



**TOWN OF OCCOQUAN
PLANNING COMMISSION**
Town Hall - 314 Mill Street, Occoquan, VA 22125

MEETING DATE: 2023-04-25
MEETING TIME: 6:30 PM

Present: Chairperson Eliot Perkins, Commissioners Darryl Hawkins, Ann Kisling, Robert Love, Ralph Newell, Ryan Somma, Don Wood

Town Staff: Matt Whitmoyer, Management Fellow; Adam Lynn, Town Manager

1. Call to Order

The Planning Commission meeting was called to order by Chairperson Perkins on 2023-04-25, at 6:31 p.m.

2. Citizen Comments

None.

3. Approval of Minutes a. March 28, 2023 Meeting Minutes

Commissioner Wood motioned to approve the minutes. Commissioner Newell seconded. The motion passed unanimously by voice vote.

4. Action Items

a. Request to Consider Zoning Text Amendments on Temporary Sales Trailers and Set Public Hearing Date

Mr. Whitmoyer summarized the amendments as allowing Temporary trailers within 625 square feet in size as an office for the sale of properties. Commissioner Love asked if this was being driven by the Mill. Mr. Whitmoyer said this is correct as the current code doesn't allow such trailers. Chairperson Perkins asked if this would allow construction trailers as well. Commissioner Love asked if this would allow other mobile offices. Mr. Whitmoyer said it was currently for sales offices, but the Town Attorney could be directed to include other offices.

Commissioner Newell asked about solar panels, as Wegmans currently has a trailer with a huge solar panel on it. Mr. Whitmoyer said it would need to go through the ARB to allow solar in the Historic District.

Chairperson Perkins said the focus of today is to set a public hearing date.

Commissioner Love moved to direct the Town Attorney to create a draft ordinance based upon the Commission's recommendations and to set a public hearing date of May 23, 2023, on the draft ordinance as prepared by the Town Attorney. Commissioner Newell seconded. The motion passed unanimously by voice vote.

b. Request to Consider Zoning Text Amendments on Granting the Zoning Administrator Authority to Make Modifications from the Zoning Code and Set Public Hearing Date

Mr. Whitmoyer directed Commissioners to the draft ordinance as provided. He will refer questions to the Town Attorney to address. This ordinance allows for very narrow circumstances – only a 10% to 5% change – and allows the Zoning Administrator to approve with minor deviations. If the change violates Chesapeake Bay preservation act, then it will not be allowed. The intent is to reduce the burden on applicant and Town administration.

Commissioner Wood asked who the Zoning Administrator was. Mr. Whitmoyer said it is currently Sarah Fila and Bruce Reece Town Engineer of Legacy Engineering.

Commissioner Somma said he was favorable to this idea because he supports anything the Town can do to streamline the approvals process, and he thinks the Zoning Administrator has the best expertise to assess the property owner's request. He said the process outlined is very aligned to the process for making an appeal to the Board of Zoning Appeals, with one very important exception. The BZA holds a public hearing for their appeal. Commissioner Somma said his family has personally stood before the BZA and Town citizens who were not adjacent property owners were allowed to comment on the appeal in a transparent open forum. The term "undue hardship" is very subjective, and it appears to be a highly litigated term. So, he thinks it's important for this process to be as reasonably publicly transparent and open to discussion as possible.

Commissioner Somma said the second part is that he understands the appeals process as outlined, where the property-owner can appeal a rejection from the Zoning Administrator to the BZA and appeal the BZA's decision to the Circuit Court. However, this process as defined doesn't describe the reverse situation. Currently, if the BZA grants a variance that the Town Council disapproves of, the Town can pursue litigation against the BZA to dispute that ruling in court-- which the Town has done in the past.

Commissioner Somma said his questions are, first, how are these Zoning Administrator granted variances going to be made publicly transparent. How will the Town Council, Planning Commission, BZA, and general public be made aware of them. And secondly, what legal recourse does the Town have should the Town Council object to a variance granted by the Zoning Administrator. Commissioner Somma said that part of the rejection process he would like to see defined, if not here then somewhere, is that citizens need to know they have the right to request this variance from the Zoning Administrator. And if the Zoning Administrator rejects the variance, then the citizen needs to be informed that they can appeal to the BZA.

Mr. Whitmoyer requested Commissioner Somma send this feedback in an email to Town Staff and they will forward it to the Town Attorney.

Commissioner Somma moved to set a public hearing date of May 23, 2023, on the draft ordinance as presented. Commissioner Wood seconded. The motion passed unanimously by voice vote.

c. Request to Consider Zoning Text Amendments to Amend the Sign Ordinance and Set Public Hearing Date

Mr. Whitmoyer cited the Reed vs Town of Gilbert case, which prohibited ordinances for signs based on content as a violation of the 1st amendment. The Town revisited its own signage ordinances to make sure they are not arbitrary or infringe on citizen rights. Certain text was removed in 2015, but accidentally re-added in 2017; therefore, it needs to be removed again. Since the Code needs modification, they are using the opportunity to make additional revisions and make it clearer for implementation and for Town Businesses. The ARB will make recommendations for Town Council.

Commissioner Love noted we are coming up on a Federal Election year. The 2020 election had political signs in Town a year before and a year after. He asked if there is anything that addresses political signs or banners after so much time. Mr. Whitmoyer said there is a ban on commercial signs in yards and restrictions on temporary signs, but no restrictions on political messaging. He could make a recommendation to the Town Attorney to consider. Chairperson Perkins agreed it is not a partisan issue, but a timing issue. Commissioner Love said he was not taking sides, but he would like the Town Attorney to look at time limits at least in the Historic District. Commissioner Wood believes the County has restrictions and asked about changing the term "banner" to "temporary sign." Mr. Whitmoyer said this was to use consistent language.

Commissioner Love moved to set a public hearing date of May 23, 2023, on the draft ordinance as presented. Commissioner Somma seconded. The motion passed unanimously by voice vote.

5. Discussion Items

b. Route 123 and Commerce Mural

Chairperson Perkins said there had been discussion for some time to do a mural on the 123 and Commerce Street retaining wall. Hopefully the Town will receive a whole bunch of ideas from local artists. Mr. Whitmoyer said the contest starts next month and will run through the middle of June. An award committee will pick the finalists, the Town Council will make the final approval, the AARB will approve, and the Town will have it installed in late summer.

Commissioner Love asked if VDOT had already approved this. Mr. Whitmoyer said it was approved, but there was still a need to work out the details. Commissioner Love noted there was a proposal to raise taxes at the next Town Council meeting. He asked if the Town could afford \$5,000 for a mural. Mr. Whitmoyer said Inside NOVA made an error in the publication. The tax increase was .116. The money would be coming from SLRF.

a. Town Council Meeting Update

Chairperson Perkins went over the Tier Definitions. Examples of Tier 1 projects were a new parking facility, addressing stormwater, and completing the Riverwalk. Commissioner Love noted that accomplishing the entire Riverwalk project is Tier 1, which includes both sides of the river, but finishing the sections within the Town are not as complex. There was a discussion concerning what was needed to complete the Town's side of the Riverwalk and its complexity.

Chairperson Perkins gave an example of a Tier 2 program being the development of a business recruitment program. Commissioner Love asked if this was to bring businesses in. Chairperson Perkins said it was a question of how the Town can work with outside folks to get high-quality businesses in town and work with local businesses to bring new businesses in. When someone opens a new business, the Town can bring support to those owners.

c. Berkley Riverwalk Planning Update

Mr. Whitmoyer said the project was in the Vision Plan Draft phase of work and creating the bones of a final product. There will be a meeting next week with Town Staff and the Chair. Then a revision, and public meeting in the third week of June. Commissioner Love asked if the product will this include cost. Mr. Whitmoyer said it will include a cost estimate that will be refined after geologic study.

d. Planning Commission Priorities Update ■ North Woodbridge Town Center

- Alpine X
- Belmont Bay Expansion Project

No updates.

6. Work Session

a. 2024 Strategic Planning Workshop Final Session

Chairperson Perkins said the Strategic Plan needs details with general expectations for Staff and Town Council to work with. The Commission needs to be asking why we are making each recommendation. Mr. Whitmoyer said that from the last meeting, the PC whittled things down more. He then went over the three guiding lights, five themes, and reviewed the duties of the Planning Commission.

Commissioner Love said that, as the new guy with fresh eyes looking at this, the question is what we are trying to get to. A Trail Town is a subset, so what is the goal above that. A goal is to attract people to Occoquan. We don't have much influence over developing shopping and dining, but we do have control over attractions. What are the things that would attract people here. The Trail Town is a subset of that. Events attract people. What else will attract people? We are a historic town with connections Native American and Civil War history. Chairperson Perkins noted natural resources. Commissioner Love said that business development is a theme. Occoquan is a gateway to the county and trails. Business development and green town objectives are enablers. He recommended coming up with themes for the Town and focusing on themes, not enablers.

There was a discussion concerning Comprehensive Plan themes and priorities and how this working session should best address these.

Commissioner Love asked how a Trail Town would promote Occoquan. Chairperson Perkins said it would provide for visitors who want to kayak, paddleboard, and swim and who will patronize our businesses. This advertises our town. Need to build infrastructure and resources for people to recognize it and take advantage of it. Commissioner Hawkins said that Commissioner Love is saying the natural resources are key thing and that should be the focus. Chairperson Perkins said the Trail Town takes advantage of the Town's natural resources.

Mr. Whitmoyer recommended restructuring the strategic themes with sub-items. There was a discussion of reorganizing themes and of business development.

Commissioner Newell asked about item #1, which includes business development. He asked if we are talking about the Town overall or just the Historic District. Chairperson Perkins said the development plan improves the Town overall. Commissioner Wood said he likes to think about what could happen in Town organically with new residential buildings coming into Town. The possibility of not needing to travel out of Town for basic necessities. Maybe businesses will be attracted as more people live downtown. Chairperson Perkins said the Town needs to do something so that, as people who own properties know a business is leaving, the Town also knows. This way property owners can work with the Town to network businesses in. Commercial real estate folks can help us.

Commissioner Love said he thinks this means Economic Development, and that Business Development is a subset of that. From a government perspective, we do Economic Development. Such as developing the relationship with Occoquan Merchant's Guild and how to set the conditions for businesses to come into Town. Commissioner Wood asked about being agnostic about the kinds of businesses or attracting specific kinds. Commissioner Love said there were natural restrictions for businesses like restaurants, which need specific facilities. Chairperson Perkins said the Town can't pick winners and losers, but communities can promote certain businesses. Mr. Whitmoyer said the goal is to find ways to incentivize businesses to come to Town. Commissioner Hawkins said Julie Little is working hard on this.

Chairperson Perkins asked about Occoquan as a Green Town and why it matters. Chairperson Somma said Occoquan is a Harbor Day Town, a bird sanctuary, and a clean environment is a matter of public health. Commissioner Newell said it goes with the Town's character. Chairperson Perkins said the river is an economic driver. Chairperson Perkins said that Green Town is vague and asked about the sub-headers for this theme. Commissioner Love objected to the word "Green" being used and preferred to refer to being an ecologically friendly town. Mr. Whitmoyer asked if the alternative would be promoting ecological and public health. Commissioner Wood said we could add an action item for LEAD certifications. Chairperson Perkins brought up the notion of community character. Commissioner Newell said this was about a distinct community character.

There was a discussion about mobility, connectivity, and accessibility.

Chairperson Perkins said to change the first bullet point to Maximize Natural Resources. He said before the next meeting Commissioners will put action items under these bullet points. Mr. Whitmoyer asked to have these by May 17th in time for the next meeting.

6. Adjournment

The meeting was adjourned at 8:18 p.m.

Minutes Prepared by Ryan Somma, Planning Commission Secretary