



**TOWN OF BOWLING GREEN
PLANNING COMMISSION MEETING**

A G E N D A

**Thursday, September 21, 2023
6:00 PM**

PLEDGE OF ALLEGIANCE:

ROLL CALL AND DETERMINATION OF A QUORUM:

PUBLIC COMMENT:

NEW BUSINESS:

1. Zoning Text Amendment Referral - Goodwill

REPORT OF THE ZONING ADMINISTRATOR:

UNFINISHED BUSINESS:

INFORMATIONAL ITEMS:

COMMISSION COMMENTS AND REPORTS:

ADJOURNMENT:

WORKSESSION:



The Historic Town of

BOWLING GREEN

V I R G I N I A

To: Ms. Tina Gambill and Members of the Bowling Green Planning Commission

From: John A. Anzivino, Interim Town Manager

Subject: Zoning Text Amendment Referral to Planning Commission for Goodwill

Date: September 18, 2023

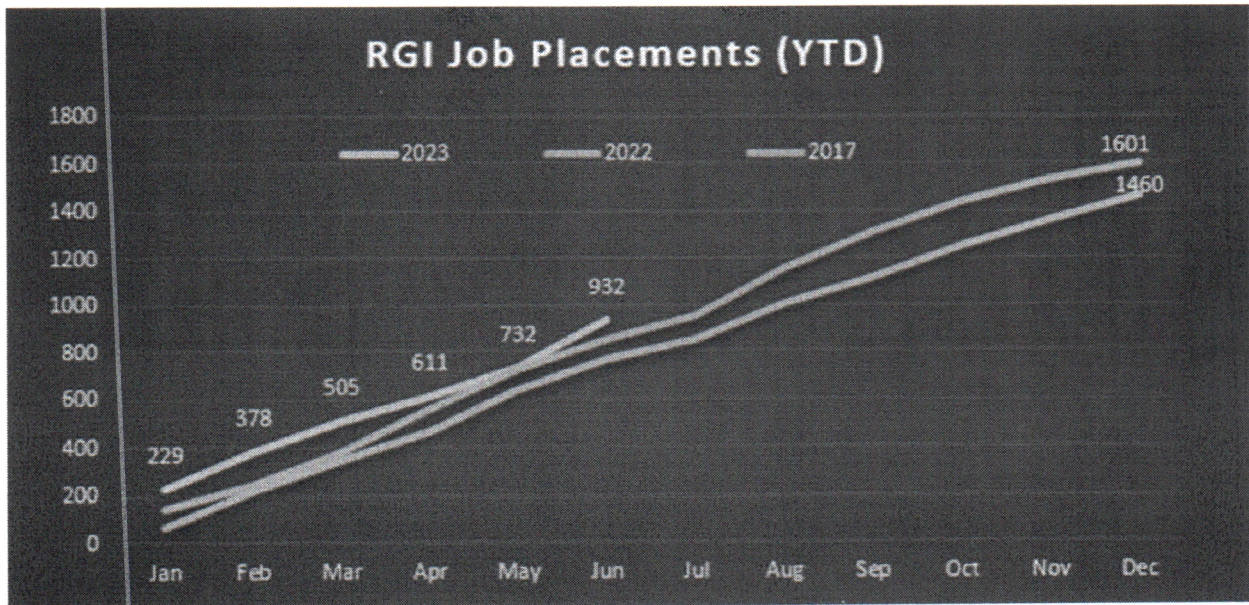
The following issue has been referred to the Town's Planning Commission by the Town Council because the former Town Manager, in her role as Zoning Administrator, determined the proposal was not well-defined within the Town's Zoning Ordinance. The Town Council is requesting that the Town Council consider the issue and the information provided and, if necessary and warranted, consider appropriate amendments to the Town's Zoning Ordinance on an expedited track.

Background

As the Planning Commission may know Goodwill Industries wishes to develop a drop off/donation site in the Town of Bowling Green. To this end a zoning permit application was filed by Ken Phillips of Goodwill Industries prior to my arrival along with a request for an amendment to the Town's zoning ordinance since the use requested is not defined within the ordinance. The purpose of this memorandum is to provide a brief description of what Goodwill is proposing and to request that the Planning Commission consider an ordinance amendment allowing the proposed use in an appropriate Business District. It is envisioned, since this request has been pending for a period of time that when the Planning Commission completes their work that a joint public hearing will be held by the Council and Planning Commission to either adopt or deny the recommended changes to the Town's zoning ordinance.

The Nature of the Request

Rappahannock Goodwill Industries (RGI) is a not-for-profit organization that has been in the thrift and donated goods business, in Virginia, since the early 1960's. Goodwill Industries receives donated goods from the community and sells those goods in their retail stores and other platforms to create revenue. Goodwill then takes the revenue from sales and uses it to pay their 400 plus employees and to support their stated mission of "Helping People Find Jobs." Goodwill continually tracks their performance and is on pace this year to place more people in jobs than their best year ever (2017) according to data I have received in the following table.



As explained by Mr. Phillips in an email to me, "Specifically for Bowling Green, as nothing happens until we receive the donation, we are looking to open our 5th donation only center. We currently have these centers operating in King George, Locust Grove, Thornburg, and Colonial Beach. These centers are usually a 1200/1500 square foot box where we maintain an employee to help take in the donations and provide a receipt, do some light sorting, and then prepare them to be picked up, normally every day. I have attached a picture of the donation center in Colonial Beach and the one in Thornburg. If we can get this approved, Bowling Green will be the 5th of 10 donation centers that I have been asked to open before the end of 2024. Goodwill will not be doing any retail sales on this property. It is simply for the convenience of the community. Before the pandemic, RGI placed trailers in parking lots all over our territory (including Bowling Green). At one time we had over 70 trailers placed. During the pandemic we figured out that this was not the best way to interact with our customers and that our employees were being subjected to very harsh weather conditions. That was when we can up with this business process and began simply renting a small space and use it to take donations. In some locations we like to place a Goodwill donation bin in the parking lot also. This is to collect the donations while we are closed and keep the community from placing the donations on the sidewalk in front of the center. Goodwill has already negotiated this into the lease with the landlord. "

Typical Goodwill donation storefront follows:



Proposed Use

The Current Definition of an Allowable by Right Use in the Bowling Green B-1 and B-2 Districts

As we approach the issue the question has been posed as to whether or not an interpretation could be made to determine if the use could fall within the existing ordinance. In the Town's current zoning ordinance. The first area typically checked is the definition section of an ordinance. Allowable retail uses in both the B-1 (Downtown/Central Business District) and B-2 Districts (Shopping Centers) is as follows:

“Retail Stores and Shops” means buildings for display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood and lumberyards, such as the following, which will serve as illustration: drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

Clearly, a use such as proposed by Goodwill is not currently defined and would need clarification if the Planning Commission believes an amendment is necessary and fits the intent of the Comprehensive Plan and the need for such a facility.

Current Allowable Uses in the B-1 and B-2 Zoning Districts

The second area to check is allowable uses within the districts. The following uses are currently allowable under the current Town Zoning Ordinance:

Business District B-1 Sections 3-133-134.

Section 133.Intent. Generally, this district covers the central business district portion of the community and is intended for the conduct of general business to which the public requires direct and frequent access but which is not characterized either by constant heavy trucking, other than stocking and delivery of light retail goods, or by nuisance factors, other than those occasioned by incidental light and noise of congregation of people and passenger vehicles. This district includes such uses as retail stores, banks, theaters, business offices, newspaper offices and restaurants.

Section 3-134. Permitted uses. (a) In the Business District B-1, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Government office buildings.
- (2) Retail food stores.
- (3) Banks and savings and loan offices.
- (4) Restaurants.
- (5) Dry cleaners.
- (6) Jewelry stores.
- (7) Coin-operated laundries.
- (8) Wearing apparel stores.
- (9) Drugstores.
- (10) Barber and beauty shops.
- (11) Home appliance sales and services.
- (12) Hardware stores.
- (13) Theaters and assembly halls.
- (14) Offices
- (15) Libraries.
- (16) Auto parts and accessories stores.
- (17) Furniture stores.

- (18) Department stores.
- (19) Newspaper and printing houses.
- (20) Florists and gift shops.
- (21) Hotels, motels and inns.
- (22) Alcoholic beverage control stores.
- (23) Clubs and lodges.
- (24) Funeral homes.
- (25) Bakeries.
- (26) Video sales and rental.
- (27) Sporting goods shops.
- (28) Pawn shops.
- (29) Public and semipublic uses, including churches, schools, libraries, museums, parks and noncommercial recreational facilities.
- (30) Public utilities transformer substations, transmission lines and towers and other facilities for the provision and maintenance of public utilities, including railroads (except railroad yards) and water and sewage installations.
- (31) Off-street parking as required by Section 3-180 of this article; public and private off-street parking lots.
- (32) Stores for the sale and rental of goods at retail.
- (33) Clinics.

Section 3-135. Permitted accessory uses. (Reserved)

Section 3-136. Special uses. (a) The following uses are permitted when authorized by the Town Council of Bowling Green after a recommendation from the Planning Commission:

- (1) Gasoline filling stations for the servicing of and making minor repairs to motor vehicles.
- (2) Pet shops.
- (3) Public billiard parlors and pool rooms, bowling alleys, dance halls, amusement centers and similar forms of public amusement, only after a public hearing shall have been held by the Town Council on an application submitted to the body for such use. In approving any such application, the Town Council may establish such special requirements and regulations for the protection of adjacent property and the general public, set limits on the hours of operation and make requirements as the Town Council may deem necessary in the public interest. For purposes of this subsection, "billiard parlor and pool room" shall include any place of business with more than one billiard or pool table in which money, tokens or other consideration is exchanged for the right to use such tables for playing billiards, pool or similar

games. For purposes of Section 3-136, "amusement center" shall mean any place of business with more than three amusement devices for which money, tokens or other consideration is exchanged for the right to use such devices. Amusement devices shall include video games, pool or billiards tables, foosball and all similar game devices, tables and equipment.

(4) Business and residential mixed-use development wherein dwelling units shall be a secondary use to the primary business use.

(5) Day-care center.

Business District B-2 (Shopping Center Uses)

Section 3-139. Permitted uses. (a) In the Business District B-2, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Retail food stores.
- (2) Dry cleaners.
- (3) Coin-operated laundries.
- (4) Wearing apparel stores.
- (5) Barber and beauty shops.
- (6) Auto and home appliance services.
- (7) Theaters and assembly halls.
- (8) Hotels, motels and inns.
- (9) Office buildings.
- (10) Drive-in restaurants and food sales.
- (11) Department stores.
- (12) Medical clinics.
- (13) Clubs and lodges.
- (14) Auto sales with service, including auto accessories.
- (15) Furniture stores.
- (16) Restaurants.
- (17) Shopping centers containing uses permitted in this district.
- (18) Banks and savings and loan offices.
- (19) Funeral homes.
- (20) Jewelry stores.

- (21) Home appliance sales and service.
- (22) Hardware stores.
- (23) Florists and gift shops.
- (24) Alcoholic beverage control stores.
- (25) Bakeries.
- (26) Car washes.
- (27) Sporting goods.
- (28) Pawn shops.
- (29) Public and semipublic uses, including churches, schools, libraries, museums, parks and noncommercial recreational facilities.
- (30) Off-street parking as required by Section 3-180 of this article; public and private off-street parking lots.
- (31) Public utilities transformer substations, transmission lines and towers and other facilities for the provision and maintenance of public utilities, including railroads (except railroad yards) and sewage installations.
- (32) Video sales or rental.
- (33) Stores for the sale and rental of goods at retail.
- (34) Ministorage.
- (35) Convenience stores, including the sale of motor fuels.
- (36) Drug and variety stores. (37) Antique stores.
- (38) Hospitals.
- (39) Printing shops.
- (40) General stores.

Section 3-140. Permitted accessory uses. (Reserved)

Section 3-141. Special uses. (a) The following uses are permitted when authorized by the Town Council of Bowling Green after a recommendation from the Planning Commission:

- (1) Lumber and building supply, with storage under cover.
- (2) Plumbing and electrical supply, with storage under cover.
- (3) Wholesale and processing not objectionable because of dirt, noise or odors.
- (4) Machinery sales and service.

(5) Service stations and garages, with major repair and storage under cover.

(6) Public billiard parlors and pool rooms, bowling alleys, dance halls and similar forms of public amusement, only after a public hearing shall have been held by the governing body on an application submitted to the body for such use. In approving any such application, the governing body may establish such special requirements and regulations for the protection of adjacent property, set the hours of operation and make requirements as they may deem necessary in the public interest.

(7) Animal hospital clinic or pet shop.

(8) Day-care center.

Summary of Review and Suggested Action

As can be seen above both the B-1 and B-2 Districts cover a wide range of uses, most of which are typical for localities. They do not, however, cover non-profit uses and a drop off type of facility as proposed by Goodwill under their current business model. Such a use appears to be consistent with uses outlined in both business district designations and traffic and parking issues would be covered under the Town's current regulations. To allow such a use it is suggested that the Planning Commission approve two new definitions in the Town's zoning ordinance in the definition section defining a 'charitable organization' and a 'charitable organization drop off center'. Defining both, as suggested, will allow a narrower and more limiting use. In addition, with the new definitions a new use allowing drop off centers operated by non-profits in the B-1 and or B-2 zoning districts is suggested.

Potential Zoning Ordinance Amendments

After review and discussion of the information above should the Planning Commission decide amendments are warranted, I have taken the liberty of researching the issue through a survey of other city and town ordinances (Fredericksburg, Blacksburg, Wilton, CT, Richmond, Marietta, GA, the American Planning Association (APA) and a host of others) and the following amendments are offered for your consideration:

Amendment to Section 3-104 add the following definitions:

CHARITABLE ORGANIZATION: A non-profit organization that qualifies for exemption under the Internal Revenue Code 501(c)(3). A charitable organization may provide educational, health, recreational, social, civic, religious or similar services to members of the community which it serves but shall not contain dwelling units or sleeping accommodations. Public merchandising facilities provided as part of a charitable organization's use shall be limited to those which are ancillary to the principal use and from which the proceeds accrue to the non-profit organization

RECYCLING COLLECTION/DROP OFF CENTER. A storefront operation staffed by employees or members of a charitable organization that receives items such as clothes, footwear, children's toys and games, computers, TVs and other electronics, sports equipment, housewares, furniture items, linens, small tools, kitchen items, antiques, old collectible items, radios and stereos, CDs, DVDs, Blu Ray Discs, books and magazines and other household items. No outside storage is allowed for a Recycling Collection/Drop Off Center and, if requested container bins and/or donation boxes are limited to one (1) drop off box for donation of goods collected on a daily basis per location and any drop off donation box location shall be approved by the Town Manager prior to approval.

Amendment to Sections 3-134 and 3-139 (permitted uses) add following permitted use:

B-1 Recycling Collection Drop Off Center

B-2 Recycling Collection Drop Off Center

Potential Motions

To Refer to the Town Council for a Joint Public Hearing

I move that amendments to the Town of Bowling Green's zoning ordinance defining the use for a drop off/donation center for charitable organizations and allowing for drop off/donation sites of clothing and related materials as defined in proposed amendments to the Town's Zoning ordinance as outlined at the Planning Commission's September 21, 2023 meeting be recommended to the Bowling Green Town Council for a joint public hearing between the Council and Planning at the earliest possible time.

To Deny

I move not to recommend to the Town Council of the Town of Bowling Green that the Town of Bowling Green Zoning Ordinance be amended to add definitions and allow for drop off/donation sites for charitable organizations.