sounded like the Planning Commission was trying to figure out how much money the primary business made last year.

Mr. McManus stated that Mac's Service Center services approximately 100 automobiles per week and their income for last year was approximately one (1) million dollars.

It was the consensus of the Planning Commission that the limitation for the amount of automobiles to be sold should be based on 10 percent.

A motion was made by Ms. Jewell to recommend approval of Conditional Use Permit CUP12-0227 for BNH Enterprises, LLC, a request to sell used vehicles to the Town Council with the amended conditions as follows:

- 1.) There shall be no signage or advertising that is visible outside of the building that identifies that property as a used automobile dealership except for any notices that may be required by the *Federal Trade Commission's Federal Buyers Guide* and/or the *Virginia Motor Vehicle Dealer Board*; the advertising of used automobiles for sale shall not be installed on the property.
- 2.) No more than a total of 5 used automobiles for sale and /or loan may be located or stored on the property at a time.

- 3.) 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. Accessory use shall be defined, for purposes of this Conditional Use Permit, as annual revenue not in excess of 10 percent of the business' annual revenue.
- 4.) This Conditional Use Permit shall automatically expire upon the sale or the lease of the property to any other individual other than the Applicant and or the sale of Mac's Service Center/ BNH Enterprises to any other individual other than the Applicant.
- 5.) The applicant/property owner must comply with all federal, state and local laws at all times.
- 6.) The applicant shall participate as necessary in the recordation of this Conditional Use Permit in the Hanover County Circuit Court.

ROLL CALL:

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

With all Ayes, the motion passed.

Public Hearings:

A. ORD2012-04 – is an ordinance to amended The Code of the Town of Ashland, Chapter 21 “Zoning,” Article XX “Signs.”

Mr. Phillips reviewed the Ordinance amendment as presented in the Planning Commission packet.

Mr. Phillips stated that this ordinance amendment request was originally presented at the March 14, 2012, Planning Commission meeting.

Mr. Phillips stated that the proposed amendments were created with the assistance of the Sign Committee.

Mr. Phillips stated that at the March 14, 2012, meeting one of the main points of discussion was what types of signage would be appropriate for the B-1 (Central Business) District and the historic downtown area of the Town of Ashland.

Mr. Phillips stated that the Planning Commission held a work session on April 24, 2012, to discuss this further. At that meeting they focused on the B-1 (Central Business) District and the historic downtown area and the types of signs that would be appropriate for this area.

Mr. Phillips stated that there was discussion of creating an Overlay District, which would have additional sign regulations for the downtown area as well as creating a separate zoning area for the downtown historic area.

Mr. Phillips stated that it was the ultimate decision of the Planning Commission to amend the B-1 (Central Business) District regulations to achieve the goals and desired regulations for the downtown area and the England Street corridor.

Mr. Phillips stated that staff is recommending approval of the proposed amendments as presented in the Planning Commission packet.

Mr. Brown stated that it was his opinion that with regards to business/frontage there should be more language to make the statement clearer, such as the building that has their street frontage on the side of the building. Mr. Brown asked if one could place a sign on the street side of their building.

Mr. Phillips stated that they can have a sign on the street side of their building and the ordinance amendment states how much signage they are allowed to have according to the size of the entrance.

Dr. Spagna stated that the section that Mr. Brown is asking about is the section that is defining what the business frontage is, which states nothing about how much signage that building can have.

There was discussion regarding what is allowed relating to signage and the size of the entrance to the building or the entrance to the front of a business.

Mr. Abbott stated that he would like to state for clarification and for the record as a result of this discussion that in the B-1 District, projecting signs will be reduced from 24 feet to 16 feet.

Mr. Brown asked why the cross walkway sign was removed.

Mr. Phillips stated that staff felt that the definition of that type of sign could be achieved either through an attached sign or a projecting sign.

Mr. Brown stated that under the section for B-2, there is no statement for illumination; and under B-1 the statement regarding illumination is not under the chart.

Mr. Brown asked if the proposed ordinance states anything regarding the replacement of the plastic face cover of an existing internally illuminated sign.

Mr. Phillips stated that that language will not be put into the ordinance; however, in the recommendation to the Town Council, staff is stating that they would encourage the

Economic Development Authority to use this opportunity as an incentive through their grant programs to get businesses to replace internally illuminated signs.

A motion was made by Mr. Flanagan to recommend approval to the Town Council, ORD2012-04 – an ordinance to amend The Code of the Town of Ashland, Chapter 21 “Zoning,” Article XX “Signs,” as amended during this discussion.

ROLL CALL:

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

With all Ayes, 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 stated that with the recent Town Council election, there may be a different person assigned as the liaison to the Town Council for the Planning Commission meetings; and with that, Dr. Spagna told the Planning Commission that it was a pleasure to work with them.

Ashland Main Street Association – Bryant Phillips

Mr. Phillips provided an update on the Ashland Main Street Association.

Economic Development Authority – Bryant Phillips

Mr. Phillips provided an update on the Economic Development Authority.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

A. Review Guidelines

Mr. Phillips stated that staff has received 12 proposals from the Request for Proposal (RFP) to help review the Design Guidelines. Staff has reviewed the submitted proposals; and the list has been narrowed down to three (3) firms. Mr. Phillips stated that interviews will be scheduled next week, and once an applicant has been selected, staff will put together a stakeholder committee, which will most likely include two (2) Planning Commission members to help draft the Design Guidelines that will be presented to the Planning Commission and then on to the Town Council.

The Planning Commission recessed at 8:08 p.m.

The Planning Commission reconvened at 8:20 p.m.

WORK SESSION:

A. Comprehensive Plan – Review the “*Getting Started Chapter.*”

Ms. Jewell stated that it was the consensus of the Planning Commission to discuss revamping the Comprehensive Plan. Ms. Jewell stated that as they review each chapter, she would like to know what was required in the format because she would not like to edit something that should not be edited.

There was discussion regarding the areas that were required by law to be included within the Comprehensive Plan.

Ms. Jewell stated that when the public audience goes to review our Comprehensive Plan, they will be looking for specific things, and she did not want them to pick up the Comprehensive Plan and get lost in our flowery language instead of finding the information that they were seeking.

Mr. Abbott stated that when the Comprehensive Plan was being re-created there was discussion that this is consumed by many different types of people and when we put this together, it was his opinion that they kept that in mind for ease of searching for the items that they would be interested in.

Ms. Jewell stated that our process is four (4) years old and she would like to suggest that in the Executive Summary there be no more than two (2) pages to describe our process where it speaks on sticking to our values and fundamentals organizing the Guiding Principles because there is an entire chapter on that, and tie in what we are calling our great small town and what makes Ashland, Ashland. It was her opinion that this would provide a history of how we got the Plan and we are not combining it into a full chapter, sort of like a prolog in the beginning of a book, and then begin with the chapters.

Ms. Jewell stated that it was her opinion that for the Getting Started chapter she would be looking for the instructions.

Ms. Jewell stated that it was her opinion that if it was necessary to have a “Chapter One” then put in an introduction; then tell a little of the demographics about Ashland; and if someone looks at our Executive Summary then they will see the tone that we intended and that could be tied in throughout.

Ms. Erard suggested that the Planning Commission could create a separate pamphlet, brochure or document that would be more reader friendly and less detailed just for the average person that would provide them with enough information and if they wanted more details then they could reference the Comprehensive Plan.

Mr. Brown suggested putting such a document before the Table of Contents in the Comprehensive Plan.

Discussion ensued on where to place such a document, what to call it, and what language to remove from the Comprehensive Plan.

It was the consensus of the Planning Commissioners that they would send comments and suggestions to Ms. Jewell and then Ms. Jewell would sit down with staff to work on the Comprehensive Plan and then bring it back to the Planning Commission to review.

Mr. Phillips stated that he would send the Planning Commission “Table of Contents”, “Executive Summary” and “Getting Started” in Word format.

Ms. Jewell stated that she could make edits and send it to everyone.

Mr. Stevens stated that on a different topic, he appreciates Martin’s Food Stores coming to the Planning Commission, to let them know about the upcoming project, but now he is beginning to form opinions and they are beginning to percolate.

Ms. Erard stated that was her opinion that the Planning Commission not form an opinion until the project is ready to be before the Commission to be discussed.

There was discussion of receiving information pertaining to upcoming public hearings prior to the official notification being presented to the Planning Commission in their packets and the potential of forming a decision prior to the official public hearing.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 9:08 p.m.