



# TOWN OF FAIRFAX

## STAFF REPORT

### December 7, 2016

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*

**SUBJECT:** Receive report on the Planning Commission's meeting to discuss additional issues identified by the Town Council regarding the draft ordinance rezoning CH (Highway Commercial) parcels to CC (Central Commercial) and schedule a joint special meeting with the Council/Planning Commission to discuss

---

*NOTE: The Town Council is not taking any formal action regarding the ordinance this evening, as this is only a report.*

#### **RECOMMENDATION**

Receive report on the Planning Commission's meeting to discuss additional issues identified by the Town Council regarding the draft ordinance rezoning CH (Highway Commercial) parcels to CC (Central Commercial) and schedule a joint special meeting with the Council/Planning Commission to discuss.

#### **BACKGROUND**

On September 7, 2016, the Town Council held a study session to review the draft ordinance recommended by the Planning Commission for rezoning CH (Highway Commercial) parcels to CC (Central Commercial), revising the land uses in the CC, and making associated zoning amendments. In the course of the study session, the Council discussed a number of elements of the draft ordinance that it believed would benefit from further consideration by the Planning Commission (PC). The Council also expressed interest in conducting a joint meeting with the PC.

#### **DISCUSSION**

At its October meeting, the Planning Commission discussed and considered those issues referred to the PC by the Council. The following is a summary of the Planning Commission's discussion:

1. Animal sales/service.
  - a. The Planning Commission (PC) will recommend amending the definition of 'Animal hospitals/veterinary services' to clarify that grooming/boarding of animals can be conducted as accessory uses, if the primary use remains hospital/vet services. Animals can be groomed/boarded without the need for medical care.

- b. A new issue to discuss at a future joint PC/Town Council (TC) meeting: the current ordinance draft prohibits any outdoor use. Should this be modified to allow any sort of outdoor exercise area for such uses?
2. Eating and/or drinking establishments.
  - a. The Commission will recommend clarifying that the title should be 'Eating and/or drinking establishments' to communicate that bars that do not serve food are an identified subcategory of uses.
  - b. New issue to discuss at joint PC/TC meeting: should establishments that offer full alcohol service with no food offered be allowed as a principally permitted use? Should bars that do not serve food be allowed as a conditional use (i.e., requires a conditional use permit-CUP)? A CUP would provide the ability for the Town to establish conditions to address the specific impacts of a given bar. Bars are currently permitted in the existing CC zone. Bars require a CUP in the existing CH zone.
  - c. New issue to discuss: how to address existing bars/eateries that either do not have a CUP or only have one for live music.
3. Public parking garages and lots.
  - a. The Commission will recommend allowing parking garages and lots owned by the Town, but not by any private party.
4. Service stations/auto repair
  - a. The Commission wants to find a way to leave the existing stations and auto repair unaffected (i.e., not create a legal non-conforming use), but did not seem supportive of allowing more service stations. No clear direction on this, though there was some support for an overlay zone approach. This would be a topic at the future PC/TC joint meeting.
  - b. As clarification, the existing CH zone does require car washes, services stations, and auto repair to have a CUP. The existing CC zone does not allow such uses.
5. Density bonus.
  - a. For discussion at a future joint PC/TC meeting. One suggestion would be a joint special study session with the Council to discuss State affordable housing laws with a focus on how the State density bonus law applies to communities, and examples of local density bonus ordinances adopted by other communities.

6. Residential units.
  - a. PC would like an example of how the maximum density is calculated for the small sites.
  
7. Warehouses.
  - a. The Commission confirmed that they do not approve of stand-alone warehouse uses, but would permit them as an accessory use to a principally permitted or conditional use, if they were located to the back of the site. The current CH zone allows warehouses. The current CC zone allows warehouses as an accessory use with a CUP.
  
8. Medical laboratories.
  - a. The Commission confirmed that medical laboratories are only allowed if they are accessory to a medical office use.

**NEXT STEP**

The next step in the process is to schedule a joint special meeting with the PC to discuss the proposed revisions to CH to CC ordinance. Given the upcoming holidays and existing agenda items, staff will look to schedule this sometime early next year. Another option would be for the Council to forego the joint meeting with the PC and discuss/consider the PC comments at a Council meeting.

**FISCAL IMPACT**

None at this time