

MINUTES – 10-15-12

TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING

MINUTES

October 15, 2012

Members Present: Chairman Martin Hauser, Vice-Chairman Matt Rowe, Johnson Coleman, Gene Self, Chad Webb

Members Absent: Jean Davis, Armando Flores

Others Present: Robert and Danielle Bouy, Julian and Joyce Carter, Tim Cox, and Stephen Manster

Chairman Hauser called the meeting to order at 7:00 PM and determined that a quorum was present.

The Chairman called the first item of new business:

ZP 2012-014 – Robert and Danielle Bouy – Special Use Permits to operate a Bed and Breakfast and a Family Care Home at 211 South Main Street - Mr. Manster began by summarizing the application. He noted, in part, that the main structure would be used to provide assisted living facilities for no more than three additional residents and the small guest house to the rear of the main structure would be used as a one bedroom Bed and Breakfast unit. Mr. and Mrs. Bouy then came forward to respond to any questions that the Commission members had. Mr. and Ms. Bouy noted that fire alarms had been installed along with a chair lift in order for residents to move from the first floor to the second and back with ease.

Mr. Rowe noted that he had toured the property. He noted that each bedroom has its own bathroom. He also noted that the existence of a Bed and Breakfast on the property will allow for a family visiting one of the residents to stay close by. He noted that every floor had a fire extinguisher and the same in the kitchen.

Mr. Hauser was concerned about the level of mobility of the clients of the Family Care Home. The Bouy's noted that the clients would be ambulatory and the assistance they would need would be on the non-medical side. They would be able to go up and down steps on their own. Assistance would be provided with daily living activities. Medical intervention would not be required. Assistance for medical needs will be provided by Dr. DePina in Bowling Green. The proposed project would function in a non-medical setting. In response to a question from Mr. Hauser, the Bouy's noted that all clients will be accompanied when they go out of the facility. It was noted that the cottage to the rear of the main house had one bedroom and one bathroom.

Mr. Self then raised questions about the feasibility and practicality of having a Bed and Breakfast and a Family Care Home on the same property and near one another. He asked if clients became sick, what affect that would have on the B&B and its operation. He questioned whether the two

uses, along with the primary residence of a five person family were compatible. Taking in elderly people and not providing convalescent care does not seem realistic. Ms. Bouy noted that if clients required medical care, then they would be taken to the hospital. At the family care home, they would assist with things like proper taking of medication. Mr. Self asked what happens when the Bouys are not at home or have to go out. Ms. Bouy noted that she would be out of the house for about 30 hours per week and that there would be qualified people who would come in to take her place. Ms. Bouy noted that she had done this type of thing before in King George County. Mr. Self wanted to know how the three clients would be evacuated from the building if there was an emergency. Ms. Bouy stated that the clients would not be bed-ridden but would be able to leave the premises on their own.

Mr. Rowe restated the idea that clients would be able to get out on their own and that clients would only be located on the second floor and not the third. If they were bed-ridden, they would be in the hospital. He noted that these were good activities to have in Town.

Mr. Hauser noted that there would be special chairs to assist in evacuation if necessary. Ms. Bouy stated that she had special masks that could be used if there were ever a smoke situation. There are also smoke detectors and alarms in all rooms. Mr. Hauser stated that there would be no State inspection of certification of the building if the number of clients did not exceed three. Ms. Bouy noted that only if they worked with the Rappahannock Area Community services Board would there be inspections or certification of the building for a facility this small. She said that she did not intend to serve RACSB clients.

Mr. Coleman asked whether the B&B portion of the project would be used for elderly clients. Ms. Bouy responded that it would not be used as part of the Family Care Home. She said that the B&B would not necessarily be advertised but would be used for relatives of clients in the Family Care home. The sign in front of the property would only note the existence of the Family Care Home.

Mr. Webb questioned the amount and location of the parking facilities on the property. Mr. Rowe asked whether there would be some type of arrangement between the Family Care Home and the local Nursing Home in Bowling Green. Ms. Bouy responded that there would be some type of arrangement for her clients if they needed nursing home care. She stated again that the proposed facility would be in line with assisted living when people need help with daily living activities. They would provide personal care for clients. Some may have mild dementia.

Commission members agreed that there should be a security system throughout the building and that there should be an alarm on every bedroom door to tell when people were leaving their bedrooms. Ms. Bouy stated that if people were "at risk" then they would not be suitable clients for the proposed facility. She said that there would be call bells and monitors for all clients. The Commission members agreed that this should be a requirement for operation of such a facility. Mr. Rowe noted that through his inspection of the property he determined that security in the facility would be sufficient.

In response to questions about staffing of the facility from Mr. Self, Ms. Bouy responded that on Tuesday, Thursday and Friday, there would be hired staff on the premises 10 to 12 hours per day.

On Monday, Wednesday, Saturday and Sunday, Ms. Bouy herself would be providing care on the premises and she is a qualified nurse and care giver. There will also be additional people available on-call. There would be no additional help at night. If they have to go out, they will take clients out with them. Ms. Bouy noted that she and her husband will also sleep on the second floor with the clients so care could be given if necessary. The children would sleep on the third floor. There was discussion as to the number of clients and bedrooms that would be used for the project. Ms. Bouy noted that the optimum number of clients was two with each having their own bedroom. If there would be three clients, then two clients would be sharing the same bedroom and might be husband and wife or parent and child. But the stated optimum number would be two clients at any one time.

Mr. Hauser asked when the operation of the facility would start. It was noted that the Family Care Facility will open in January, but the B&B would not open until the late spring. Mr. Manster noted that the Special Use Permit for the Family Care Home could be made effective on January first. This is possible because of the nature of the permit itself. Conditions could also be placed on the permit.

Discussion then centered on the number of parking spaces that should be required for the proposed uses. It was agreed that there should be parking spaces for each client, for the B&B, for employees in addition to parking for the owner and family. Mr. Manster noted that the parking would have to be off-street and not part of the driveway in front of the main building. There would also have to be parking spaces for visitors for each guest. Ms. Bouy indicated that clients of the Family Care portion of the project would probably not have cars. Commission members thought that this might be a condition that would be placed on the permit. Commission members agreed that there should be eight parking spaces that would be required for the proposed project.

Mr. Self then restated that his primary concern was safety of the clients. Since there would be no sprinkler system in the building, he had a great amount of concern relating to the possibility of a fire in the fairly old structure. This was of great concern to him. He felt it would be better if people could sleep on the first floor. This might alleviate some concerns that he had if evacuation of the building ever became necessary. Mr. Rowe noted that it seemed that taking care of sick people was totally outside of the business model being put forward by the applicants. He said that this was not drastically different from a family taking care of their parents in their home. Commission members agreed that if such a facility were approved that there should be a condition placed on the permit that there would be no more than two bedrooms used for clients and that there would be no more than three clients at any time in the two bedrooms.

There being no further discussion on the matter, On MOTION by Mr. Rowe, seconded by Mr. Self, the Planning Commission, by unanimous vote, authorized the Zoning Administrator to advertise for a public hearing on the requested Special use Permits at 211 South Main Street at the Commission's November 19th regular meeting.

RZS – 2012-001 –Joyce Carter – Application for Conditional Rezoning from R-1, Residence to B-1, Business, and a Special Use Permit to have a single family dwelling in a building behind the main structure at 218 North Main Street – Mr. Manster began the discussion by reviewing the

nature of conditional zoning and reading a list of “proffers” that had been submitted by Ms. Carter in her application. He stated that the request was to rezone the property on a conditional basis for the use of a portion of the main structure as a Flower and Gift Shop and a Special Use Permit to use the structure in back of the main building as a single family dwelling. The dwelling was a one bedroom and one bathroom unit. Ms. Carter noted that this was a good place for a business such as hers. The property is surrounded by other businesses and the neighbors had been approached about the proposed uses. She stated that there would not be a lot of traffic generated since most of her business was by telephone order and internet. Only a small portion of her business was by walk-in traffic. Mr. Hauser noted that this might be a good arrangement because the driveway entrance was not wide enough to accommodate two-way traffic.

Mr. Webb stated his feeling that such an application should not be so limiting as to propose only the uses stated. He suggested that the rezoning should be just to a B-1 classification. Mr. Rowe commented that some of the permitted uses in the B-1 District would not be appropriate next to a residential area and it would be best to keep the flower and gift shop as proposed. Mr. Hauser noted that the Commission had to consider the impact of a rezoning on adjacent properties. He said that the approved uses should not totally change the character of the property and neighborhood. Mr. Self noted that this is a transitional property in relation to zoning districts and the Commission needed to be careful about what would be permitted on this property. The Commission needed to watch things like the size of signs on the property. These should be limited. Mr. Rowe brought up the number of employees that would be permitted on the property with different uses, including the flower shop.

Mr. Webb then said that objectionable uses could be taken out but the list of permitted uses on the property and proposed uses should not be limited to the flower and gift shop. He noted that such limitation was not fair to the applicant. Mr. Hauser restated that this is a transitional area and that the Commission needed to consider adjacent and nearby uses and the impact that the rezoning would have on those areas. He felt that it would be better for the Town and nearby property owners if the rezoning were approved but for the more limited number and type of use as proposed in the application. He said that the flower and gift shop addresses what the applicant wants to do immediately and the long term use of the property. Mr. Rowe noted that it was his feeling that the neighbors were comfortable with the flower and gift shop. Mr. Webb stated that the feeling of the neighbors was not the primary concern of the Commission but the rights of the property owner making application for rezoning should be considered. He said the current proposal was too limiting.

Mr. Rowe stated that he felt the Town should have an additional zoning district in our Code to address the transitional nature of certain properties such as the one in question. He felt that the Commission must be considerate of such transitional areas and our Town Code should reflect this consideration, especially in areas between business and residential zoning classifications. Mr. Webb restated that we should not overly limit the use of property.

Mr. Hauser asked Ms. Carter whether she wanted to move forward with the application she originally submitted. Ms. Carter responded that she was not sure that they wanted to limit the use of the property. Planning Commission members then began to review the B-1 Business permitted uses and requirements in an attempt to determine which uses might be appropriate for

the property without limiting the uses to flower and gift shop, while still being concerned for the impact of such expanded uses on adjacent and nearby properties. Chairman Hauser questioned the appropriateness of the ensuing discussion. After extended discussion of this topic, Commission members felt that the applicants should be given additional time to consider the course of action that they wanted to pursue. Additional discussion should be held on another evening after the applicant had time to consider all options.

In providing the Zoning Administrator's report, Mr. Manster then informed the Commission that Mr. Mark Bissoon had been appointed to Town Council to fill the unexpired term of Glen Lanford, with such term expiring December 31, 2014.

Mr. Hauser then asked the Commission to consider the minutes of the August 20, 2012 meeting. On MOTION by Mr. Self, seconded by Mr. Webb, the Commission unanimously approved the minutes of the August 20 meeting.

Mr. Hauser then asked the Commission to consider the minutes of the September 6, 2012 meeting. On MOTION by Mr. Self, seconded by Mr. Webb, the minutes of the September 6 meeting were approved by 4-0 vote with Mr. Rowe abstaining because he was not able to attend that meeting.

On MOTION by Mr. Webb, seconded by Mr. Self, the Commission voted unanimously to recess the meeting at 9:35 PM, and reconvene at 7:00 PM on October 29th, at which time the applicant may present a revised set of "proffers" for the Commission to consider.

Respectfully submitted,

Approved:

Stephen H. Manster, Zoning Administrator

Martin Hauser, Chairman