

<p>Members Present D. Howell Miller – Chair J. Herbert Schmitt – Vice-Chair Gary Phillips John Wehrenberg Michael Farmer</p>	<p>Members Not Present Michael McDuffie Marie Freeman Barber Others Present Mike Dail, Community and Cultural Services Director Glen Moore, Planning Administrator Domini Cunningham, Historic Preservation Planner Holli Tetterton, Administrative Support</p>
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I. Opening of the meeting

II. Invocation

- Chair Miller led a moment of silence.

III. Roll Call

- Staff took a silent roll call. All members were present except for Michael McDuffie and Marie Freeman Barber.

IV. Approval of Minutes

1. Correction to minutes.

- Chair Miller asked if there were any corrections to the **February 27, 2024** Minutes.
- A correction was made by Mr. Farmer to the record of vote on pg. 8, bullet point 6. Corrections can be seen below in red.
 - All members voted, **3** in favor, **1** opposed, 1 abstained. The motion passed.

➤ Record of the vote:

YES	NO	COMMISSION MEMBER	MOTION
---	---	D. Howell Miller - Chair	
x		J. Herbert Schmitt – Vice-Chair	Made the Motion
	x	Michael Farmer	
x		Marie Freeman Barber	
x		John Wehrenberg	Abstained*
x		Gary Phillips	2 nd the Motion
---	---	Michael McDuffie	

- Chair Miller asked for a motion to approve the minutes as amended.
 - Herb Schmitt made a motion to approve the **February 27, 2024** minutes as amended. Gary Phillips seconded the motion. All members voted, 4 in favor and 0 opposed. The motion passed.

➤ Record of the vote:

YES	NO	COMMISSION MEMBER	MOTION
---	---	D. Howell Miller - Chair	
x		J. Herbert Schmitt – Vice-Chair	Made the Motion
x		Michael Farmer	
---	---	Marie Freeman Barber	
x		John Wehrenberg	
x		Gary Phillips	2 nd the Motion
---	---	Michael McDuffie	

V. Old Business

1. None.

VI. New Business

1. Text Amendment – A proposed text amendment to the City’s Zoning Ordinance to add Private Event Center (indoor) and Private Event Space (outdoor) uses and criteria and to revise and merge the definitions of Bed and Breakfast and Tourist Home.

- Staff, we are going to be consolidating the definitions of bed and breakfast and tourist homes to simplify those two definitions because they are already similar. We are also going to be adding private event centers and private event spaces. One is indoor and one is outdoor. We do need to update the table of uses because of these changes. For bed and breakfast, we’re going to be taking off tourist homes just leaving bed and breakfast. For the private event centers and spaces, some will require a special use permit and some will be permitted outright, but will have development standards apply to them. For example, for the ones that require a special use permit, we have built in some proximity requirements. We wouldn’t allow these types of uses to be close to churches, parks, playgrounds, and other residential districts. In the RA zoning district, it is allowed by a special use permit, but the distances are much larger. We are also requiring buffer yard standards for these uses. If they are going to be up against residential districts, we want them to have screening between the commercial use with residential uses. We also limited hours of operation from 7am – 11pm. Indoor centers we are classifying it as a class III use and the outdoor use is a class IV. We use this to calculate the size of the buffer yard and the number of trees needed in those areas. A lot of the text is repetitive because it has to appear in multiple locations. They are very similar in a lot of cases, but, again, one is indoor and one is outdoor so some of the distances might vary. The text for the development standards is quite similar to the special use permit. That is because it gives us something to look for when someone decides to do this type of development. We also have parking standards. Parking for the indoor centers is one per three people based on the capacity of the event space. It is also not to exceed 1.5x what the minimum value is. For the outdoor spaces, it is a similar calculation. We look at the calculated area of the event space, and it will be 1 per 400 sqft, not to exceed 300 spaces.
- Mike Dail, Community and Cultural Services Director, I would just like to share a few additional things about why this is coming before you. We have several Bed and Breakfasts in town. We have been getting citizen complaints about them having events outside and making loud noises in neighborhoods. People came and spoke at two of the City Council meetings. We were asked by Council to bring the text amendment before the Planning Board for your recommendation to them. We didn’t have an event center code in our ordinance. That was the first step, to label event center indoor, event space outdoor, and to clarify the bed and breakfast definition. In the Bed and Breakfast

definition, we are saying that you can have events as long as they are indoors and limited to a certain number of guests. That's a little bit more of the background.

- Vice-Chair Schmitt, how many Bed and Breakfast do we have in the City of Washington? Staff, for the Historic District, we have the Pamlico House on E Main St and the Flying Pig.
- Chair Miller, so this does not include Airbnbs, just B&Bs? Staff, no, this does not address Airbnbs just Bed and Breakfasts.
- Chair Miller, on the first page at the bottom where it says new text, the last line says or employ dedicated staff beyond the owner. Is that going to hurt the owner of a Bed & Breakfast? If they have four or six bedrooms that they are going to rent, and they need staff to help with the meal the next morning, is that going to hurt them?
- Staff, I do not believe that will hurt the business owner. It's basically the same text that was with tourist homes. That language was already in place. It wouldn't hurt the business owner because they are still allowed to serve the tenants of that Bed and Breakfast.
- Chair Miller, if it's a one owner place, that may cause a problem. Mr. Dail, with your suggestion we could certainly take a look at allowing them to employ one person. A Bed and Breakfast is not supposed to be a hotel. Some jurisdictions do allow them to have one staff person that doesn't live there. I think that's a good point.
- Vice-Chair Schmitt, on the second page in the first paragraph, it talks about private event centers indoors are a for profit establishment. Then in the second paragraph, it states private event spaces outdoors means a designated area, but it doesn't state it's for profit. Are they both for profit or is just one of them for profit? Staff, they would both be for profit. Vice-Chair Schmitt, it doesn't state that.
- Chair Miller, does the term licensed entity mean for profit? It's something to think about. Mr. Dail, we can clean that up. I think it's just an oversight really.
- Mr. Phillips, for example, if someone wanted to have a big to do, like a graduation event, at a Bed and Breakfast, how would these regulation affect them? Staff, the Bed and Breakfast has built in limitations because a house can only hold so many people. With these regulations, we've allowed every guest that is staying at a bed and breakfast to have one additional person. If your capacity is six, then you can have a total of twelve. I believe the max capacity at a Bed and Breakfast is twelve people. If you have a place that large, you would be able to have an event for up to twenty-four people.
- Mr. Dail, the purpose of us bringing this to you is to say just because you have a Bed and Breakfast doesn't mean you can have an event center in the middle of a residential neighborhood. That is what is happening. We are having Bed and Breakfasts that are having large weddings, amplified music at 11:00 at night, 100 people showing up on the property, and parking all up and down the streets. The citizens are concerned and have expressed that they are tired of listening to that in their neighborhood. The intent of this is to say that a Bed and Breakfast is this and an Event Center is this. Now, if you're in the right zoning district that allows a Bed and Breakfast and an Event Center then you can do both. That is the intent. Yes, it will affect the ability to have large-scale events at Bed and Breakfasts. I don't think it was ever the intention of the code to allow that. I think it is just something people have done and it's starting to get to be a little bit more often than it should. It's really starting to bother the residents in those areas.
- Mr. Phillips, do you know about how many events a year? Mr. Dail, if you allow it they could have an event every weekend of the year. That's when people want to get married.

That's not something you want in a residential neighborhood. That's not something that the residents that have come and complained to City Council want in their neighborhood.

- Chair Miller asked if the Board had any more questions for Staff.
- Mr. Farmer, just to clarify, there is a Bed and Breakfast down Market St, and I know that they have had weddings there. I know that Richard at Elmwood has had some on his property as well. Is it the one offs that we are trying to control or is it something that is becoming so much of a nuisance to the residents that it warrants a change? Staff, it escalated to a point that we recognize there is a need for event spaces in our City.
- Mr. Dail, it is escalating to the point where residents are having to hear loud music late at night and put up with people parking all up and down the roads. These are neighborhoods. They are not commercial areas. The two uses are starting to clash. The intent of this ordinance is to say we are going to have to pull back on this. If you are located in a residential neighborhood and you are a Bed and Breakfast then you need to operate as a Bed and Breakfast and not as an event center.
- Mr. Phillips, how many Bed and Breakfast do we have? Mr. Dail, I think there are three or four that are actually a Bed and Breakfast.
- Mr. Phillips, so these three or four are at the heart of the problem? Mr. Dail, I wouldn't say these three or four. We have Elmwood that we have received the most complaints about. They have come to Council twice and spoke about it. I think that if we don't do something now, it is going to be something that is going to become more prevalent and it's going to become a bigger issue. Now is the time to address it with the community and figure out how we are going to handle this. We're at a point where we need to go ahead and clarify, clean up the code, and say where you can and where you can't do this. That way people can move forward.
- Mr. Phillips, what role does the Board of Adjustment play in the permitting process? Mr. Dail, if it is listed as a special use in the table of uses, that is saying this use may be appropriate in this zoning district. We want to take a look at it on a case by case basis, look at what's around it, and see if it is compatible in that area. They would make the decision to grant the special use or not.
- Mr. Phillips, can you give me an example? Mr. Dail, let's say they want to have an event center in the B1H district and it is next to a church and a school. We can take a look at it more specifically and say that this might not be appropriate in this area.
- Mr. Phillips, if the applicant met all of the requirements the Board of Adjustment could exercise judgement and say no? Mr. Dail, that is correct.
- Mr. Phillips, under the special use permit 1a, there is some language that is difficult to understand. I had to read it four times. Can we take that out? Mr. Dail, we can probably take that out. That is language that was borrowed from something else. The Board of Adjustment has the right to revoke a special use permit if they have the grounds to. We don't have to say it. If a special use is not adhering to the rules and regulations set, they can be called back to the Board of Adjustment and their permit can be revoked.
- Mr. Wehrenberg, these guidelines should help the Board of Adjustment make a decision.
- Mr. Dail, to get a special use you have to meet eight criteria, one of which states is it detrimental to the surrounding properties? If the use is deemed to be detrimental and they give the justification of why then they can deny the special use permit.

- Mr. Phillips, I always try to think of the counter argument. If a person goes in and they've met all the requirements, but somebody on the Board of Adjustment just doesn't like a graduation party happening or doesn't like a Muslim celebration of Ramadan what would happen? Chair Miller, just remember the Board of Adjustment is like this Board. There has to be a motion, a second, and a vote. One person can't really shoot it down by themselves. They would need other members of the Board to go along.
- Vice-Chair Schmitt, they have to have a majority.
- Mr. Wehrenberg, and you never really know why any of us on the Board say yes or no.
- Mr. Dail, the Board of Adjustment is a quasi-judicial board. That means they are supposed to follow certain procedures that are kind of like a court hearing. If they make a determination on something that is not based on the laws that they are supposed to follow, it can be appealed to Superior Court. There is an appeal process. The Planning Board is not held to the same standard.
- Vice-Chair Schmitt, is the Board of Adjustment an advisory board? Mr. Dail, No. Chair Miller, they're quasi-judicial.
- Chair Miller, if someone gets a special use permit for an event and then they are going to have the same event again, will they have to get a second special use permit? Mr. Dail, no, this is not per event. This is approving the location of a business for an event center indoor or an event space outdoor. You wouldn't have to come back to the Board of Adjustment unless you weren't following the rules. That's not typically something that happens.
- Chair Miller asked if the Board had any more questions. There were none.
- Chair Miller opened the public hearing.
- Chair Miller closed the public hearing and brought it back to the table. There were no comments.
- Chair Miller asked for a motion.
 - John Wehrenberg made a motion that the Planning Board recommend approval of the text amendment with the consideration of the changes discussed. Herb Schmitt seconded the motion. All members voted, 4 in favor, 0 opposed, 1 abstained. The motion passed.

➤ Record of the vote:

YES	NO	COMMISSION MEMBER	MOTION
---	---	D. Howell Miller - Chair	
x		J. Herbert Schmitt – Vice-Chair	2 nd the Motion
x		Michael Farmer	
---	---	Marie Freeman Barber	
x		John Wehrenberg	Made the Motion
x		Gary Phillips	
---	---	Michael McDuffie	

VII. Other Business

1. None

VIII. Adjourn

- There being no other business:
 - Herb Schmitt made a motion to adjourn. Michael Farmer seconded the motion. All members voted, 4 in favor and 0 opposed. The motion passed.

➤ Record of the vote:

YES	NO	COMMISSION MEMBER	MOTION
---	---	D. Howell Miller - Chair	
x		J. Herbert Schmitt – Vice-Chair	Made the Motion
x		Michael Farmer	2 nd the Motion
---	---	Marie Freeman Barber	
x		John Wehrenberg	
x		Gary Phillips	
---	---	Michael McDuffie	