



**Town of Urbanna
Planning Commission
Monthly Meeting and Public Hearing
AGENDA
Town Council Chambers
390 Virginia St., Suite B
Tuesday June 11, 2024 6:00 PM**

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
5. Public Hearing
 - a. 2-SUP-2024-Carts, Inc.
6. Home Occupation Permits
7. Other business
8. Adjourn



**Planning Commission
Agenda Item Summary
June 11, 2024**

Agenda Item: 3-Approval of Agenda

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s): Motion to approve agenda as presented.



Agenda Item Summary
June 11, 2024

Agenda Item: 4-Minutes

Background: Draft minutes attached

Fiscal Impact: NA

Staff Recommendation: Approve

Council Action Requested: Yes

Sample Motion(s): Motion to approve the minutes of the April 9, 2024 Planning Commission meeting and public hearing

Note: If changes are requested at the meeting, approval of the minutes will be postponed to the next meeting.

**Town of Urbanna
Planning Commission-Monthly Meeting
Public Hearing
Council Chambers-390 Virginia St. Suite B
April 9, 2024**

CALL TO ORDER & ROLL CALL

Planning Commission Members

Present

Lewis Hall, Chair
Don Drayer
Merri Hanson
Katie Wilson
Gari Lister-via Zoom

Others Present

Ted Costin-Town Administrator/Zoning Administrator
Martha Rodenburg-Town Clerk
Members of the public

Chair Lewis Hall called the meeting to order at 7:00pm.

Councilmember Hanson made a motion to allow Gari Lister to participate electronically.

Ms. Wilson seconded

Hall, Drayer, Hanson, and Wilson voted yes

Motion passed 4-0

Councilmember Hanson made a motion to approve the agenda.

Mr. Drayer seconded

Hall, Drayer, Hanson, Lister and Wilson voted yes

Motion passed 5-0

Ms. Wilson made a motion to approve the minutes of the February 13, 2024 Planning Commission meeting.

Mr. Drayer seconded

Hall, Drayer, Hanson, Lister and Wilson voted yes

Motion passed 5-0

PUBLIC HEARING

Councilmember Hanson made a motion to Enter Public Hearing to consider Ordinance No. 2024-03 regarding Special Use Permit Application 1-SUP-2024.

Mr. Drayer seconded

Hall, Drayer, Hanson, Lister and Wilson voted yes

Motion passed 5-0

Staff Presentation

Mr. Costin presented the staff report on SUP application 1-SUP-2024 by Shawn Pickett, for the property at 161 Cross Street, owned by Pickett Homes, LLC. Mr. Pickett is requesting a SUP to allow an arcade and board game access, and subsequently a restaurant.

The staff report suggested certain permit conditions including, but not limited to hours of operation, no games offered that may result in the award of monetary prizes, no outside speaker system, limits to outside lighting, erect privacy fencing, and the SUP holder would be relieved of the parking space requirements of §17.6.15 because of inequity of enforcement.

Mr. Costin answered member's questions regarding the proximity of the nearest residence and ABC licensing.

Applicant Presentation

Mr. Pickett addressed the Planning Commission with his plan for the proposed business "The Urban Oyster". Which would be a family friendly spot serving charcuterie board type fare, and providing board and arcade games, with plans to be licensed to sell only Virginia beers and wines. Future plans include adding an oyster bar. They want to create a family atmosphere. The second floor of the building will remain residential.

Mr. Pickett answered questions from the Commission members to let them know his intent to keep it a low-key family spot, it will be open year-round, with limited winter hours. Plan is to have main sign in window, possibly etched. Due to only one restroom, the maximum occupancy will be 15.

Public Comment

Boyd Wiley-spoke regarding his concerns about parking, outdoor service, and skilled games

Amy Denney-spoke regarding her concerns with alcohol laws being followed in regard to minors, crowd control, and skilled games

John Greenwood-spoke regarding his concerns about patrons parking in the lot of the office building he owns across the street

Applicant Response

In response to public concerns, Mr. Pickett stated there would be no outdoor speakers or dining, and re-stated there would be no skilled games. They plan to follow all ABC laws. Mr. Pickett offered to work with Mr. Greenwood regarding parking at his office building.

Discussion took place between Mr. Pickett and the Commission regarding the concerns brought forward by the public and members of the commission, and how to address them under permit conditions.

Staff Response

Mr. Costin discussed with the Commission the permit conditions in the staff report, and suggested changes to address concerns in regards to not allowing outdoor service and seating.

Special Use Permits run with the property, if not active for two years, the SUP is lost.

In response to a question from Chair Hall, Mr. Costin responded, while he was supportive of Mr. Pickett and Mr. Greenwood working together to address parking, he was reluctant to suggest off-site improvements.

Councilmember Hanson made a motion to close public hearing to consider Ordinance No. 2024-03 regarding Special Use Permit Application 1-SUP-2024.

Ms. Lister seconded

Hall, Drayer, Hanson, Lister and Wilson voted yes

Motion passed 5-0

Councilmember Hanson made a motion to approve with special conditions Ordinance No. 2024-03 regarding Special Use Permit Application 1-SUP-2024

Mr. Drayer seconded

Hall, Drayer, Hanson, Lister and Wilson voted yes

Motion passed 5-0

UPDATES ON PROPOSED ORDINANCE CHANGES

Mr. Costin presented the commission with updates from the General Assembly regarding the current B-1 and short-term rentals (STRs), including two versions from the House of Delegates and the State Senate which could potentially allow STRs by-right, and other rights and allowances.

COMPREHENSIVE PLAN UPDATE

Mr. Costin updated the commission to let them know he had not heard back from VCU regarding assistance with upgrading the Town's comprehensive plan. ODU has an Urban Studies certificate program, and he has spoken with a professor regarding getting their assistance. Mr. Costin has also reached out to a former colleague who may put together a proposal.

TOWN STREET SIGN STATUS

Mr. Costin reported there was a public hearing scheduled for the Town Council meeting on April 11th regarding a Street Sign Ordinance which will mirror Middlesex County's ordinance. The County will then begin replacing the street signs within town limits.

Discussion took place regarding what will be done with the old street signs. The current plan is to auction them off, and selling the poles for scrap.

OTHER BUSINESS

Councilmember Hanson inquired as to the status of revising the B-1 ordinance to close the loopholes in order to maintain the business district.

Mr. Costin responded it would be part of a zoning ordinance that would include STRs within B-1. Further discussion took place regarding the member's concerns in getting the ordinance revisited.

Mr. Drayer asked about the Comprehensive Plan and how it would address infrastructure, specifically in regards to the recent water main breaks.

Mr. Costin responded there would be some references to infrastructure.

Discussion took place about the recent water main breaks.

ADJOURN

Councilmember Hanson made a motion to adjourn

Ms. Wilson seconded

Hall, Drayer, Hanson, Lister and Wilson voted yes

Motion passed 5-0

Meeting adjourned at 8:20pm

Staff Report
2024-SUP Application-02

Location: 131 Grace Street

Property Owner: SRJ Associates

Lessor: Carts Inc.

Applicant: Nick DiStasio

Request: To allow for sales/service of vehicles (primarily recreational) permitted with a special use permit by Town Code (Zoning) Section 17-4.6.3 (11).

Acreage: +/- .516 acres

Map: 20A-21-8

Zoning District: General Commercial District (B-1)

Overlay District(s): None

Use: Recreation vehicle sales and service involving a 3500 square foot cinder block building.

Adjacent Composition: Mix of Commercial and Residential (single family/multifamily) with institutional uses nearby.

Environmental: This is a developed site and no exterior additions are proposed that would alter the land as it exists requiring any concerns to be addressed.

Comprehensive Plan: General, Retail and Services

Supporting language for this request aligning to this designation follows:

Economic Goals and Objectives Goal: Expand the economic activities commensurate with the existing character and lifestyle of the local community.

Objectives: ... 2. Encourage a diversified, vibrant environment through mixed-use development, which combines residential, commercial and recreational functions.... 3. Encourage light industrial uses (no nuisance problems) and commercial operations, especially those related to water and tourism related activities, in areas so designated on the Future Land Use Exhibit G. 5. Provide an environment for the types of employment that will sustain the local work force through their working years.

This request appears compatible as it combines commercial functions related to recreation and tourism

Zoning Compliance:

The lack of a Special Use Permit for this business at this location came to staff's attention when asked to provide zoning approval on a DMV form to expand the product line. There are no applicable setbacks or minimum lot sizes in the B-1 district. There is a 35-foot height restriction which the approximate one and a half story building does not exceed. However, the number and types of signage as well as illumination are non-compliant. For instance, a portable message board sign violates Section 17-7.3 as does the vehicle wrap,

mounted electronic message board, and numerous temporary signs. Taken in total the amount of fixed and vehicle signage on site approximates the maximum allowed, but condition 7 has been drafted to assure the total square footage is not exceeded and condition 6 is intended to assure compliance to a prohibition on illumination that is not of constant intensity (flashing or fading) that is present on the Grace Street side of the building.

Analysis:

Various state agencies, to include the Virginia Department of Transportation, and contractors were contacted for comments on this case and none were received.

The ordinance, at Section 17-9.4, does not list specific concerns to consider when reviewing a Special Use Permit (noise, odor, fumes/dust, etc) although light and air are called out. However, the ordinance recognizes the authority to impose conditions to mitigate adverse situations related to the general health, safety, and welfare of those on and about the property. The general health, safety, and welfare extends to the nature and condition of all adjacent uses and structures and the effect upon them by the use proposed as well as the impairment, now or in the future, of the character of the district; the district being the General Commercial District. As this is an existing mixed-use area the proposed use can be considered generally compatible with no negative impacts to include reduction to land values. The standards of consideration continue to consideration of Comprehensive Plan compliance which is detailed above and, as noted, is compatible. Avoiding traffic congestion is also given as a standard and with ample distance given to entrance and exit on two streets as well as area for parking, this presents no concerns.

Proposed conditions 1, 2, and 3 are standard as is condition 8. Product display (condition 5) is tied to the hours of operation. The hours contained in condition 4 are at the applicant's request for flexibility to meet demand which is seasonal, but, at the same time, prohibit late night excessive activity. Conditions 6 and 7 are justified above.

Suggested Permit Conditions:

1. All federal, state and local laws shall be observed at all times.
2. The property shall be maintained in a clean and orderly manner at all times.
3. This Ordinance shall be recorded in the Middlesex County Clerk's Office by the property owner; the property owner shall provide a stamped copy of the recorded Ordinance to the Town Administrator.
4. Hours of operation shall not exceed 8 am and 9 pm, seven days per week, but no outside activity after 9 pm.
5. Product display and temporary signage shall be limited to the hours of operation.
6. Existing lighting shall be maintained to allow safe egress and ingress as well as security. However, all lighting must be constant intensity.
7. Signage shall be limited to four (4) existing building mounted signs, one (1) existing building mounted digital message board, and one (1) wrapped vehicle.
8. No additional signage, such as but not limited to banners and bandit signs are permitted following second weekend in November until March first. No devices such as moving inflatables, that draw attention to the premises or product are permitted except for three days associated with July 4, Labor Day, and Memorial Day.
9. If owner and/or applicant violates any of the conditions above or fails to adhere to the representations set forth in the application and supporting materials, this special use permit may be terminated upon notice being given the applicant and hearing by the Town Council.



Special Use Permit Application Number _____

Town of Urbanna, Virginia

Application for Special Use Permit – Standard Form

The undersigned property owner or agent for the property owner, of the following property hereby applies for a Special Use Permit in accordance with Chapter 17, Urbanna Town Code, Article 9, Zoning Ordinance of Urbanna, Virginia.

Applicant / Property Owner Information

Carts Inc.

Applicant Name

131 Grace Ave.

Applicant Address

Urbanna

City/Town

VA

State

23175

Zip Code

540-735-4092

Applicant phone number

Applicant fax number

You are the () property owner; ☒ agent for the property owner.

Note: If you are the agent for the property owner written consent of the owner must be attached to this application.

SRJ Associates

Property Owner Name

PO Box 1100

Property Owner Mailing Address

Urbanna

City/Town

VA

State

23175

Zip Code

804-815-8374

Property owner telephone number

Property owner fax number

Location of Property

131 Grace Ave.

Street Address

20A-21-B

Tax parcel ID number

General Description of Property

3500sqft CB Building with Bay doors and gravel parking lot

Current Zoning District B-1 Tax Map 20A DC 21 Lot(s) B

Overlay District(s): Flood Zone ☒ Zone X () Zone AE
Chesapeake Bay () RMA () RPA

Historic District () Yes ☒ No

Existing Use(s) of Property

Golf cart retail sales. Golf cart parts sales and service.

Is this application a request to amend an existing special use permit?

Yes / ☒ No

If so, explain the amendment(s).

Describe the proposed change in use or change in structure(s) for the property.

Would like to add the ability to sell low speed vehicles, automotive and trailer sales. There will be no change in structures for the property.

Maximum Building Height(s) with Proposed Change

Number of Dwelling Units/Density Calculations

Proffers, Restrictive Covenants, Deed Restrictions and Other Special Considerations

Does this property have any conditions attached to it from a previous application for a special use permit? If so, please list them here.

Demonstrate how the proposed special use will not negatively impact the surrounding properties or detract from the neighborhood character in terms of public health, safety, and welfare. How will such impacts be mitigated or avoided?

The property is currently used for similar purpose and does not affect the neighbors and the property kept neat and clean.

Attach a site plan / plot plan / survey plat showing location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

Notes

- (1) Special use permits are issued subject to approval of a site plan. Permits may be issued for either a limited or indefinite period of time and shall be revocable by the Town Council for failure to adhere to the applicable conditions. Unless otherwise specified, work must begin within one year and be completed within 2 and one-half years.
- (2) The Town Council may include, as part of the ordinance granting any special use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This permit shall expire and may be revoked if the work performed does not conform to the approved site plan and application (drawings/site plan/elevations), the conditions attached thereto, or other applicable regulations. The permit shall be revoked if the use made of the property does not conform to the use applied for and approved hereby.
- (4) This application for a special use permit must be accompanied by three (3) copies of any required site plans or plot plans. Plans are to be drawn to scale, showing actual dimensions of all existing and proposed structures/alterations.


Attach the Names and Addresses of All Adjacent Property Owners to this Application: *Please include lot numbers*

Applicant(s) Remarks:


Use a separate sheet if necessary.

Application Fee: A \$300.00 application fee for Level 1 applicants or \$1500 fee for Level 2 applicants must be paid to the Town of Urbanna. In addition, the applicant is responsible for the cost of advertising and for expenses of notifying the adjacent property owners. The application fee must be paid before any action is taken. The fee is non-refundable.

In making this application, the Applicant requests that the Town of Urbanna approve the location, modifications, or construction of the above proposed special use on the property described above.

<hr/>	<hr/>		<hr/>
Property Owner Signature	Date	Applicant Signature (If Not Property Owner)	Date

If this application is not signed by the property owner, Agent hereby swears and affirms that he has legally sufficient power of attorney to obligate the owner for all matters relating to this application.

	<hr/>
Agent Signature	Date

For Office Use by the Urbanna Zoning Administrator and the Planning Commission

<hr/>	<hr/>
Town Official Receiving Application	Date
Permit Level <hr/>	Fee paid \$ <hr/>
	Date Paid/Received by <hr/>
Special Use Permit Application Number <hr/>	
Actions Taken: <hr/>	
Application returned for correction/additional information <hr/>	Date <hr/>
Public Hearing advertised <hr/>	Date <hr/>
Adjacent property owner notifications mailed <hr/>	Date <hr/>
Action by Planning Commission <hr/>	Dates <hr/>
Action by Town Council <hr/>	Date <hr/>
Additional Action - Describe <hr/>	Date <hr/>
Additional Action - Describe <hr/>	Date <hr/>

(Revised 7/2013)



Nick DiStasio <nick@carsincva.com>

RE: Carts Inc SUP

1 message

eric@masonrealty.com <eric@masonrealty.com>
To: Nick DiStasio <nick@carsincva.com>

Mon, May 6, 2024 at 4:44 PM

Nick,

Please be advised that SRJ Associates, the owner of the property that you are currently leasing, is aware of your submission of an application for the SUP through the Town of Urbanna and we are fully supportive of your actions. Let me know if I can do anything in support of your application to expedite same.

Eric Johnson, Member
SRJ Associates, LLC

President
Mason Realty Inc.
Urbanna, VA 23175
804-815-8374

-----Original Message-----

From: "Nick DiStasio" <nick@carsincva.com>
Sent: Monday, May 6, 2024 4:24pm
To: "eric@masonrealty.com" <eric@masonrealty.com>
Subject: Carts Inc SUP

Eric,

Could you please reply to this with a letter that states that you are aware and approve of the SUP that is being submitted. Thank you.

**Nick DiStasio**

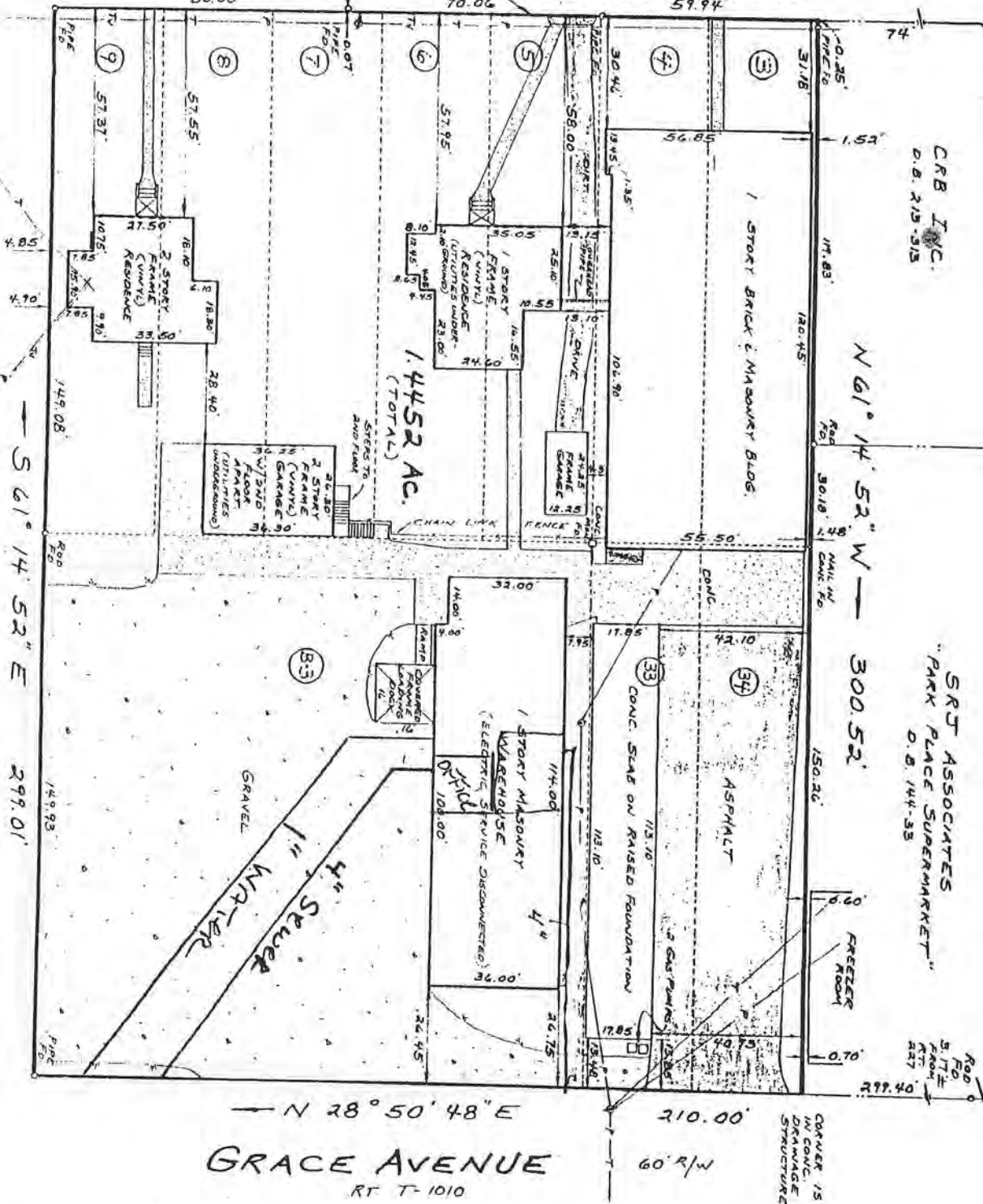
General Manager at Carts Inc.

Address 205B Wallace Lane, Fredericksburg, VA 22408**Phone** (540) 369-2647**Email** nick@carsincva.com**Website** <http://www.cartsincva.com/>

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.

RAPPAHANNOCK AVENUE 40' R/W
RT. T-1001

S 28° 26' 02" W — 210.00'
LINE IS ALONG BACK OF CURB ± 59.94'



CRB INC.
D.B. 215-515

SRT ASSOCIATES
"PARK PLACE SUPERMARKET"
D.B. 144-33

KELLER, LEWIS & ASSOCIATES, P.A.
Land Surveyors and Planners
Farmers & Fishermen Building
Suite 202
P.O. Box 689
Mathews, Virginia 22109
(804) 725-5772

PARK STREET 60' R/W
RT. T-1019

S 61° 14' 52" E 299.01'

N 28° 50' 48" E
GRACE AVENUE
RT. T-1010

HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE ON THIS DATE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS UNLESS SHOWN HEREON.



F.E.M.A.
ZONE: X (OUTSIDE 500 YR. FLOOD PLAIN)
COMM. NO.: 510292
PANEL NO.: 0001A
DATE OF FIRM: 11-3-89

PLAT OF
PROPERTY TO BE CONVERTED
SRT ASSOCIATES
BEING
LOTS 3, 4, 5, 6, 7, 8, 9, 33, 34
OF
"PARK PLACE"
TOWN OF URBANNA
MIDDLESEX COUNTY
VIRGINIA

SCALE: 1"=30' DATE: 11-

D.B. 215 PG. 161
D.B. 150 PG. 567
D.B. 93 PG. 347
D.B. 117 PG. 568
D.B. 47 PG. 345
D.B. 11 PG. 128
D.B. 81 PG. 286
S.R.P.B. 3 PG. 251

CODE: 93-324M







SALE
CARTS INC.
POWERED BY FIBER
CARTS INC. VA
CartsIncVa.com

CARTS INC.
POWERED BY FIBER
CARTS INC. VA
CartsIncVa.com

CARTS INC.
POWERED BY FIBER
CARTS INC. VA
CartsIncVa.com

CARTS INC.
POWERED BY FIBER
CARTS INC. VA
CartsIncVa.com



Home Occupation Permit Application

APPLICANT NAME: _____

TRADE NAME OF BUSINESS: _____

MAILING ADDRESS: _____

PHYSICAL ADDRESS: _____ MAP# _____

PHONE: (_____) _____

EMAIL: _____

NATURE OF BUSINESS FOR WHICH HOME OCCUPATION PERMIT IS APPLIED:

1. Not more than one quarter of one existing floor of any principal or accessory structure shall be used.
Agree _____
How much square footage _____ Can a parking space be provided for each 300 sq. ft.? Y N
2. No more than two persons, other than family members, shall be employed on the premises.
Agree _____
3. No commodity is stored or sold, except such as made on the premises or related to the business.
Agree _____
4. No group instruction, assembly, or activity.
Agree _____
5. No more than one (1) sign less than two (2) square feet in size to be utilized.
Agree _____
6. No outside display that would indicate use of the premises for anything but a dwelling.
Agree _____
7. Use will be in compliance with all rules, regulations, and ordinances of the town.
Agree _____

The above information is true and correct.

Applicant

Date

Approved _____ Denied _____ Date _____

Reason _____



TOWN OF URBANNA

390 VIRGINIA ST. SUITE B, PO BOX 179, URBANNA, VA 23175
PHONE: 804-758-2613, FAX: 804-758-0389

To: Town of Urbanna Planning Commission
From: P. S. T. (Ted) Costin, Town Administrator
Date: June 5, 2024
Subject: Zoning Ordinance Amendment

Historically, Business License Applications have been processed independent of zoning review. That process has been altered beginning this year and is working well. However, this process has revealed several ongoing businesses working out of homes with no Home Occupation Permit (HOP). HOPs under the town's zoning ordinance require a Special Use Permit (SUP).

I have never seen a zoning ordinance with HOP provision that did not allow for administrative approval. Only when the HOP standards set out in the ordinance could not be met, a SUP or similar approval came into play. The mayor and council have been advised that it is crucial an ordinance amendment be taken up immediately as a good number of businesses are impacted (as of this date five (5) are being held) and staff would be challenged to process that many SUP cases – and perhaps more - in a short period of time. Consideration should also be given to the cost imposed on these relatively small and thus low impact businesses.

I have drafted an administrative form based on the existing ordinance. It and the applicable code language is attached.

I request the Planning Commission's recommendation to the Urbanna Town Council to undertake an amendment to the town's zoning ordinance as follows:

Amend R-1 Permitted Uses and Structures Section 17-4.2.2 to add: (10) Home Occupations, subject to regulations in Section 17-5.2.

Amend R-1 Uses Permitted by Special Use Permit Section 17-4.2.3 to alter (6) to read: Home Occupations, not meeting regulations in Section 17-5.2.

Amend R-2 Uses Permitted by Special Use Permit Section 17-4.4.3 to alter (7) to read: Home Occupations, not meeting regulations in Section 17-5.2.

At the same time, the following could be taken up:

Amend B-1 Permitted Uses Section 17-4.6.2 to repeal (1) Any principal permitted use permitted by right in the R-1 zoning district. Dwellings are subject to the same lot area and yard space requirements as in the R-1 district.

If you have any questions or concerns, please bring them forward.