



OCCOQUAN TOWN COUNCIL
Public Hearing Minutes
Town Hall – 314 Mill Street, Occoquan, VA 22125
Tuesday, March 5, 2019
7:00 p.m.

- Present:** Mayor Earnie Porta, Vice Mayor Pat Sivigny, Councilmembers Cindy Fithian and Eliot Perkins. Planning Commissioners Jenn Mathis and Ryan Somma.
- Absent:** Councilmembers Matthew Dawson and Laurie Holloway. Planning Commissioner Ann Kisling.
- Staff:** Kathleen Leidich, Town Manager; Christopher Coon, Town Clerk; Martin Crim, Town Attorney; Ned Marshall, Assistant Town Engineer; Adam Linn, Chief of Police;

1. Call to Order

Planning Commission Chairman Perkins opened Public Hearing on Home Occupation Certificate at 7:06 p.m.

Mayor Porta opened the Public Hearing on Home Occupation Certificate at 7:06 p.m.

Ms. Leidich reported on the reason for this item coming before Town Council and Planning Commission for amendments. She presented two drafts of the zoning text amendments for discussion.

2. Citizens Time

Rod Loges, 120 Edgehill Dr., wanted to support the updating of the Home Occupation Certificate. He stated that the changes are tax friendly, business friendly, and neighbor friendly.

Former Mayor Elizabeth Quist, 116 Edgehill Dr., was happy to see this come before Town Council and wanted to make a couple points. She Doesn't want the Home Occupation Certificate to be too specific because the Town has a Zoning Code that handles zoning issues. The number of clients and employees should be treated similar to other residents having a party.

3. Town Council and Planning Commission Discussion

Mayor Earnie Porta opened the joint discussion. He said that early on he expressed concern that things were being made too complicated. He recommended having the limit on employees stricken and remove the restriction on non-residents as it is unfeasible for home-based businesses to have many residents given the restriction of 25% of space used for business purposes. He recommended removing the requirement for applicants to identify parking spaces to avoid having the Zoning Administrator review parking spaces. Mayor Porta said that home businesses are already governed by HOA or street-side parking, and that visitors will either park at the residence in public parking. Parking is self-limiting, and he suggest removing that. The wording on storage of materials seemed clear. He felt that the marked vehicles section was confusing as to why there was a need to make a distinction. He also recommended stripping out delivery hour restrictions as these were self-limiting.

Councilmember Perkins expressed agreement on removing the approval of parking spaces by the Zoning Administrator. He was concerned that using vehicles as a standard was not specific-enough as we could not know how many people arrived in each vehicle, and he wouldn't want a standard based on vehicle counts. He did, however, think there was a need for an upper-standard on the number of non-residents allowed, but there needed to be a higher upper-bound from what was currently defined. The restrictions were necessary for unreasonable people who might take advantage of this policy.

Ryan Somma disclosed a potential conflict of interest as his wife had a Home Occupancy at his home address, but did not feel that impacted his ability to make decisions in a neutral manner. He expressed concern about the enforceability of limiting non-residents and parking versus non-business-related visitors.

Jenn Mathis said she was in favor of having the new proposed Section A stricken altogether. Her research found a rough estimate of 540 residences, with only 17 homes on Poplar Lane, 8 on Locust Street, and 10 on West Locust not falling under HOAs, and many of these areas were covered by no parking signs. So approximately 8% off the Town was non-HOA and half of those had no-parking signs. She was in favor of striking non-resident restriction.

Councilmember Perkins said that he did not disagree that the Town couldn't know how many people were in a house. For him, it was important to have something that has some teeth in order to have the power to say something when issues arise. It was not likely, but was something the Town should be thinking about.

Mayor Porta said that enforceability relies on complaints. These issues could only happen in the two places in Town that Jenn Mathis had identified. A person could complain, and Zoning Administrator could provide a citation.

Town Attorney Martin Crim noted the Leesburg ordinance. He said that gatherings like dance lessons and group lessons were enforceable as there was the ability to know how many people have signed up. Cars would be more difficult as it was necessary to identify which building drivers were going into.

Jenn Mathis asked if a group class would be allowed under home occupancy. Attorney Crim answered that if the Town adopted this certificate, it would be allowed. Mayor Porta said that if there were groups gathering, then the Town could address that pretty quickly.

Councilmember Fithian stated this came up because people brought it to her attention during campaigning that the Home Occupancy Certificate was restrictive. She would like to remove the number of non-residents and vehicles associated with the Home Occupation Certificate. She agrees there is benefit in having minimal regulations but, she wants to have the least possible while still having the Town's best interest in mind.

4. Closed Public Hearing

Planning Commission Chairman Perkins closed the Planning Commission portion of the joint hearing at 7:42 p.m.

Vice Mayor Sivigny moved to close the Public Hearing on Home Occupation Certificate. Seconded by Councilmember Fithian. Motion passed, unanimous at 7:42 p.m.

5. Call to Order

Planning Commission Chairman Perkins opened Public Hearing on Zoning Code Amendments: Special Use Permit: Section 157.123 (Setback Regulations) and Section 157.124 (Height Regulations) at 7:42 p.m.

Mayor Porta opened the Public Hearing on Zoning Code Amendments: Special Use Permit: Section 157.123 (Setback Regulations) and Section 157.124 (Height Regulations) at 7:42 p.m.

Ms. Leidich gave an overview of the topic. The code changes are necessary for development within Town. The Mill at Occoquan is included as an example, but only used for illustrative purposes of the kinds of applications that could occur going forward involving height and setback provisions. This code update would only allow consideration of such allowances within the special use permit process.

6. Citizens Time

Brenda Seefeldt of 309 Commerce Street was speaking as Chair of Architectural Review Board. Prince William Living had contacted her through the Town Hall with an inquiry about Town architecture. She replied with answers from the ARB. They defined the Town aesthetic as primarily encompassing uniqueness and quaintness. There were no large buildings in Occoquan, and this was intentional in keeping the Town character. Driving down Tanyard Hill drive is like driving back in time. Height and setback requirements are very important to the overall Town aesthetic.

Chris Kiely of the Kiely Court development noted this was a large developer building the biggest building in Occoquan, and that the Town seemed willing to bend over backward for such a large developer, but a single-family home takes five or six years. He stated that he supported the code change and anything that brings more freedom and less control.

Former Mayor Elizabeth Quist said that when she was Mayor, everyone was under the impression that this was something Council could consider and it was a surprise to find they could not. It is important to keep the uniqueness of the Town, but it is hard to improve the deteriorating waterfront without making some accommodations because there isn't enough money in it. The Town does not want to create a wall of buildings on the waterfront.

7. Joint Discussion

Mayor Porta opened the joint discussion by saying he was appreciative of Mayor Quist's comments. In 2006 the Town government was operating on the understanding that height and setbacks were under their power to consider, and that they had always spoken about flexibility on height to accommodate waterfront development. This issue predates himself, and predates Quist's term. Everyone was surprised to find that under the existing code it was not allowed for consideration. It was codified in one part of the code, but not the business district. This is one of the tools the Town could use to develop waterfront

responsibly. This change only allows applications for special use permits and consideration, but does not change the restrictions themselves. The current code does not even allow asking for consideration. This change is to get the code into a state it was previously assumed to be in. The reason for including the setback consideration is because buildings throughout town are currently less than five feet. Many properties encroach upon the public right of way.

Eliot Perkins noted that this topic has sparked vigorous discussion. The Planning Commission has a strong notion of making Occoquan a place we are proud to live in and robust as well. In this particular situation, the Town finds itself returning to where we thought we were, and would give the Town Council power to consider these exceptions.

8. Closed Public Hearing

Planning Commission Chairman Perkins closed the Planning commission portion of the joint hearing at 7:59 p.m.

Councilmember Fithian moved to close the Public Hearing on Zoning Code Amendments: Special Use Permit: Section 157.123 (Setback Regulations) and Section 157.124 (Height Regulations). Seconded by Councilmember Perkins. Motion passed, unanimous at 7:59 p.m.

9. Planning Commission Meeting

Planning Commission Chairman Perkins opened the Planning Commission meeting at 8:01 p.m.

a. Zoning Code Amendments: Home Occupation Certificate Section 157.010

Councilmember Perkins opened the discussion by asking the Planning Commission members for their modifications to the Home Occupancy Certificate. Jenn Mathis recommended amending Section E to correct the start time of 10pm. She was fine with Sections B, C, D, E, F, G, but wanted to revisit the new Section A. Ryan Somma had no concerns with any section aside from A.

Councilmember Perkins recommended striking the Zoning Administrator oversight from Section D. Jenn Mathis agreed that everything after "accessory building" should be stricken. Attorney Crim said that striking Section A would necessitate striking this sentence.

Councilmember Perkins noted there was a slight disagreement on Section A concerning restricting the number of non-residents. Jenn Mathis and Ryan Somma both indicated they preferred no such restriction. Jenn Mathis recommended striking Section A. Ryan Somma agreed.

Jenn Mathis moved to recommend the Town Council adopt the proposed amendments to Section 157.010-Home Occupation Certificate as reflected in **Draft A** of the ordinance, pursuant to section 157.267 of the Town of Occoquan Zoning Code with the amendments that Section A be stricken, the last sentence of Section D be stricken, and the reference to

10:00 AM in in Section E be changed to 10:00 PM. Ryan Somma seconded. The motion carried by poll vote, unanimous.

b. Zoning Code Amendments: Special Use Permit-Section 157.123 (Setback Regulations) and Section 157.124 (Height Regulations).

Councilmember Perkins opened the height and setback discussion. No Planning Commission members had further comment beyond what had been discussed in the joint meeting.

Ryan Somma moved to recommend the Town Council adopt the proposed amendments to Section 157.123-Setback Regulations and Section 157.124-Height Regulations, pursuant to section 157.267 of the Town of Occoquan Zoning Code. Jenn Mathis seconded. The motion carried by poll vote, unanimous.

10. Adjournment

The meeting was adjourned at 8:11 p.m.

Christopher Coon
Town Clerk