

Town of Ashland



Town of Ashland
Planning Commission
Work Session
Minutes
May 8, 2013 – 6:30 p.m.

The Planning Commission of the Town of Ashland, Virginia, held a work session on Wednesday, May 8, 2013, in the Town of Ashland Council Chambers located at 101 Thompson Street, Ashland, Virginia.

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

Absent: Bob Brown.

Others Present: Nora Amos,
Director of Planning and Community Development
Andrea Erard, Town Attorney
Dr. Spagna, Council Liaison
Nancy Quesenberry, Administrative Assistant

CALL TO ORDER:

Mr. Abbott 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 6:54 p.m.

Town of Ashland



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Planning Commission
Minutes
May 8, 2013 –7:00 p.m.

A regular meeting of the Planning Commission of the Town of Ashland, Virginia, was held on Wednesday, May 8, 2013, at 7:00 p.m. in the Town of Ashland Council Chambers, located at 101 Thompson Street, Ashland, Virginia.

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

Absent: Bob Brown.

Others Present: Nora Amos,
Director of Planning and Community Development
Dr. Spagna, Council Liaison
Andrea Erard, Town Attorney
Nancy Quesenberry, Administrative Assistant

CALL TO ORDER:

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

ROLL CALL:

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

DETERMINATION OF QUORUM:

Mr. Abbott stated that Mr. Brown was not present but a quorum was present.

APPROVAL OF AGENDA:

Mr. Abbott asked if there were any amendments to be made to the agenda.

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A motion was made by Ms. Jewell to amend the agenda to add under “Action Items” that the Planning Commission would discuss and vote on a Revised Version of the Planning Commission By-Laws.

ROLL CALL:

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

With all Ayes, the motion passed to amend the Planning Commission agenda to add Revised Version of the Planning Commission By-Laws under Action Items for discussion and a vote.

CITIZEN INPUT:

Mr. Abbott opened the floor for public comment.

Mr. Ronnie Gibbs – Carrington Glen in Rockville, Virginia.

Mr. Gibbs stated that he has submitted an application for a Conditional Use Permit at 12058 Washington Highway to be allowed to sell new and used trucks and trailers and that it would come before the Planning Commission at the June 12, 2013, Planning Commission meeting.

There being no further citizen input, that portion of the meeting was closed.

PRESENTATION OF MINUTES:

A. Approval of February 13, 2013, Planning Work Session Minutes.

A motion was made by Ms. Jewell to approve the February 13, 2013, Planning Commission work session minutes as presented.

ROLL CALL:

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

With all Ayes, the motion passed.

PRESENTATION

None.

PUBLIC HEARINGS

Mr. Abbott stated that there were no public hearings scheduled for the meeting but noticed that there was a full house, therefore wanted to read the rules of conduct to allow everyone a chance to speak.

A. REZ13-0129 – Concrete Pipe & Precast – Nora Amos

Ms. Amos stated that this public hearing was a continued public hearing from the April 10, 2013, Planning Commission meeting.

Ms. Amos reviewed the staff report as presented in the Planning Commission packet.

Ms. Amos reminded that Planning Commission that the reason for the continuation from the April 10, 2013, public hearing was to allow the Applicant more time to work with a potential prospect; they are no longer working with that prospect and feel comfortable moving forward with the rezoning and proffers as submitted.

The Proffers are as follows:

- **Architecture.** No portion of any building that is visible from public rights-of-way shall be constructed of unadorned concrete block or corrugated and/or sheet metal. Permitted materials used may include brick, stone, glass, glass block, architectural precast, split face block or other architectural block, architectural and prefabricated metals, synthetic stucco, or other materials accepted by the Planning Department. The front façade with frontage on Route 1 that uses glass as its primary material shall not use architectural and prefabricated materials as a building material on such facades. Further, any façade with frontage on Route 1 that uses glass as its primary facades, and no loading bays may front on Route 1. For any building with frontage on Route 1 shall be screened with a wall, fence, dense plantings or berming that limits the visibility of the building to Route 1. This proffer shall be included as part of any covenants and restrictions pertaining to architectural control that may apply to the Property now or in the future.
- **Buffers and Landscaping.** There shall be a 50 foot landscaped buffer along Route 1. Such area shall be landscaped with existing trees (as practical), deciduous street trees, and other planting materials, as determined at the time of site plan review. The minimum front yard setback for buildings along Route 1 shall be 75 feet. Parking may be located in the front, side, or rear yard but may not encroach into the 50 foot landscaped buffer.
 - No products or materials shall be displayed in the landscape buffer.
- **Transportation Improvements.** Prior to the approval of site plan for any development on the site, a traffic impact study must be completed and submitted by the applicant for review and approval by the Town Engineer. The applicant shall be responsible for any improvements recommended by the traffic impact study, unless waived by the Director of Public Works.
- **Signage.** Any freestanding signage shall be a monument style sign, and in accordance with Article XX of the Town Code.

- **Noise.** No speakers or outside public address system shall be permitted within 500 feet of any residential property.

Ms. Amos stated that staff is recommending approve of this request.

Mr. John Blankenship – Concrete Pipe & Precast, 1115 Johnson Road, Ashland, Virginia (his office is located in the rear of this parcel).

Mr. Blankenship stated that this parcel has been vacant for over 25 years. Mr. Blankenship stated that it was his belief that changing the zoning to M-1 (Limited Industrial) District would make it more marketable.

Mr. Abbott asked if there was anyone that would like to speak for or against the case being presented.

There being none, the case was brought back to the Planning Commission for discussion.

Ms. Jewell expressed a desire for the Applicant to consider saving as many of the trees as possible when a prospect develops that site.

Mr. Abbott asked if the material requirements stated in the proffers pertains to the existing building on the lot.

Mr. Blankenship stated that in their cover letter these proffers would govern any future new development.

Ms. Erard stated that Mr. Blankenship may want to clarify the proffers themselves, wording such as *“any portion of any new building that is visible.”*

Mr. Abbott asked for clarification of the buffer and landscape portion of the proffers, stating that the submitted statement indicates that the buffering and landscaping will take place now.

Ms. Amos suggested that the Applicant add a notation at the beginning of the proffer statement that states that *“These Proffers shall take effect at the time of new development and site plan approval process.”*

Ms. Erard asked the Planning Commission if she might be allowed to speak with the Applicant and have the Planning Commission come back to this item.

The Chairman of the Planning Commission agreed, the Planning Commission delayed further action on REZ13-0129 to allow the Town Attorney to talk with the Applicant and moved on to the next public hearing.

B. REZ13-0107 – Sumpter T. Priddy, Jr. Rezoning – Bryant Phillips

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A motion was made by Ms. Jewell to make a motion to acknowledge Mr. Priddy's request to withdraw the original request for the application of REZ13- 0107 to rezone 3.578 acres and to accept Mr. Priddy's re-submittal to rezone under the same case number of REZ13-0107;
1.37 acres

ROLL CALL:

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

With all Ayes, the motion passed to withdraw the original request for rezoning in case number REZ13-0107 for 3.578 acres and continue with the re-submittal of the rezoning case REZ13-0107 – Sumpter T. Priddy, Jr. to rezone 1.37 acres.

With that motion, the previous public hearing was closed and the public hearing for the re-submittal for Sumpter T. Priddy, Jr. public hearing to rezone 1.37 acres was opened.

Ms. Amos reviewed the amended rezoning case as presented in the Planning Commission packet.

Ms. Amos stated that the Applicant has submitted proffers that have not changed from the April Planning Commission meeting which proffer the uses allowed in the B-4 (Neighborhood Commercial) District; however, they should address some of the concerns raised about potential use and future development of property. It is staff's opinion that the Zoning Ordinance and Site Plan regulations will regulate the parking, lighting, signage, and traffic concerns.

Ms. Amos stated that staff is working with the owner of an adjacent property to determine how to move forward with obtaining her portion of the vacated right-of-way.

Ms. Amos stated that staff is recommending approval of this request.

Mr. Abbott asked Mr. Priddy if he would like to speak on behalf of his application.

Mr. Priddy stated that he would not like to speak at this time.

Mr. Abbott called out the names of the individuals that signed up to speak on this application with the first being Tayloe Moore.

Ms. Tayloe Moore – 500 Thompson Street.

Ms. Moore stated that she was representing the 150 individuals that signed the petition which was turned into Ms. Quesenberry for the record.

Ms. Moore stated that the plan may have been changed but that this agenda was not published on line in advance; therefore, she would need time to review it in order to make a statement.

Mr. James Peterson – 103 Chapman Street.

Mr. Peterson stated that in light of the recent changes he also would need time to review the amendments prior to commenting on the changes.

Mr. Abbott asked if there was anyone else that would like to speak for or against this case that is being discussed this evening.

Ms. Lauren Thompson – 110 Howard Street.

Ms. Thompson stated that she has lived in the Town for approximately 33 years. Ms. Thompson stated that she had some concerns regarding this application but would also like some time to review the amendments to the application.

Ms. Thompson stated that what she wanted to say tonight was the concept of the highest and best use which is a planning concept, and asked if the site was suitable for the uses allowed by the current R-2 (Residential Limited) Zoning. It is an antique gas station therefore it was her opinion that it was not.

Ms. Thompson stated that her second question was whether the site will be suitable for all of the uses that would be allowed in the B-1 (Central Business) District un-restricted Zoning. This is primarily a residential area and when she drives past the dry cleaners in that area she always thinks about how it looks out of place in that location.

Ms. Thompson stated that until tonight when she saw that some of the uses were restricted, she could not help but think how much more jarring it would be to come around that corner and see a bowling alley or strip shopping center or service station in that location.

Ms. Thompson stated that the main concern is that primarily that area is currently zoned R-2 (Residential Limited) District, and it was her opinion that there was a reason for that zoning. Has there been sufficient changes in conditions since this existing zoning became effective to warrant a change in the zoning request such as population change, or change in economics, and will the road be widened?

Ms. Thompson went on to itemize the different residential type structures located in the surrounding area; and then stated that it was her opinion that the reasonable use of the property to address public safety issues and the neighboring property values and how it would affect them.

Ms. Thompson stated that if there was an unrestricted business across from one's residence then she would have a difficult time selling that residence as a realtor; also many of the structures along Thompson Street and in that general area would be eligible for an expanded historic district, this is a sensitive area and one that needs to be protected.

Ms. Thompson stated that this area is the gateway into the Town of Ashland.

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There being no further public comment, Mr. Abbott closed the public hearing and brought it back to the Planning Commission.

Mr. Stevens stated that it appears that the public has not had time to review the changes and it was his opinion that this should be considered tonight as they move forward.

Ms. Jewell stated that this change was presented to the Planning Commission approximately a week ago and that the amount of property to be rezoned has been reduced to approximately half.

Ms. Jewell stated that she listened to what Ms. Thompson had to say and agreed with a lot of it; it is a sensitive area as well as a gateway and a residential area, and that Mr. Priddy also brought that up at a previous meeting. However, she also had to look at the fact that there was a building that has been empty, and if she were looking to purchase a house that was located across from that structure, she would be concerned about that building as well e.

Ms. Jewell stated that with the reduction in the amount of property to be rezoned, she did not have an issue with the store being renovated, she also looks for potential additional buildings to be built on that property, and it was her opinion the if it were done correctly, it could be an asset to the area.

Ms. Jewell stated that it was her opinion that it was an asset years ago in a historical way, like a residential market.

Ms. Jewell stated that she would be willing to make a motion, but she is also aware that the people of that neighborhood have been caught off guard.

Mr. Flanagan stated that since the amount of land has been reduced his decision has been torn, when it was a larger piece of property, his concern was of the potential for mass development; with the reduction it is closer to what is in the Comprehensive Plan. He does have concerns regarding the types of businesses that could be placed in that location and with the traffic which would be dictated by the type of businesses allowed.

Mr. Stevens stated that he was not living in the Town when this business was active and that it seemed to work in this neighborhood when it was a working business, and was wondering what changes had taken place since its disposal to warrant it to be such a thorn.

Mr. Priddy gave a history of the building stating that it has been approximately 25 years since Mr. Spears passed away and that the Town did not use its rights to make the owner take care of the property and clean up the land.

There were 20 to 25 cats living there and several that were found dead in the upper part of the building and that the building and land was just dilapidated and not taken care of.

Mr. Stevens asked for clarification stating that as for historical preservation goes, some of those homes were built when this structure was in operation, and more had been developed after it was closed; however, what has changed between then and now to prevent this from being used again.

Mr. Abbott asked for clarification asking if the B-1 Zoning was being requested because of the location of the building.

Ms. Amos concurred that it was because of the setbacks for the existing structure.

Mr. Abbott asked again for clarification regarding what has been proffered.

Ms. Amos stated that most of the allowable uses have been proffered away and replaced by allowable uses in the B-4 District, of which some of those uses overlap.

A motion was made by Mr. Stevens recommended a deferral of REZ13-0107 to allow the residents time to consider the changes to the Application.

ROLL CALL:

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

With two (2) Ayes and two (2) Nays; the motion failed.

A motion was made by Ms. Jewell to recommend approval of the rezoning case REZ13-0107 to the Town Council as amended and presented.

ROLL CALL:

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

With two (2) Ayes and two (2) Nays; the motion failed.

Mr. Priddy stated that it was the furthest from his idea to create heartburn for anyone in the Town, in fact he was told that the people would be so happy to see that this eye sore to the Town for 25 to 30 years renovated and become a tax paying property.

Mr. Priddy noted that this property has been declared a historical marker.

Mr. Abbott asked for a motion to defer the public hearing until the June Planning Commission meeting.

Ms. Erard stated that if the Planning Commission does not have a motion, then it would automatically go to next month's meeting.

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A motion was made by Ms. Jewell to recommend deferral of the rezoning case REZ13-0107 to the regularly scheduled June Planning Commission meeting.

ROLL CALL:

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

With all Ayes, the motion passed.

The Chairman of the Planning Commission brought back REZ13-0129 - Concrete Pipe & Precast which was delayed to allow the Applicant time to amend his proffers.

Mr. Abbott read the amended proffer for the Applicant as follows:

Under Architecture the first sentence states: *“These proffers take effect at the time of new development and site plan approval process. No portion of any new building that is visible from public rights-of-way shall be constructed of an adorned concrete block or corrugated and/or sheet metal.”*

Mr. Abbott brought the case back to the Planning Commission.

A motion was made by Ms. Jewell to recommend approval of REZ13-0129 to the Town Council with the amended proffers as submitted.

ROLL CALL:

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

With all Ayes, the motion passed.

- C. ORD2013-05 – An ordinance to amend the Code of the Town of Ashland, Chapter 21 “Zoning,” Article X “Central Business District B-1,” Sec. 21-92. “Uses Regulations,” to add paragraph (50) *‘to permit dormitories as a permitted use with a Conditional Use Permit’*.

Ms. Amos reviewed the Ordinance amendment as presented in the Planning Commission packet.

Ms. Amos stated that this property is listed in the Comprehensive Plan as a mixed use in the Historic Downtown Core area.

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Ms. Amos read a section of the Comprehensive Plan regarding the growth and expansion of the Randolph-Macon College and Historic Downtown area and showed a diagram of the Randolph-Macon College Campus depicting their boundaries and the proposed future development being within their clearly marked boundaries.

Ms. Amos stated that due to the fact that staff is currently reviewing the zoning ordinance, and that it is unclear what the differentiation of uses would be of the existing B-1 District, and with the possibility of additional downtown zoning districts, perhaps dormitories could be reviewed in other locations of the downtown area in the future.

Ms. Amos stated that staff is recommending denial of the ordinance amendment request at this time.

Mr. Ray Martin – 115 Henry Clay Road.

Mr. Martin stated that he understands Ms. Amos's position, and hopes that the Planning Commission will consider an alternative position.

Mr. Martin stated that he is proposing that Randolph-Macon College develop an honors housing facility located in the Henry Clay Inn.

Mr. Martin provided a brief history of how the Henry Clay Inn became a vision in 1990 to bring back the Henry Clay Inn which burned down in 1946, with the thought that it would improve downtown Ashland.

Mr. Martin stated that Randolph-Macon College owned the original Henry Clay Inn and used it as a dining hall and student housing area until 1946 when it was burned to the ground.

Mr. Martin stated that the Inn was briefly profitable in the mid 90's, however the restaurant was never profitable.

Mr. Martin stated that he was told that the Inn could not be sold as an operating Inn since it has not shown a profit for quite some time.

Mr. Martin stated that last fall the College became interested in the Henry Clay Inn, with the Trustees agreeing to purchase the Inn in February 2013 subject to the Town's approval.

Mr. Martin stated that they had spent a considerable amount of money over the last year to try to improve the quality of the Inn; the transaction with the College is proposed to take place in late 2013 with the College using the Inn for Honors Housing beginning in the fall of 2014.

Mr. Martin stated that if this does not work then they do not see any opportunity to sell the building in the short term.

Mr. Martin offered a brief description of conversations that took place since the announcement of the desire to sell the property to the College.

Mr. Martin asked that the proposed Ordinance Amendment be allowed so that the College could purchase the building; or that the Planning Commission offer suggestions to them on how they could move forward in some fashion with that recommendation.

Mr. Abbott asked Mr. Paul Davis of Randolph- Macon College to offer his input on this Ordinance Amendment request.

Mr. Paul Davies, Vice-President of Administration and Finance at Randolph-Macon College.

Mr. Davies stated the College was recently able to borrow \$20 million dollars with the help of the Town and the Economic Development Authority to build the Andrews Dorm and that they were getting ready to break ground on the Birdsong Senior Dorm next month. Mr. Davies stated that this was a leap of faith for the College because they do not have the students to fill a new dorm that will be open in the fall of 2014.

Mr. Davies stated that when the Henry Clay Inn became available to them they realized that they do not need additional residential space at this time; and told the Martins that the College could not afford to purchase the Inn at this time. The College is however excited about the ability of creating an Honors Program. Mr. Davies stated that the College hopes to have enough students to fill all of the dorms by 2016.

Mr. Davies stated that they would like to purchase the Henry Clay Inn at some point and utilize it and they would maintain the Inn in its current format and ask that the Planning Commission recommend approval of the Ordinance Amendment request.

Mr. Abbott asked if there was anyone that would like to speak for or against the Ordinance Amendment request; there being none, the public hearing was closed.

Mr. Stevens stated that with his wife working for the College he did not feel comfortable voting on this item.

Ms. Jewell stated that with all of the hard work that the Planning Commission has put into working on the downtown area, it was her opinion that she was not comfortable with changing the Comprehensive Plan and the Ordinance to allow this use.

Ms. Jewell asked Mr. Davies how many College students come to the downtown.

Mr. Davies stated that he did not know the numbers but certainly not enough.

Mr. Flanagan stated that he liked the concept of the intertwining of the College, but not having the building as College owned and still being used for the Honors Program.

A motion was made by Mr. Flanagan to defer the public hearing until the June 12, 2013, Planning Commission meeting to allow for discussion of the Downtown Zoning at the May 15, 2013, work session at 6:30 p.m.

ROLL CALL:

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

With all Ayes, the motion passed.

ACTION ITEMS:

A. Bylaws – Nora Amos

Ms. Amos discussed Article 3-4 of the bylaws to change language to state that “*Any member of the Planning Commission shall be eligible serve two (2) full consecutive four (4) year terms.*” This change was recommended so that the Bylaws would match the Town Code.

A motion was made by Ms. Jewell to approve the Revised Bylaws as presented.

ROLL CALL:

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

With all Ayes, the motion passed.

REPORT OF COMMITTEES:

Town Council – George Spagna

Dr. Spagna stated that there are no Town Council Actions listed in the Planning Commission packet; however, the major activity of the Town Council has been the preparation of the budget. That includes a proposed increase of the cigarette tax as well as the meals tax which would provide enough revenue to allow the first pay raise for the Town staff in five (5) years.

Dr. Spagna stated that the Town Council is also taking under consideration the proper usage of the Old Fire Station Building.

Mr. Flanagan asked Dr. Spagna to make a statement regarding the Town Pool.

Dr. Spagna stated that the Town will do repairs and upgrades to the Pool to bring it into compliance and that it will be open on time for the summer season as it has in the past.

Dr. Spagna stated that discussions are taking place regarding whether the Town should replace the pool or renovate the pool when the time comes to take that action.

Ashland Main Street Association – Nora Amos

Ms. Amos proved a brief update on the Ashland Main Street Association.

Economic Development Authority –Nora Amos

Ms. Amos provided a brief update on the Economic Development Authority.

UNFINISHED BUSINESS:

- A. None.

NEW BUSINESS:

- A. None.

UPCOMING ITEMS:

- A. Ordinance amendment for Residential and Commercial Zoning
- B. CUP13-0426 Ronald Gibbs - VA Truck and Trailer Sales Inc.
- C. CUP13-0429 – Bank Own Property/John Donovan
- D. May 15, 2013, Planning Commission Work Session, 6:30 p.m.
- E. June 12, 2013, Planning Commission Work Session, 6:30 p.m.
- F. June 12, 2013, Planning Commission Regularly Scheduled Meeting, 7:00 p.m.

OTHER NEWS:

- A. A Work Session for the downtown business and property owners to discuss the streetscape plan; a meeting date and time will be announced at a later time.
- B. Gareth Prior, a Planner for the City of Hampton has accepted the position of Planner for the Town and will begin May 20, 2013.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:45 p.m.