



**July 29, 2024
Council Meeting
Approved Agenda
7:00 p.m.**

- CALL TO ORDER Action
- APPROVAL OF THE AGENDA Action
- OLD BUSINESS a) Black Kettle LLC. to amend SUP and site plan Action
- NEW BUSINESS
- PUBLIC FORUM
- ADJOURNMENT

NEXT REGULARLY SCHEDULED MEETING OF THE TOWN COUNCIL
September 9, 2024

when the TC meets in the fall, there should be a discussion of what speed limits are appropriate for town. The first phase of renovations to Town Hall will begin in August. The hope is to have the interior cleaned up and painted before the next TC meeting. The Economic Development Authority hopes to meet in August and discuss an application that has been submitted.

Treasurer report: Ms. Batson reported that 40k was moved from the general fund to the LGIP. There is now 797k in the LGIP (rainy day fund). The 797k includes water and sewer fees collected from the Rush River Commons project. Those fees were moved into the LGIP in order to accrue interest, which has recently been 5.6%.

Town Attorney: Mr. Crim shared that the Commission on Local Government's meeting has been rescheduled to July 23 at 2:00 p.m., This meeting should be a discussion of the draft report for the voluntary settlement agreement. Mr. Crim brought to the TC's attention that the terms for the Board of Zoning Appeals need to be staggered.

Zoning Administrator: Mr. Steve Gyurisin submitted a written report.

Planning Commission (PC): Ms. Anstey reported that the PC was not able to meet due to a lack of a quorum. She will work with the PC to schedule the next meeting.

Architectural Review Board (ARB): Ms. Harris reported that the ARB will be considering three applications at their next meeting. Mayor Whited mentioned that the ARB approved work to begin on the packing shed at their last meeting. He expects Mr. Jim Abdo to begin work in the fall.

OLD BUSINESS:

a) BZA vacancy:

Mayor Whited shared that the application deadline has been extended to September 5, and he hopes the TC will be able to vote on a new member at its September 9 meeting.

b) Public Hearing: Zoning text amendment – Bed & Breakfast:

Mayor Whited shared that this is a culmination of the work done at the previous meeting to amend the zoning ordinance to add another category of bed and breakfast (B&B) establishments that allows up to nine rooms, which matches State code. The B&B will need to remain in their current footprint and be zoned accordingly.

Mayor Whited opened the public hearing at 7:12 p.m.

Ms. Anstey asked Mr. Crim to clarify the language in Section 1-5; stating type 2 B&B establishments are allowed in all zoning districts. Mr. Crim pointed out later in the section it stipulates they are only allowed in zoning districts that includes that use; Village Residential does not allow Type 2 B&Bs.

Mr. Sullivan asked for clarification if type 2 B&Bs were allowed to serve breakfast lunch and dinner. Mr. Schneider said his interpretation of the ordinance is that they can serve one of the meals, either breakfast, lunch, or dinner. Mr. Sullivan also asked if non-guests would be allowed to dine at the establishment. Mayor Whited pointed out that the ordinance states guests and

non-overnight guests could be served a meal if the business has a special use permit (SUP). Mr. Sullivan said he was concerned if that meant a B&B could also perform as a restaurant. Mayor Whited said that could only happen with a SUP. Mr. Schneider followed up by saying that TC will be mindful of this issue when reviewing any future SUP applications pertaining to B&B food service.

Mayor Whited closed the public hearing at 7:20 p.m.

Prior to voting Mr. Beard read the following statement:

I am a member of a group affected by the transaction. Notwithstanding the personal interest in the outcome, I am able to participate in the transaction fairly, objectively, and in the public interest. This declaration is continuing in nature, so as to apply to any later meetings regarding the same transactions; however, an oral disclosure shall be made during each meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

Mayor Whited made a motion to approve the ordinance to create a type two B&B, Mr. Schneider seconded ,and a roll call vote was taken:

Mr. Beard voted “yes”	Mr. Catlin voted “yes”
Mr. Schneider voted “yes”	Mayor Whited voted “yes”
And the motion passed 4-0, with Ms. Goodine, Mr. O’Connell, and Ms. Swift absent	

NEW BUSINESS:

a) Public Hearing – Black Kettle LLC. to amend SUP and site plan:

Mayor Whited opened the TC’s public hearing at 7:21 p.m.

Mr. Plescow stated that the Rush River Commons development would like to amend its site plan to add an additional seven parking spaces in the southern-most parking lot. The parking spaces will be in the spot that formally had the large walnut tree. Unfortunately, a certified arborist determined that the tree could not be saved. On May 29 Mr. Plescow received permission from Mr. Gyurisin to remove the tree. Mr. Gyurisin requested they submit an amended site plan and SUP.

Mr. Plescow shared that 74 parking spaces are required for the existing commercial and residential units planned. Currently there are 68 spaces and an additional 6 shared spaces. They also submitted a revised landscape plan that will include 102 plants, which include 4 canopy trees, 9 evergreens, 3 understories and 86 shrubs. The additional 7 parking spaces would take some pressure off the 6 shared spaces. He stated the town code requires 1 space per residential unit. Some of the units are 2 and 3 bedrooms, which has the possibility of more than 1 car per unit.

Ms. Anstey said two years ago when the initial discussions of the project with the PC occurred, they were concerned with the amount of asphalt and the landscaping was important to them. She asked if they considered putting in another beautiful big tree in the location of the walnut tree, rather than adding more asphalt. She’s also concerned about the viewshed from Avon Cottage and Avon Hall. With the additional spaces in that location, it would mean car headlights

pulling in would shine directly onto Avon Cottage. She knows the plan is to put in a number of bushes but asked if they've considered putting in more mature trees. Mr. Plescow responded to the first question, they reduced some impervious materials in the development by removing a sidewalk near the retaining wall, reduced the pad needed for the dumpster by 6ft. and reduced the sidewalk from the southern lot to the northern lot by 1ft.

Mr. Plescow referred to the amended landscape plan that shows shrubs in the discussed area and that he anticipates that they should grow to 3.5 ft quickly. The grade in the parking lot is also 2ft to 3ft below grade of Leggett Lane and should also help to diffuse headlights.

Mr. Schneider also reminded everyone that utilities lines run through that area, so we needed to be careful what type of trees are planted there. He also stated that with the parking lot being 2 ft below Leggett Lane and Avon Cottage being 5ft above, that should mitigate disturbing Avon Cottage.

Ms. Wendy Murdoch suggested a test been done with a higher truck in that area.

Mr. Drew Mitchell said the effectiveness of the screening will depend on the type of trees and bushes planted, how full they will get. He shared that when the project was in its first conception, that the architect visited him to look at key points from his property. It was discussed if Mr. Mitchell would prefer to see buildings or a parking lot from his location. He told the architect that he'd prefer to see buildings. At the time of the discussion the Black Kettle motel hadn't been demolished and there were a lot of trees on the property. The architect assured Mr. Mitchell that if he supported the project, they would ensure there was ample trees to screen the property. He is concerned that more trees are being removed from the landscape plan as the project has evolved. He said that on a previous Zoom call with the RRC project that when he heard that there would be fewer trees on the project's side of Leggett Lane that he suggested RRC pay for trees to be planted on his side of Leggett Lane, and that Mr. Mitchell will pay for the maintenance. He also feels if there are trees on both side of Leggett Lane that it would provide a more residential feel.

Mayor Whited closed the public hearing at 7:41 p.m.

b) Water restriction policy:

Mayor Whited shared that Rappahannock County was currently in a drought watch, which was designated by the Department of Environmental Quality. They use three factors to make their determination, precipitation, groundwater reserve levels, and flow levels in streams and rivers. There are voluntary restrictions that the Commonwealth suggests. Mr. Catlin reminded everyone that the water provided to the town comes from a well. He feels it's important to suggest to the community that watering lawns is not a good use of water right now.

Mr. Schneider shared findings from the NOAA website that says 96.42% of Rappahannock County is in severe drought conditions. He shared recommendations that he feels should be shared with the community now. He shared that it takes months for rainwater to penetrate the ground and makes its way to the aquifer that we draw from. He recommends a complete ban on watering lawns, including newly seeded ones. He also suggests that guidelines be put in effect to conserve water, i.e. hand watering fruit trees, water early morning or late evening to help the absorption rate, etc...

Mayor Whited said that the federal standard is slightly different than the commonwealth's standard. Mr. Catlin said he supports Mr. Schneider's recommendations, but based on state law we cannot impose those restrictions. He does think we should provide the guidelines to the public.

PUBLIC FORUM: Mayor Whited opened the public forum at 7:52 p.m.

Ms. Murdoch said that she feels the EDA needs to meet so they can act on the current application. Mayor Whited said that he hopes to have a quorum to be able to move that forward. Ms. Nanette Edwards suggested including on the water conservation suggestions, that plants should be watered at the base, instead of the top with a handheld sprayer.

Mr. Mitchell thanked the town for hosting an ice cream social before the 4th of July celebration at Avon Hall.

Mayor Whited closed the public forum at 7:57 p.m.

Mr. Catlin motioned to adjourn, Mr. Schneider seconded, and a roll call vote was taken:

Mr. Beard voted "yes"

Mr. Catlin abstained

Mr. Schneider voted "yes"

Mayor Whited voted "yes"

And the motion passed 4-0, with Ms. Goodine, Mr. O'Connell, and Ms. Swift absent

THE NEXT REGULAR MEETING OF THE TOWN COUNCIL IS
September 9, 2024.

Barbara Batson, Town Manager/ Clerk

Attachments:

Zoning Administrator's report

B&B ordinance

AN ORDINANCE TO AMEND THE ZONING ORDINANCE FOR THE TOWN OF
WASHINGTON, VIRGINIA BY ADDING THE FOLLOWING FOR BED AND BREAKFAST
(B&B).

WHEREAS, Virginia Code § 15.2-2286 (A)(7) permits the governing body of a locality to amend its zoning ordinance whenever the public necessity, convenience, general welfare, or good zoning practice requires it, and the Town Council of the Town of Washington finds that amendments to its Bed and Breakfast ordinance are required by public necessity, convenience, general welfare, and good zoning practice; and

WHEREAS, among the reasons that the Town Council finds to merit amendments to its zoning ordinance are the following: encouraging existing Bed and Breakfast operations, consistency with the Comprehensive Plan, preservation of residential properties for residential use, and the historic protection provisions of the Town's zoning ordinance; and

WHEREAS, the Town Planning Commission and Town Council have advertised and held public hearings on the proposed amendments to the Town zoning ordinance.

Add the following: Bed and Breakfast (B&B) definitions to Article 14, Definitions:

BED AND BREAKFAST OPERATION Type 2 (B&B Type 2):

An establishment that provides (i) two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year or (ii) at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year. The owner or a professional manager shall live on the property approved for the B&B Type 2 use.

If permitted by a separate special use permit, meals may be served to overnight guests or other non-overnight guests, but in no greater number for each meal than the number of permitted rooms times two. Meals under such a separate special use permit are limited to one seating and include only one breakfast, one lunch and one dinner per day.

“Professional Manager” means a person who is hired or contracted to live in a Bed and Breakfast type 2) during periods when it is occupied by transient guests and who provides meals, housekeeping, or other services to the transient guests.

"Transient guest" means a paying guest who stays overnight on any portion of the premises less than 60 days in any 365-day period.

Amend Article 1, USES PERMITTED BY RIGHT, Subject to all other requirements of this ordinance

1-3-3 VILLAGE MIXED USE

by adding:

d. Bed and Breakfast Type 2 (B&B Type 2)

Amend Article 1, USES BY SPECIAL USE PERMIT
Section 1-4, 1-4-3 VILLAGE MIXED USE

by clarification:

d. Bed and Breakfast (note: removing the word establishments)

Amend Article 1, Section 1-5 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

by adding Sub-section 1-5.6

**1-5.6 STANDARDS FOR BED AND BREAKFAST TYPE 2 (B&B TYPE 2)
Bed and Breakfast Establishments Type 2 (B&B Type 2):**

1. Use shall be limited to occupancy by no more than nine (9) rooms for let.
2. Virginia Dept. of Health (VDH) approvals shall be obtained and maintained throughout use. VDH approvals shall be provided to the Zoning Administrator.
3. Such use shall have the exterior appearance of a single-family dwelling structure and operate with the existing primary building structure footprint measured at the exterior foundation of the primary structure at the time of adoption of this ordinance amendment. (footnote date in the ordinance)
4. Adequate vehicular parking shall be provided in accordance with Article 2, Special Requirements for non-residential uses, Article 5 General provisions, and Article 5, Section 5-8 Minimum off-street parking of the Zoning Ordinance. Parking shall be at a location that maintains the exterior appearance of a single-family dwelling with parking in either the side or rear yard area screened from the public street and neighboring properties.
5. Vehicular ingress and egress shall be reviewed and approved by the Virginia Department of Transportation (VDOT). VDOT approval shall provided to the Zoning Administrator.
6. An owner or a professional manager shall reside on the property of the approved B&B Type 2.
7. A Site Plan shall be presented at the time of submittal of the B&B application to assure compliance with access, parking and general site planning standards associated with this type of development.

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Washington, Virginia this 8th day of July, 2024:

TOWN OF WASHINGTON, VIRGINIA

BY: _____
Mayor

ATTEST:

Clerk

Motion: Mayor Whited

Second: Mr. Schneider

Voting aye: Mayor Whited, Mr. Beard, Mr. Catlin, Mr. Schneider

Voting nay: N/A

Absent: Ms. Goodine, Mr. O'Connell, and Ms. Swift

Abstaining: N/A