

MINUTES 7-16-12

TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING

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MEMBERS PRESENT: Chairman Martin Hauser, Vice-Chairman Matt Rowe, Counselor Jean Davis, Armando Flores, Johnson Coleman, Gene Self, and Chad Webb.

MEMBERS ABSENT: None

OTHERS PRESENT: Tim Cox of the Caroline Progress and Town Manager/Zoning Administrator Stephen Manster.

The Chairman called the meeting to order at 7:00 PM.

Roll Call and determination of a Quorum: The Chairman called the roll and determined that a quorum was present.

Approval of Minutes: **On MOTION by Mr. Flores, seconded by Mr. Self, the minutes of the May 21, 2012 Planning Commission meeting were approved by a vote of 6-0 with Mr. Rowe abstaining because he was absent from that meeting.**

Report of Zoning Administrator: The Chairman then called for the report of the Zoning Administrator. Mr. Manster then noted that he would combine the next several items in his report to the Commission, including the report of the last Town Council meeting. Ms. Davis agreed that he should do that. Mr. Manster noted that there had been several newspaper articles and some discussion about two potential projects in Town and he wanted to provide the Commission with some information about the proposed projects.

The first project he discussed was the construction of 24 apartment units near the Heritage Pines townhouses, across from the Fold Lion Shopping Center. These would be two story structures with the units on the first floor being totally equipped and accessible for handicapped residents. The second floor units would be equipped for handicapped, but because there is no elevator planned for the buildings, they could be occupied by anyone. Mr. Manster noted that the developers had recently received notice that they had been granted \$2,700,000 in low income housing tax credits and that this was an essential component of the financing equation. He reminded the Commission members that the project is actually in the County, just across the corporate limits from the Town. The Town will benefit by providing the development with water and sewer service. This utility arrangement had been previously approved since the same project under a different name had been proposed several years ago.

Mr. Manster then briefed the Planning Commission members on the proposed assisted living facility that is being planned for the Town. He noted that the Town Council had “partnered”

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with a non-profit group called Caroline Care Group. That group has been developing a proposal for an assisted living facility for the elderly for about two years. Town Council has noted the need for such a facility in the County and has expressed its strong support to the construction of such a facility in the Town. Mr. Manster explained that the primary site under consideration is property owned by John Burke in the northwest quadrant of the Main Street and Broadus Avenue intersection. The proposed facility will contain sixty units in a single story building. He noted that the proposed facility is not a nursing home, but would be the residence of sixty people who were active and ambulatory but needed assistance to accomplish some of their daily tasks. There will be full-time nursing care with on-call physicians. When asked about the financing for the project. Mr. Manster noted that the intent is to obtain "market financing", but that individual residents of the facility may receive some government assistance. He noted that there was going to be a public meeting on Tuesday, July 24th, at 7:00 PM in Town Hall to discuss the project. All Planning Commission members were invited.

Mr. Manster then distributed a survey that had been prepared to help in assessing the need and demand for such a facility in the County. Mr. Manster also noted that the survey was part of the activities required by the grant program through which the Town had received \$30,000 to do some planning work for the project. Not only will the need and demand for the facility be studied, but some surveying and engineering work will also be accomplished through the grant process.

Mr. Manster then noted that he had an item of New Business to bring before the Planning Commission. The matter dealt with the possible amendment of the Town Zoning Ordinance. He distributed a proposed change to the section of the Town Code which dealt with Nonconforming uses. Specifically, he said that there is a need to review a proposed change to the section of the Zoning Ordinance dealing with non-conforming structures. The original proposed amendment suggested by Mr. Manster is attached to these minutes. Mr. Manster noted that the need to consider this amendment was the result of some proposed activity along Trewalla Lane. This is the only street owned and maintained by the Town. It provides access to about five dwelling units. One such unit is rather dilapidated and there is a proposal to tear the structure down and construct a new dwelling on the lot. If current setbacks are complied with, the new unit will be in the middle of the septic tank drain field for the property and the structure will sit back farther than any other house on the block. He noted that he had conferred with the Town Attorney and they had concluded that the material contained in the proposed amendment was the best way to approach an appropriate adjustment to the Zoning Ordinance to address this situation. The Commission members then discussed the proposed amendment and the property in question. The building was noted to have some structural problems to the extent that rehabilitation would not be feasible. The property was currently vacant and being offered for sale. Mr. Webb noted that it was odd that the proposed amendment did not specify a specific setback for a new structure but that the setback for a reconstructed non-conforming structure might vary based on the positioning of an adjacent structure, or the setbacks of one or more of the other structures in the neighborhood, or some other varying distance as might be established by the Zoning Administrator. He and other Commission members felt that this was not an appropriate approach to take. Commission members felt that if we were dealing with an already non-conforming setback for a structure, and a newly constructed dwelling could be brought into greater conformance with the Code, and where total conformance was not possible because of

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the need to rely on an existing septic system and drainfield, then the owner should be able to locate the structure anywhere within the limits defined by the current structure setback and a conforming setback. The location of the building should not be determined by the Zoning Administrator's interpretation of which structures or how many structures should be used to calculate the setback of the new dwelling. Commission members were in agreement that the proposed amendment was not appropriate in its proposed wording. It was also noted that the proposal dealt with "smaller" dwelling units that would be constructed. The Commission members felt that a newly constructed unit to replace a non-conforming structure did not necessarily have to be smaller than the original unit, as long as the new building met the requirements of the ordinance, except as the ordinance relates to the original non-conformity. The main point being made by the Commission members is that they felt the amendment should not be limited to the building of only houses that are smaller than the original non-conforming structure if all other requirements are met except for the front yard. In addition, if the new building is brought into greater conformance with the Zoning Ordinance, then the rebuilding of a dwelling should be permitted. The exact distance of the front yard should be determined by the builder as long as there is no greater non-conformity than with the original structure and the non-conformity is reduced. Chairman Hauser stated his feeling that the Zoning Administrator should work with the Town Attorney to develop new wording for the proposed amendment and then bring that revision back to the Planning Commission for review and discussion. Commission members agreed. Mr. Manster also agreed and said that he would bring back revised wording at the next Commission meeting. He did, however ask the Commission if he could bring the issue to the attention of Town Council at its next meeting and ask if the Council would be interested in scheduling a joint public hearing with the Planning Commission for Council's September meeting which would occur on September sixth. The Commission members agreed that this would be an appropriate way to proceed.

Mr. Manster then noted several items of interest that had been discussed at the last Town Council meeting. He noted that there would be a ribbon-cutting for the new playground on August seventh at 5:30 PM. This is the same evening as the Sherriff's National Night Out event. Commission members were encouraged to attend both events. Mr. Manster also noted that the Town was the recipient of over \$40,000 of grant funds to improve heating and air conditioning systems at Town Hall and at the Town's Public Works Building. These funds were made available from a grant which had been awarded to the George Washington Regional Commission and the Town qualified for funding. He also noted that the Bowling Green Arts Commission had also received a third year of \$5,000 of funding through a grant program from the Virginia Commission for the Arts. In addition, the railings to the two front entrances to the Bowling Green Event Hall will be replaced with decorative railings.

Having completed the agenda, Chairman Hauser noted that the next meeting of the Planning Commission would be on August 20th at 7:00 PM in the Rappahannock Reception Room.

On MOTION by Mr. Flores, seconded by Mr. Rowe, and by 7-0 vote, the Commission meeting was adjourned at 7:55 PM.

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