



TOWN OF WARRENTON

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MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
August 18, 2015 – 7:00 P.M.

The Town of Warrenton Planning Commission convened on Tuesday, August 18, 2015 at 7:00 PM in the Municipal Building.

The following members were present: Dr. John Harre, Mr. John Kip, Ms. Susan Helander, Mr. Ali Zarabi, Mr. Lowell Nevill, Ms. Brandie Schaeffer, and Mr. Yakir Lubowsky, Town Council Ex-Officio member. Ms. Sarah Sitterle, Director of Planning and Community Development represented staff. Mr. Brett Hamby did not attend.

Dr. Harre called the meeting to order and noted that Ms. Susan Helander would be recusing herself from voting on the two public hearings scheduled for this evening. She indicated that the Commission was familiar with both public hearings. There was a work session held for Poet's Walk and the public hearing was started last month and was left open because the motion was tabled. Dr. Harre stated that if anyone wanted to speak would be given an opportunity to do so. The second hearing is Orchard Ridge and information for this was received three months ago and two work sessions have been held, and questions were submitted to the applicant before the public hearing. The information was presented to the Commission in May and as result the deadline of 100 days is near unless the applicant decides to delay. The deadline for voting on Orchard Ridge is August 27, 2015.

Dr. Harre stated the meeting would conclude at 9 PM and any further discussions will take place at the work session scheduled for Tuesday, August 25, 2015.

Approval of Minutes

Mr. John Kip made motion to approve minutes of the Planning Commission meeting held on June 16, 2015. Mr. Nevill seconded the motion. All voted in favor. Minutes approved.

Mr. Kip made motion to approve minutes of the Planning Commission Work Session July 15, 2015. It was noted the minutes needed to be revised to reflect Mr. Lubowsky & Ms. Schaeffer in attendance. Mr. Nevill seconded the motion with recommended revision. All voted in favor. Minutes approved.

Mr. Kip made motion to approve minutes of the Planning Commission meeting held July 21, 2015. It was noted the minutes needed to be revised to reflect Mr. Lubowsky in attendance. Mr.

Nevill seconded the motion with recommended revision. All voted in favor. Minutes approved.

Public Hearing

A. Zoning Map Amendment (ZMA 15-02); Special Use Permit (SUP 15-04) – Poet’s Walk 60 bed Assisted Living/Memory Care Facility – Applications for rezoning of approximately 3.3343 acres of a 25.0174 acre Industrial zoned property (GPIN 6985-60-4454) to R-10 residential south of the Town of Warrenton corporate limits on the east side of Blackwell Road north of the Route 17 Bypass and a concurrent Special Use Permit to allow the use of the facility in the R-10 District per Articles 3-4.2.3, 11-3.9 and 11-3.10 of the 2006 Zoning Ordinance. The applicant is the Silver Companies and the property owner is David Dobson. (Public Hearing held open from July 21, 2015 meeting)

Dr. Harre stated the public hearing on Poet’s Walk began last month and will continue and asked Ms. Sitterle if she had any additional information to come forward since the last meeting.

Ms. Sitterle stated that the application was tabled for additional information from the Economic Director and to confirm sewer and water information from the applicant.

Ms. Sitterle indicated that the packet of information provided to the Commission included a statement from Ms. Stinson similar to what was provided at the last meeting. The Department of Economic Development is in support of this project and recommends future evaluation of additional assisted living facilities to commercial zoning classifications. Ms. Stinson indicated facilities like Poet’s Walk add quality jobs to the local economy build on existing health care industry and will provide additional tax revenue to the Town and County.

Mr. Tucker evaluated the information provided by the applicant for water and sewer uses on a similar facility located in Fredericksburg. Ms. Sitterle stated the information provided by the applicant was not what Mr. Tucker had requested and she informed the Commission that their packet includes email exchanges between Mr. Tucker and the applicant. Mr. Tucker reviewed the billing records as provided and is satisfied that the projected water/sewer use by the facility is compatible with the projected use in the recent water sewer capacity study. The billing records from Poet’s Walk in Fredericksburg when adjusted for irrigation and difference in the number of beds are within the 2,334 gallons per day (gpd) projected in the study. As result it was felt the water and sewer uses were satisfied.

Dr. Harre asked the Commission if there were questions for Ms. Sitterle.

Mr. Nevill directed Ms. Sitterle to page 5 of her staff report which addresses water uses; it stated the use of 750 gallons per day per acre was consistent with the current industrial zoning. He asked if that was the actual subdivided parcel and the 3.33343 acre parcel.

Ms. Sitterle stated yes.

Mr. Nevill stated we only have impact on the parcel that is being considered.

Ms. Sitterle stated that was correct.

Mr. Zarabi asked about status of landscaping and buffering.

Ms. Sitterle stated the applicant did provide a revised landscape plan and showed the members of the Commission the revised plan. She indicated the revised plan was done based on the comments from the last meeting.

Mr. Nevill stated that Ms. Stinson's comment indicates consideration should be made to include assisted living facilities to commercial zoning and he thinks that would be appropriate. If this request had been to rezone it to commercial, he asked how the compatibility would be evaluated with the surrounding parcels.

Ms. Sitterle stated that would be somewhat of a departure from the surrounding residential zoning. However, the Blackwell Road and Route 17 Spur do separate this parcel from other Town parcels, but it is immediately adjacent to a residential property in the County owned by the applicant that is R-1 zoning and commercial zoning would be a departure from what is zoned in the county.

Mr. Nevill stated there was nothing on the Route 17 Spur side other than large lot residential in that area.

Ms. Sitterle stated that was correct.

Ms. Schaeffer stated she recalled the County had some concerns about the Destinations Plan.

Ms. Sitterle stated the County had some comments about changing a sidewalk to a trail based on the Destinations Plan.

Ms. Schaeffer stated the Destinations Plan has areas of trails and additional connections planned for that specific property and as we move forward and the County starts to address that the Commission and Town Council should consider adopting that into our Comprehensive Plan so applicants can be aware of it up front.

Ms. Jonelle Cameron attended the meeting on behalf of the applicant, Silver Companies, and also introduced Ms. Amy Pritchard an associate of the Carson-Ashley Firm and Mr. Jervis Hairston, associate of Silver Companies. She indicated the Silver Companies were seeking a Zoning amendment from Industrial use to residential R-10 and a Special Use Permit for an Assisted Living Facility/Memory Care Facility. Ms. Cameron indicated she and her colleagues had attended the June and July Planning Commission meetings and have made several changes to the plan addressing landscaping concerns, maintenance of existing trees and buffering. Ms. Cameron presented a slide show to the Commission of various drawings reflecting the revisions. She indicated shrubs had been added to the parking area, increase buffering had been added to address neighbor concerns and she identified variety of trees that would be included on site and along Blackwell Road. She indicated existing trees would be included into the landscaping plan, in accordance to what engineering would allow. The decorative fence will be extended and additional landscaping will be included along the fence and by the sign. To illustrate the revision, Ms. Cameron showed the Commission a slide comparing the existing plan and the revised plan

and it reflected many positive changes in landscaping and screening in coordination with the neighbors located on Blackwell Road.

Dr. Harre asked the Commission members if they had questions for Ms. Cameron.

Ms. Schaeffer asked if she had been provided a copy of the Destinations Plan and the concerns the County had about incorporating that into her site plan.

Ms. Pritchard stated the Town requires sidewalks along all public streets and indicated they were willing to go either way and that is the way it has been left. She indicated they are willing to go sidewalk or trail but it is up to the Town to decide.

The Public Hearing was opened at 7:15 PM.

No comments were made.

The Public Hearing was closed at 7:16 PM.

Commissioner Comments

Mr. Nevill stated that he thought once the Route 17 Spur was put in, a distinct boundary was created in the town. The town/county border in one area is less distinct and what we have on the far side of the Spur is single family residential. He indicated this was a good proposal but he would have preferred to have it on the town side of the Spur across from the Giant or above Country Chevrolet, which would appear to be more consistent. His concern was things were going to be blended that are naturally divided by landscape or by roadways and it will start to erode natural landscape boundaries that we now have. As far as industrial this relates to our numerous discussions about the need to revise the Comprehensive Plan relating to evolutions of the layout of the Town and other infrastructure that has been developed in the last 15 years. We need to make the plan match what we envision and also how the Town has grown and it appeared to him that this parcel is one that should be reconsidered as to whether it is appropriately zoned. He stated the location of this facility was not consistent with what could be envisioned in making changes to the Comprehensive Plan in the near future.

Motion

Mr. Kip made motion that Zoning Map Amendment 15-02 and Special Use Permit 15-04, for Poet's Walk Assisted Living/Memory Care Facility be approved with the following conditions suggested by the staff:

1. The concept plan and any subsequent architectural perspectives/elevations associated with the SUP will be in substantial conformance with the site plan submission.
2. Operation of the assisted living facility must be by a qualified, licensed group in the Commonwealth of Virginia in accordance with the zoning regulations.
3. The sanitary sewer and water services for the project must be adequately demonstrated and any fees identified and paid prior to issuance of a building permit.
4. A condition for fire and rescue service should be submitted with the proposal and include

fees, if appropriate.

5. Identification of security measures to protect residents, including emergency warning facilities, and measures to secure clients/patients, as appropriate with a one year review to make sure the procedures are working with local law enforcement, fire and EMS services.
6. Identification and screening of any refuse, service, outdoor storage and air-condition or mechanical equipment areas.

Ms. Schaeffer asked Ms. Cameron if she had any concerns, questions or wanted any revisions to the six conditions.

Ms. Cameron asked if the one year review would be conducted by public hearing with the Commission.

Mr. Nevill stated the review would be with Fire, EMS and local law enforcement and unless there were some issues, the Commission would not be involved with the one year review.

Ms. Schaeffer stated the one year review would allow the Town the opportunity to meet with the client and determine if there were any unforeseen impacts and if there are, then it would come before the Planning Commission to determine how to address the impact.

The motion was seconded by Ms. Schaeffer.

Dr. Harre asked for discussion. There was none. Dr. Harre asked for members to vote by rising of their hands. Four members voted in favor and one opposed (Mr. Nevill).

Ms. Helander did not vote. Motion passed.

Dr. Harre stated the approved proposal would go to Town Council at their next meeting.

Ms. Schaeffer stated that in the future when semi-commercial uses are being placed in residential areas the overall use should be considered. She expressed concern over this memory care facility being in a commercial district because the residents are not going to be walking out in the day doing things in the area. She urged the Commission to heed to Mr. Nevill's comments and as the Commission starts looking at more assisted living facilities in our community that they are in a more commercial based area.

Dr. Harre stated that was the reason for the special use permit in order to go into that location and we have to get the best use for the land that is available and we will see what Town Council does with it.

B. Comprehensive Plan Amendment (CPA 15-01); Zoning Map Amendment (ZMA 15-01); Zoning Text Amendment (ZTA 15-01); Special Use Permit (SUP 15-03). Orchard Ridge Multi-Family Development. – Applications for a proposed 288 –unit multi-family development on property (37.4598 acres) at 615 Falmouth Street. The subject parcels (GPIN 6983-69-8183 and 6983-78-1685) are zoned Industrial. The project area includes 16.328 acres. The following are being requested per the 2006 Zoning Ordinance. Comprehensive Plan Amendment per Article 11-3.8 to change the contemplated zoning and land use of the project area to Residential Multi-Family (High Density Residential); rezoning of the project area to Residential Multi-

Family (RMF) per article 11-3.9; Special Use Permit per Article 11-3.10 to apply Affordable Dwelling Unit (ADU) provisions per Articles 3-4.5.5 and 9-3; a text amendment per Article 11-3.9 to increase the allowable building height in Article 3-4.5.8 for multi-family buildings in the RMF District and waivers for building height and parking requirements per Articles 3-4.5.8, 73, 9-3.6 and 10-7.12. The applicant is Orchard Development Corporation and the property owner is Premium Business Parks International, LLC.

Staff Report

Ms. Sitterle stated this was a request for multiple application process to include a proposal to construct 288 multi-family dwelling units within 9 buildings at 615 Falmouth Street on 16.328 acre portion of that property to be rezoned residential multi-family from industrial to accommodate the request. There is an access drive that connects to Falmouth Street adjacent to Kingsbridge Court to accommodate primary access to the site. Ms. Sitterle presented an overview plan of the site and identified buildings that would remain as part of this proposal. She indicated there was approximately 21 acres that will be undeveloped and future use is unknown and that portion of the parcel would remain zoned as industrial. She indicated the site currently has a pond on it and was heavily vegetated with landscaping and adjoins Old Meetze Road and there are number of low density residential property that currently exist on Old Meetze Road and many of them are multi acre properties and are the lowest density in town.

Adjacent across the street are townhouse units and Alwington Manor is at the intersection of Falmouth and Old Meetze Road. She indicated that was also zoned as industrial. In addition there is a project adjacent to the Warrenton Greenway Trail and there is some industrial property on the south side of the trail.

Ms. Sitterle stated the first application was for a Comprehensive Plan Amendment and the current Zoning Ordinance does not have process outlined for this application but it would apply under Virginia Code Section 15.2-2232 and is identified as a Commission Permit in the Town's Zoning Ordinance under Article 11-3.8.1. Currently the Comprehensive Plan includes a goal to encourage affordable housing options that support the Town's workforce housing opportunities. The applicant provided a market study that indicated the subject property would be well suited for a rental property zoned residential multi-family and there is currently no vacant property available to accommodate the scale of the proposed project. The existing multifamily developments in the Town are at capacity with waiting lists to rent units.

The Comprehensive Plan (2000-2025) indicates the subject property should be reserved for industrial development. Industrial land is needed to provide local employment opportunities to residents and to increase the local tax base. The Comprehensive Plan notes an appropriate balance of land uses based on the future population, and the amount of industrial land included in the Plan is based on population projections and a reasonable ratio of employment. Conversion of the proposed parcel represents a 13.8% removal of remaining industrial land (based on the 2009 tabulation). The applicant must address the balance of uses and the impact of the removal of industrial zoning on the future support of the Town population.

At the July 15, 2015 work session, the applicant responded to this concern and directed members to section 3 of the application package which included a map of the multi-family residential units and multi-family zoning in the Town as well as one PUD that has multi-family residential

housing on it. The applicant indicated there was a chart on the availability of multi-family housing and that multi-family housing is marketable housing and PUD is normally subsidized housing and indicated the units on Academy Hill were full as of March 2015 and there was a waiting list for those units. Ms. Sitterle stated the applicant indicates there is no demand for industrial land but a high demand for affordable housing.

Ms. Sitterle stated the Comprehensive Plan identifies a park at this location to provide recreation and uses complementary to the Warrenton Greenway Trail. She indicated there was a Parcel A in the proposal that would be consistent with this park but there were some remaining details needed and she suggested that access to the trail be ensured through proffers for connectivity. However, at the July 15, 2015 work session the applicant noted that the surrounding property owners did not want connection to the property through a trail or sidewalks.

Ms. Sitterle stated the Comprehensive Plan considers the appropriateness of adjacent land uses and the orderly transition of land uses. She indicated there was concern for potential noxious or hazardous impacts from the adjacent industrial development, the need for accessibility to high-density uses and the adjacency of single-family uses across Old Meetze Road.

She noted that the density of the property suggested by the Comprehensive Plan is for industrial uses and the proposed conversion may be too high-density with residential units that will likely include children and the strain on the school system must be considered.

Ms. Sitterle noted at the July 15, 201 work session the applicant provided comments in response and indicated National Association of Home Builders had done a nationwide study of multi-family density and children of multi-family density housing and according to the Virginia figures there would be approximately 42 children associated with this project. Also at the work session the applicant provided data on Fauquier County Public School for Bradley and Brumfield Elementary schools ten year enrollment which reflected the capacity is currently below and ten year projections for enrollment reflect will be down. As result Fauquier County Public Schools will not have to add additional classrooms in order to accommodate the 42 children estimated for this project. Ms. Sitterle informed the Commission that the applicant had been in contact with Mr. Granger, Center District Supervisor, about the issue and he did not have a problem not having a proffer. However, rent could not be converted to the units in order to recover the proffer for school seats.

Rezoning

Ms. Sitterle indicated there were a number of criteria under Article 11-3.9.12 for considering Zoning Map Amendments. The conversion from industrial to residential multi-family appears to be somewhat awkward transition of uses and these proposed residential uses will be significantly different from the adjacent industrial uses and incompatible with the nuisance associated with Route 29. She indicated there was a concern with the density associated with residential multi-family is much higher than R15 zoning to the north. This low density residential allows no more than 3 units per acre and density is often lower in actual development around 1.75 to 2.25 dwelling units per acre. The proposed project density is over 17 units per net acre and would require substantial buffering and screening to mitigate the departure from the adjacent uses. Ms. Sitterle stated the applicant indicated during the July 15, 2015 work session that screening and

buffering details would be provided at the site plan stage.

Ms. Sitterle stated the Town Economic Development Manager also had concerns about the transition from industrial to multi-family and provided the following four points for consideration

1. The town would lose a substantial piece of industrial land and the opportunities to derive tax and economic benefits from it for perpetuity. It would also limit the types of future uses appropriate for the remaining portion of the parcel.
2. The shortage of sewer capacity facing the Town would also suggest limited flexibility to rezone commercial and industrial properties. A recent report to the Town Council indicated the Town could exceed its sewage/waste-water capacity as early as 2017 based on current zoning. The Economic Manager stated it was reasonable to expect the 288 apartment units would generate significantly more sewage/waste-water than many industrial and commercial uses. Expanding capacity will require millions in capital investment over an extended period of time. Further investigation is required to project the marginal cost of applications such as Orchard Ridge Apartments.
3. Providing affordable housing is an amiable goal for the Town to support
4. Rezoning commercial or industrial land however may work against the Town's overreaching goals for economic development and fiscal stability as well as endanger viability of future commercial projects because of a lack of sewage/waste-water capacity.

Ms. Sitterle indicated the Planning Commission had also expressed concerns about the proposed development at this location and whether options existed. However, the applicant has noted there were no other options with available land zoned residential multi-family within the Town limits to meet the demand for affordable housing. Ms. Sitterle reiterated the concern about the remnant parcel remaining industrial and unknown uses at this time for that parcel. She indicated there may be a proposal at some future time to rezone the property with an Industrial Planned Unit Development (I-PUD) overlay district, which would provide flexibility with the combination of uses for this parcel, however it would not meet the minimum 25-acre requirement of the Zoning Ordinance and the applicant is seeking a condition with the Special Use Permit for ADU provisions that would reserve a portion of the residential component of the project to credit toward a potential I-PUD designation.

Zoning Text Amendment

The applicant is requesting a Zoning Text Amendment per Article 11-3.9 to increase the allowable building height for multi-family buildings in the residential multi-family district. The applicant is requesting to amend Section 3-4.5.8 to increase maximum building height in the residential multi-family district from 45 feet to 55 feet. Each foot in building height over 45 feet would require a one foot increase to front, side and rear setbacks, with an exception that the added setback may be absorbed by stepping back the second or third stories of the building. This is consistent with other districts that require additional setbacks for each foot of additional

height.

Ms. Sitterle stated the proposed text amendment would allow any multi-family building to execute the additional height, if the required setbacks are provided. She indicated the additional height might work for this site/development but may not necessarily be appropriate for other residential multi-family sites in the Town. As result, she stated a slight modification may be required to tie it to multi-family units that would have affordable dwelling provisions where additional density would be involved.

Ms. Sitterle stated the applicant's package included a draft proffer statement that includes a variety of items being proposed.

Special Use Permit

Ms. Sitterle stated Article 11-3.10.3 outlines a number of items for consideration for special use permits. Special Use Permit is required to obtain the additional density bonus necessary for the project and under Section 9-3 the affordable dwelling unit provisions do allow for that with a special use permit process. It is noted that the mix of units are both at market rate and affordable units as part of this. Phase One will include 80 units which are at or below 60% AMI and the applicant clarified that the mix of units would be a 50/50 split of affordable and market rate units. It is noted that the VHDA guidelines require a yearly audit to maintain the mix of units. This is also noted in the draft proffer statement. Those provisions would also be included as part of the Special Use Permit.

This was noted as an awkward transition of uses. The residential multi-family district being high density and four zoning districts departure from the existing I District. This will be significantly different from the adjacent uses and produce a difficult buffering situation. Exceptional landscaping, use of berms/fencing and distance is necessary to attempt to mitigate the departure from the adjacent potential use. Across Old Meetze Road there are five different districts from the existing R-15 zoning. With the change in density significant landscaping and buffering will be required to mitigate these differences.

Ms. Sitterle noted that in Article 9-3 of the Zoning Ordinance special conditions for affordable housing was provided. This includes an appropriate living environment, demonstration of a 25 year commitment to affordability, limitations of density bonus, site design characteristics consistent with Article 9-20, parking restriction (9-3.6) and procedures for offering the units first to residents of Warrenton and Fauquier County. The review of living environment includes a convenient, safe and pedestrian friendly site that blends in with the surrounding area. Ms. Sitterle noted this would be difficult to achieve with the substantial differences in the adjacent uses (industrial, low-density residential and expressway arterial). The site appears to depend on the remnant parcel for outfall of storm water in either the adjacent pond or stream. It was also noted by Ms. Sitterle that the pond was subject to a Phase I and II Environmental Analysis under EPA standards and the Town has copies of those reports. She indicated the reports reflect that some cleanup did occur and it is being mitigated and is something that must be included in storm water management program.

Traffic Impact

Ms. Sitterle noted traffic impact was evaluated by Bowman Engineering and a copy of the report dated February 13, 2015 was provided with the application. The intersections studied as part of the study included:

Falmouth Street and Main Street and East Lee Street
Falmouth Street and Meetze Road
Falmouth Street and Kingsbridge Court/Site Entrance
Falmouth Street and E. Shirley Avenue (U.S. Route 17/29 Bypass)
East Lee Street and Walker Drive/Oliver City Road

Ms. Sitterle stated background traffic conditions represented future conditions without the proposed development were calculated for the years 2017 and 2023. Traffic volumes were calculated by applying 1 percent per year growth rate to existing traffic and adding trips generated by the Warrenton Crossing housing development. These steps were agreed upon at the scoping meeting that was held with VDOT and the Town. The background traffic conditions also assumed that the Spine Road between Oliver City Road and the intersection of Falmouth Street and Old Meetze Road would be built as part of the Warrenton Crossing development.

Peak hour trips generated by the proposed development were calculated and were based on the Institute of Transportation Engineers Trip Generation Manual, 9th Edition. It was noted that the peak hour totals of in and out trips were 145 trips for AM Peak Hour and 176 trips for PM Peak Hour.

Ms. Sitterle stated the estimated trips were calculated on the existing industrial zoning. Assuming a 0.3-0.4 FAR for the 14.6 acres, the results in approximately 190,800 to 254,000 square feet of development. Applying the trip rates for ITE Land Use Code 110 (Light Industrial) resulted in the following peak hour trips:

AM Peak Hour 176-234 trips (31-89 trips more than the proposed residential use)
PM Peak Hour 185-247 trips (9-71 trips more than the proposed residential use)

Ms. Sitterle noted the site generated trips were assigned to the area roadways consistent with the agreed-upon trip distributions. These trips were added to 2017 and 2023 background traffic volumes to result in total future traffic with the development for each of these years.

Additional capacity analyses were conducted for existing traffic volumes, background traffic volumes, total future traffic volumes for 2017 and total future plus six years (2023) traffic volumes. Ms. Sitterle noted that the Synchro Version & software package was utilized and the level of service standard in the area is LOS D.

Ms. Sitterle noted the intersection capacity analyses show levels of service E or F at the following traffic movements

2017

Falmouth Street and E. Shirley Avenue (US Route 17/29 Bypass)

Southbound left lane and right-turn lane movements in PM peak hour – changes from LOS E to F with Orchard Ridge traffic.

E. Lee Street and Walker Drive/Oliver City Road

Southbound left turn movement in AM and PM peak hours – AM peak hour changes from LOS D to F with Orchard Ridge traffic. PM is LOS F without and with Orchard Ridge traffic.

2023

Falmouth Street and Main Street and East Lee Street

Westbound shared left/thru lane in PM peak hour – changes from LOS D to E from 2017 to 2023.

Falmouth Street and E Shirley Avenue (US Route 17/29 Bypass)

Southbound left turn lane and right turn lane movements in PM peak hour – LOS F in 2017 and 2023

E. Lee Street and Walker Drive/Oliver City Road

Southbound left turn movement in AM and PM peak hours – LOS F in 2017 and 2023

Southbound thru movement in PM peak hour changes from LOS D to E from 2017 to 2023

Ms. Sitterle indicated vehicle queuing analyses were conducted at the intersections and all queues were estimated to be contained within the existing storage with the following exceptions.

E. Lee Street and Walker Drive/Oliver City Road during the AM peak hour under existing conditions and during the PM peak hour under 2017 background, 2017 future, and 2023 future conditions.

Falmouth Street and E. Shirley Avenue (US Route 17/29 Bypass) in the PM peak hour under 2023 future conditions.

A traffic signal warrant analysis was conducted at the Falmouth Street and E. Shirley Avenue (US Route 17/29 Bypass) intersection and showed that Warrants 1 and 2 are satisfied under existing and background conditions. Under 2017 future conditions, Warrants 1, 2, and 3 are satisfied. The town consultant has noted that the town has proffer money available at this intersection from the Wal-Mart site approval that could be used for that traffic signal.

Turn lane warrant analyses were conducted at the intersection of Falmouth Street and Kingsbridge Court/Site Entrance and neither left nor right turn lanes satisfied warrants.

In addition the traffic study did not identify traffic mitigation measures to address the traffic movements with poor levels of service or that exceed the queue storage length. The traffic study also did not address a potential scenario where the future Spine Road will not be complete by occupancy of the Orchard Ridge Development. The trip assignments assumed 40 percent of the

Orchard Ridge traffic would use the Spine Road. Therefore if the road is not open to traffic then the traffic impacts from Orchard Ridge will be larger at other intersections. If Orchard Ridge is approved, the Town should consider a condition of occupancy to have the Spine Road open or require the applicant to provide a supplemental traffic analysis demonstrating the traffic impacts without the Spine Road and appropriate mitigation.

Ms. Sitterle noted that the analysis indicated an assumption of single lane exit at the site driveway onto Falmouth Street and consideration should be given to preserving the opportunity to provide separate left and right turn exit lanes to include a shared access with the surrounding undeveloped industrial zoned property. Additionally, the Town should encourage future planning for interparcel access to minimize the number of future driveways along Falmouth Street.

Ms. Sitterle stated the Town's traffic engineer has suggested the following items be considered

1. Review the assumption for utilizing old traffic data from 2011 and 2013 as well as the summer counts from 2013. If acceptable, request that the applicant clarify the calibration process for adjusting the data to the existing year.
2. Request the applicant address mitigation at the Falmouth Street and East Shirley Avenue (CUS Route 17/29 Bypass) intersection and the East Lee Street and Walker Drive/Oliver City Road intersection. The Town should explore the opportunity to utilize available proffer funds from the Wal-Mart site approval.
3. Request the applicant allow for future separate left and right exit lanes at the site driveway as well as interparcel access to adjacent undeveloped properties.

Parking and Waiver Request

Ms. Sitterle stated the parking standards were based on studies of parking by land use and in fact were assessed for apartments based on their size. That is why the ratios for studio apartments are different than for a 2 bedroom apartment. She stated there was no indication whether these types of developments are successful or if the auto ownership changes with affordable housing that may influence a change in the parking standard.

It was noted that the applicant provided a table with the parking summary for consideration as part of the parking waiver request to reduce the number of off-street parking spaces based on the actual need versus the Zoning Ordinance requirements. Based on the strict interpretation of the Ordinance the following is required per Article 7-3:

Multifamily dwellings

One and half (1.5) spaces per dwelling unit for efficiency units

Two (2) spaces per dwelling unit for one bedroom units

Two and one-half (2.5) spaces per dwelling unit for two bedroom units

Three (3) spaces per dwelling unit for three or more bedroom units

Ms. Sitterle noted that Article 9-3.6 of the Zoning Ordinance has special considerations for Affordable Dwelling Units which has the following reductions

Single room occupancies 1.0 parking space per unit
Studio/Efficiency 1.25 parking spaces per unit
One Bedroom 1.5 parking spaces per unit
One Bedroom and Den 2.0 parking spaces per unit

If the strict requirements of Article 7-3 were applied it would require 657 parking spaces. The applicant is requesting a reduction of 523 parking spaces in order to provide a park identified with parcel A of the development. The ADU parking provisions would allow for a reduction of 549 parking spaces and the applicant's request is not that far of a departure from what the affordable dwelling unit provisions require. Town Council would need to consider whether a reduction as proposed is appropriate as they evaluate the waiver request based on Article 10-7.12 of the Zoning Ordinance. She noted this is part of the entire application package and that it will have an impact on the site design whether the parking spaces as provided for would need to be demonstrated onsite and it does have impact at the Planning Commission level.

Utilities

Ms. Sitterle noted the following information was received from Mr. Bo Tucker, Director of Public Works.

1. Water Sewer Utility – This project will place a higher demand on the water and sewer utilities than estimated in the most recently completed capacity study. There is concern that at build out the Town utility assets will be committed as follows

Water – 71% of assets (80% is a trigger level for Virginia Dept. of Health (VDH))
Sewer – 106% of assets (95% is a trigger level for Department of Environmental Quality (DEQ))

2. At a 2-3% growth rate the study projected that build out will occur at approximately 2025 to 2030. Under current conditions the sewer is projected to reach the 95% trigger for DEQ at 2022. Key study recommendations were to continue the reactivation of Wells #3 and #4 and for sewer to develop a more aggressive remediation program to address inflow and infiltration (I&I) with the goal of reaching I&I by 200,000-300,000 gallons per day in the next three years. This would bring the build out level down to the 95% or below.
3. The study uses 700 gallons per day per acre water/sewer use for industrial zoned properties. The proposed project consists of 16, 32 acres, which are part of a larger 37.46 acres parcel. The water/sewer allocation for the development is (16.32 acres X 700 gallons per day (gpd)) would equal 11,424 gallons. The developer has proposed a mix of 1, 2 and 3 bedroom units and their usage from other like projects:

72 – One Bedroom Units @ 61 gpd = 4,392 gallons
198 – Two Bedroom Units @ 91 gpd = 18,018 gallons
18 – Three Bedroom Units @ 150 gpd = 2,700 gallons

Total 25,110 gallons

Ms. Sitterle noted that the estimates for three bedroom units were based on existing three bedroom apartment units. The developer data is very low compared to existing apartments in town, Highlands apartments' average 150-160 gpd. Even considering the water saving fixtures of the units the proposed usage is considered low and is probably 15% above the usage of Warrenton residents. Therefore it is felt that the total demand will be approximately 28,876 gallons per day (25,110 x 1.15) with that additional uses. The 2,700 gallons for the 18 three bedroom units @150 gallons per day would equate to 25,110 gallons multiplied by the 15% above average uses would equate to the 28,876 gallons.

The proposed project will place an additional 17,452 gallons per day on the utility system.

The water capacity study results indicate that the increased demand on the water supply is minimal.

The sewer capacity study results at build out being at 106% is compounded by the additional 17,452 gallons per day and will require additional mitigation measures if approved or a restriction on the balance of the original parcel.

It was noted that the town is currently in the process of trying to assess the cost of abating a gallon of I&I and the potential and practicality of any increase in capacity of the treatment plant. However, this information was not available at this time.

With only 16.32 acres of parcel's 37.46 acres being developed, the question is what the development plan is for the remaining 21.14 acres are. The entire parcel of 37 acres would support the proposed 288 unit development with the study allocation of 26,222 gallons. A deed restriction on the remaining acres would satisfy the utility demand.

Proffer Statement –

The payment of water sewer availability fees are not a proffer, but the cost of developing a property and based on water fixtures and the Town Code.

Looping of the water lines will be a site plan requirement and there will be no tap fee credit looping the line in Old Meetze Road.

The acquiring of utility easements on and off the site to support the project is not a proffer, but a cost of project development.

At the time the Town does not have enough information on the cost to remediate the additional 17,452 gallons per day to assess if the \$100,000 is an appropriate amount.

If approved by the Commission, it is recommended that the Town Council be advised that sewer impacts be assessed once they can be quantified by staff.

Draft SUP Conditions

There is a concern about the applicability of the residential portion of the proposed development applying to a future I-PUD rezoning of the 21 acre remnant industrial parcel. There should be a basis for transferring the residential units from one parcel to another to count towards a residential use requirement of a planned unit development. There should be a direct tie to the Zoning Ordinance that allows this sort of transfer of rights for a future potential rezoning. There is no known future use of the remnant parcel.

The draft conditions contain the requirements of Article 9-3 for ensuring availability of affordable dwelling units 25 years into the future and the marketing toward the workforce in the Town and County. It was suggested that conditions be carefully worded to avoid conflicts with the Fair Housing Act.

Potential Suggested Conditions

The emergency access gate should be controlled by remote rather than lock and key for easier emergency response access.

There should be additional recreational amenities such as another tot lot in a location near the Warrenton Branch Greenway on the southeast portion of the property.

STAFF RECOMMENDATIONS

Staff believes the proposal to generally be in keeping with the minimum Zoning Ordinance requirements however the Commission has expressed some concerns with the proposal and has provided comments regarding these concerns. Therefore, staff recommends approval, but notes the concerns should be thoroughly reviewed to the Commission's satisfaction which include but may not be limited to the following:

1. Change in the Comprehensive Plan land use designation for the project given the location, density and the shift to a residential development.
2. Uncertainty about the development of the remnant industrial parcel.
3. Transfer of residential use to count toward a potential rezoning to Industrial Planned Unit Development for the remnant parcel.
4. Potential traffic impacts and future use of the emergency access road, or need for an additional access point.
5. Utilities impact and abatement
6. Impact on schools

Dr. Harre asked Commission members if they had questions for Ms. Sitterle.

Mr. Zarabi asked why there would be a reduction in number of parking spaces for affordable housing units.

Ms. Sitterle stated there is some allowance that perhaps a lesser need for parking and she stated she did not know all of the background of this.

Mr. Zarabi stated it appeared there was a correlation between affordable housing and parking.

The traffic service appears to be a loss and the other lot was undefined and it was difficult for him to understand and it appeared affordable housing was the only saving umbrella for this type of project and asked what the grounds for the staff recommendation were.

Ms. Schaeffer indicated she had the same question because in listening to the staff report there is a considerable amount of concerns and then the conditions and proffers are provided. She asked if the staff recommendations were based on concerns Ms. Sitterle has had and the conditions put before her and the proffers the applicant has offered. Have the mitigations been offset with those conditions and proffers.

Ms. Sitterle stated there were some concern by management and as staff her concerns were based on the ordinance requirements and making sure if there are any flaws that they be directly tied to the ordinance. She indicated there had been concerns expressed by the Commission regarding comments on this and as part of the comments she noted that there is room for discussion based on Commission concerns that have been raised.

Ms. Schaeffer indicated she had comments relating to the TIA scope and the staff reports include the Spine Road as agreed upon in background. She asked if the traffic light was agreed upon in the background because it was not clear in the staff report. She indicated it was noted in the CIP but she did not know if the Spine Road was bonded and if public works was in agreement and asked if Town was confident that it will happen.

Ms. Sitterle stated Town has a site plan for Warrenton Crossing that is nearing completion and are phasing into the project and bonding the public road requirement. There are ways to ensure that gets accomplished through the bonding process and site plan approvals.

Ms. Schaeffer stated we cannot make request for the applicant to make an offsite improvement and she just wanted to make sure the Town understands that when a scope is agreed upon and put that stuff in background traffic they are assuming it is going to happen and that is the only thing the Commission can make the basis for their study. If town feels confident then that will give the Commission a better prediction of what the transportation will look like.

Ms. Schaeffer asked if the transportation consultant was present.

Ms. Sitterle stated yes.

Ms. Schaeffer asked the consultant if the background scope agreed to by the town included the Spine Road and traffic light.

Mr. Geoff Giffin, transportation consultant, stated the study scope agreed to by the Town and VDOT was that the Spine Road would be included. The study did not include a traffic signal.

Ms. Schaeffer asked the consultant if he knew why the signal was not included since it is identified in CIP and proffer.

Mr. Giffin, transportation consultant indicated he was not part of the scoping discussions and could not answer that question.

Mr. Nevill stated that at the June work session there was discussion about affordable housing and market studies and at that time he had asked if there was information available the Department of Social Services relating to housing vouchers in the immediate area and what type of housing was being used. He asked if Town had gotten any information on that.

Ms. Sitterle stated no.

Mr. Nevill stated there is a lot of information that would go into the thought process as to whether Town has adequate zoning for residential, multi-family in the right locations and in sufficient quantity to meet the demand. He indicated a lot of that information would be contained in the supply and demand issue needs to be examined. There are accessory dwelling units that are allowable in residential zone areas, there is a lot of capacity in current zoned properties throughout the Town where there are garage apartments, small cottage in the back on larger size property, or larger homes have been subdivided into flats that have evolved through the years. This needs to be looked at during the Comprehensive Plan update to determine if our supply of affordable housing is meeting the demand. If it is not, barriers need to be decreased but the primary question becomes is this the right location? More recent developments have been put by larger roads. Affordable housing is an important issue that needs to be addressed.

Mr. Nevill indicated he appreciated the comments from Economic Development Director relating to water and agreed this development will impact future economic development and take away tax base in the future. Mr. Fallon has pointed out industrial demand is not evident and that is something the Commission needs to consider. The water calculation for the remaining 21 acres is a huge question with not knowing what will be put there in the future. With the Industrial Planned Unit Development (IPUD) and the 25 acre minimum acreage required, it seemed to him the intent of that ordinance is to avoid or encourage larger acreage so you have a way to diversify uses. It has transition capability for uses. He asked if he was correct with his assumption.

Dr. Harre stated years ago there was lot of discussion about how many acres should be included and during that time four or five areas in town were identified that had 25 acres that the Commission thought should be done as a PUD and it was limited to only a few areas. At the time the Commission looked at live and work environment and this specific site was one of those identified as ideal location for a PUD.

Mr. Nevill stated that the fact this parcel was 36 acres and had been zoned industrial and not a lot has happened over the years. He asked Ms. Sitterle if Town Council and Commission looked at this as one of the properties where creativity and innovation could take place.

Dr. Harre stated this was before Ms. Sitterle's time and yes that was correct.

Mr. Nevill stated it appeared the Town was restricting future decisions by limiting remaining parcel size to 21 acres which puts it below the 25 acre minimum requirement, but yet this parcel is one that has been identified as ideal location for IPUD and that is a concern.

Mr. Lubowsky asked if the Commission has a Town produced study showing number of

affordable housing and who lives there.

Ms. Sitterle stated the Town knows where the multifamily units are located and the number of units but has not studied the composition.

Mr. Nevill asked how many accessory units SUP the Town has.

Ms. Sitterle stated there was one she recalled that occurred recently but she would have to do research.

Ms. Schaeffer stated there was one last year and at that time she raised the point to the Commission and Town Council for the SUP requirement be removed to allow affordability but it has not been addressed. She indicated she also asked that the CIP be reviewed to see what the existing land uses are. She indicated it was past a year since the request and as result all we have is our gut instincts because the CIP has not been updated and as result Town is violating required laws. It makes it difficult for community such as this where we are live and love when housing is healthy unlike Detroit and other cities where it is extremely difficult to find affordable housing because the house is more than likely going to be occupied. There were studies done six months ago showing DC market as one of the most at risk affordable housing areas. Fairfax has recently adopted new laws, and local jurisdictions around us are doing things and it is something Commission needs to take a much closer look at. Most of the Fauquier County teachers and fire fighters do not live here because they cannot afford to live here and they cannot find a place. She indicated as to whether this is the right project at the right place it is time for the Commission to look at this. She wondered where the Town wants to provide affordable housing for teachers and fire fighters who currently are living in other jurisdictions.

Ms. Schaeffer stated the zoning in this jurisdiction is not diversified enough and she thinks the applicant has pointed this out. She asked if the Town has any land available where a multi-family unit can be built now and the answer is no. Do we have any future land planned for affordable multi-family units and the answer is no and to subsequently to turn around and say we do not like this place it is time for Commission to identify where we do like it and where we want it. To Mr. Nevill's point, this parcel was designated as an IPUD as an area for innovation located along the Greenway and again she stressed she did not know if this was the right location for this project because she has concerns with the remnant parcel because she would like to see overall development so there is a level of certainty. There is concern about transportation and that traffic light has been planned at that intersection and has been identified in the Town CIP and has been partially paid for but it is not identified in the scope. As for as best management practices, the Town has to look at market demand which Mr. Lubowsky has indicated needs to be addressed and need to incorporate a mix of income which she stated she did like about the proposed project because it is not one sub set of income and having a mix is best for the residents.

She stated excellent design is very important when looking at affordable housing that needs to meet or exceed current design regulations and she encouraged Commission members to push for that effort. She indicated she did have a lot of questions for the applicant but as far as affordable housing goes it is time for Commission and the Town to stop saying well is this the right thing or do we need it. She indicated she went on Craig's List and typed in Warrenton one bedroom and

found basement apartments in Gainesville and single family home that were around \$895, two apartments in the Town one bedroom starting at \$950 and one at \$1250. She stated that was enough of a market study for her and it showed her she would not be able to find something in Warrenton. She stressed the need for Town to remove the SUP requirement on accessory dwellings and indicated all jurisdictions have done that. She spoke of a town resident that had a dwelling on their property and because of current zoning it was not possible for their mother-in-law to live in the little house located in the back of their property. The Town has a shortage of affordable housing and to staff's point there is a big demand and to offset those concerns we have to think what that means for the community.

Mr. Nevill stated he agreed with Ms. Schaeffer but affordable housing is a separate discussion and the Commission needs to keep saying no not here if the location is not the right place. That is why each application is about that particular location. He agreed the issue of affordable housing needed to be addressed. But the deficit of how it has been dealt with does not counter balance the weight of problems associated with this application.

Mr. Lubowsky stated that Phase 1 and 2 reflect environmental mediations and asked status

Ms. Sitterle stated she would have to go back and check.

Mr. Merle Fallon, Land Use Attorney and serving as representative for the applicant replied to Mr. Lubowsky's question and indicated the entire site had been remediated not just the pond and zinc pollution was found and was trucked away under supervision.

Mr. Fallon stated the pond would not be used for storm water management as part of this development.

Mr. Fallon stated he received a letter from Dr Harre a couple weeks ago and in that letter he asked why apartments and why here. Mr. Fallon presented a chart that reflected residential multi-family zoning throughout Town and PUD zoning that has affordable dwelling units which are identified as section 8 housing, and a list of what is available for rent. Mr. Fallon stated that some of the multi-family units are townhouses that are for sale and are not on the rental market. He indicated those available for lease are 100% leased and have anywhere from a two to six month waiting list as of March 2015. He indicated that on Winchester Street there is an apartment complex on the left with a sign that indicates apartments available with a phone number. Mr. Fallon indicated he had called that number 17 times and never received a returned call. Mr. Fallon stated he met with the head of human resources for the county and he was informed it was difficult for teachers, firemen and community government workers to find affordable housing in Town. In respect to the teachers, they live in Culpeper and Rappahannock and commute into Town or they live in Centerville and commute out and after couple years they then apply for a position in Centerville and move to Fairfax County and we lose a teacher. This need for affordable housing is critical and needed. Affordable housing is a term the Town ordinance uses but it is really workforce housing aimed at the \$25,000 to \$60,000 income range and people will have to qualify to come into these apartments. This is not subsidized housing with housing vouchers. Mr. Fallon noted that 50% of the units will be market rate and 50% will be affordable rate and they will be intermixed. Designation of the apartment (market or affordable) will remain and not change. Mr. Fallon stressed that Orchard Ridge Development is

an attempt to address the affordable housing need.

The location – Mr. Fallon directed the Commission members to tab 2 of their notebooks and showed that a complete survey of all the industrial zoned land in Town had been done. He indicated there were 48 parcels and 238 acres of industrial zoned land. Of the 48 parcels, 19 are vacant and of 238 acres, 156 acres are vacant. This survey shows there is no demand for industrial zoned land. He identified a parcel that had been industrial for years and indicated Wal-Mart attempted to go there in 2000. He indicated there were 25 parcels that are being used commercially, not for industrial purposes, but for uses allowed in the Town commercial district. There are 4 uses only for industrial and he identified them as a printing plant, storage facility, and he stated these were industrial uses not allowed in commercial space and Town has a lack of commercial zoning not a lack of industrial zoning. As result, in looking as to location for a mutli-family project he looked at where the Town had a surplus of zoned land that was not in demand.

Mr. Fallon identified two reasons for selecting the area. One it is available and two, it is a good transition from residential in this area. He indicated there would be about 21 acre balance and it was thought they were doing the Town a favor by suggesting that remaining 21 acres remain for IPUD and CPUD planning but it has gotten people confused as result, he indicated a new set of conditions had been developed that eliminates that. Therefore the IPUD and CPUD preservation is no longer on the table. That means when the owner of the industrial land wants to do something he will have to present a complete package and if it fits the CPUD guidelines then he can request an adjustment in the acreage size and the Commission can decided on the basis of the project at that time.

One of the things that are good in a housing project is the features. The features for this project are listed in the application under tab 3 and include 9 foot ceilings, fully sprinkled, upgraded flooring, over size windows, mini-blinds, raised panel wood doors, full size energy design washer and dryers, that allows for both water and energy savings. High speed internet, designer kitchens and baths and energy efficiency features in the apartment that are in the proffers which means it will be built to national green building standards at the silver level or higher. Mr. Fallon noted the silver level which is different from a Leed standard. Energy Star appliances will be included. Low flow shower heads and 1.4 gallon flush toilets, Energy Star Lighting. The entire project is an environmental sensitive community and will be very attractive.

Mr. Fallon indicated the proffers had been amended to address Ms. Schaffer's concern and some of Mr. Tucker's concerns. Mr. Fallon indicated that Ms. Schaeffer's concern was that the applicant had not proffered all of the pictures that were shown and various things such as the concept plan etc and as result this has been added as a condition and will be complied with and it is identified in red. The property will be developed in general accord. Mr. Fallon stated he appreciated Ms. Schaeffer's differences between general accord and substantial accord. Mr. Fallon stated he is willing to go to substantial accord if that is what desired, however in his opinion general accord made more sense. In general accord in regulation with the RMF District the proffers contained herein, the concept development plan and other materials including the building elevation submitted with the application. What is being presented is what will be presented as proffers and will become part of the zoning of the property.

Enhance Landscaping & Buffering – Page 3 – Mr. Fallon stated enhance landscaping and buffering had already been proffered. He directed the Commission to pages 6 and 8 of the proffers, the concept development plan identifies and sets forth that enhanced landscaping and identifies potential trees and the buffer areas.

Page 5 of the proffers relates to the environment and what is contained in the feature sheet is set forth in the proffers as a requirement.

Page 6 of the proffers energy star appliances are identified and low flow water use features and based upon Orchard's experience with other similar projects it manages, the water uses that was submitted as part of the application is real water uses and what will be used in this development.

Page 9 of the proffers identified a water line and sewer line down Meetze Road to serve houses on Meetze Road. Mr. Fallon indicated the project did not require a sewer line at that location because it is off site. He indicated the sewage would flow down to the pump station located onsite and then would be pumped back up to another pump station he identified on the plan behind Taylor Middle School and then onto the sewage treatment facility. He indicated the pump station behind Taylor has had some overflow issues and \$100,000 has been proffered to deal with either I&I that feed into that pump station or use the \$100,000 by putting in an overflow tank.

Mr. Fallon stated this is affordable housing project and is not a project where a lot of proffers can be put in by zoning because proffers cannot be recovered in the rent. Rents are controlled by the VADHA (Virginia Department Housing Authority) guidelines.

Mr. Fallon identified a water line the project will hook up to and come across onto the property which has to be done. He stated he had proffered to extend the water and sewer line to feed those properties on Meetze Road if credit would be given on a dollar for dollar basis towards the tap fees. Mr. Tucker has indicated he is not in favor of that so as result, that is withdrawn from the proffers and indicated the water line would feed the other way.

Mr. Fallon indicated they have agreed to stub a sewer line.

Mr. Fallon informed the Commission members what they had in front of them were slight modified proffers and as they vote on the rezoning those proffers should be considered. He stressed the proffers had not been signed and are up to negotiations and if this project is recommended by the Commission to Town Council then at that time Town Council may desire to make other revisions. For example, they may want to take advantage of our offer for water and sewer for the properties located on the other side of the street for the benefit of the Town.

The plan reflects a park that will be proffered to the Town in order for it to become part of the Town; however the Town has not agreed to that; and it will still remain open space amenity for the residents of the development. Mr. Fallon indicated the pond on site would not be used for storm water management and that would be dealt with elsewhere on the site.

Mr. Fallon stated there is an access that comes down to Falmouth Street which will serve the balance of both the industrial site and the project. He identified on the plan two access points and

stated there was no prohibition upon access and it had not been proffered one way or the other. He identified Emergency Access in the back and directed the Commission to page 8, 6A of the proffers which state the Emergency Access will be restricted by Gate or other devices as approved by the Town. One of the concerns raised was that the Police and Fire Departments wanted a radio controlled gate, so when they arrived it would be opened when they arrived. Mr. Fallon stated that the proffers covered this concern but the Town has to approve what is installed.

Affordable Dwelling Units – Mr. Fallon stated Town has the right to impose conditions on the density bonus that is part of an affordable dwelling unit. He indicated they were attached to Ms. Sitterle’s letter but not with what he received and he assumed they are the same conditions as to what he turned in. He indicated he has removed the last paragraph and preserved the IPUD and CPUD status. When it comes to affordable dwelling unit special use permit these conditions meet the ordinance requirements. He indicated he had these conditions reviewed by the County Human Resource Director and she indicated that if they received the 90 day notice would be good. He stated he had heard Ms. Schaeffer’s concern about the Fair Housing Act and he had not vetted it for that purpose but will do so.

Mr. Fallon stated the Commission had a lot of information about this application. The information provided includes a Comprehensive Plan Amendment and a rezoning request and those two items go together. He recommended the Commission consider those two items first as to whether you agree to rezone the property and adjust the Comprehensive Plan to conform to the rezoning, or not, if the Commission thinks it should be denied.

Mr. Fallon reminded the Commission that they are a recommending body and the recommendation then goes to Town Council. The other items that have been put forth such as the building height amendment, the parking waiver and some of the other issues should be looked at as if the Commission has approved the rezoning, so Town Council can be told that if they approve the rezoning they should approve the parking waiver or should not approve the parking waiver.

Mr. Fallon stated that building height relates to two issues. He pointed on a chart to a residence located at 640 Old Meetze Road and showed the topography there and the existing building will be equal to the proposed buildings. He stated there would be enhanced landscaping at a higher level and as result the buildings will be substantially shielded. But in reality looking at the topography the building will be the same height as what is across the street. He indicated this is what can be done without a building height amendment to the ordinances. The structure will be four stories with flat roofs and air-conditioning and heating and other units will be on the roof that can be seen from the street. The height amendment is needed in order to put gable roofs on the structures which will hide all of the equipment. Mr. Fallon stated the project could be done either way but what is being suggested is more appropriate for the Town and provides a better finished product.

Mr. Fallon indicated the identical language of the Town’s building height waiver ordinance for single family homes that allows an extra story was used. Question has been asked if the project could be restricted to four stories and the answer is what is being proposed would restrict it to four stories. Mr. Fallon suggested that the Commission make a recommendation on the ordinance amendment and make a recommendation as to whether a waiver is due the applicant

under the ordinance amendment.

Mr. Fallon stated that one of the concerns expressed was this will make all of the residential multi-family zoned property eligible for this height increase. Mr. Fallon stated it in fact will, but pointed out that there is no vacant residential multi-family zoned property in the Town and Commission will have to rezone something or someone will have to come in and tear down existing apartments and put new apartments up.

Parking - Mr. Fallon stated that Orchard Development will continue to own the property during the 25 year ADU provisions and plan to manage the property and will not create parking issues for them to manage. The information provided is of similar projects operated by Orchard Development and a multi-family unit (Highland Commons) in the Town and there are no parking problems with reduced parking spaces that are provided. He indicated the parking issues are with the townhomes but not with Highland Common Apartments.

Spine Road – Mr. Fallon indicated that the Spine Road had been addressed and the plans need approval and the bonding amount needs approval. He indicated the purchaser of that property, NVR, is anxious to start construction of the road and it will be bonded.

Economic Issue – Mr. Fallon stated the issues raised by the Economic Director about not wanting to lose this valuable land for jobs. He stressed that the Commission needs to understand that this project will be a valuable job producing development. Mr. Fallon indicated he had information relating to the impact of building a 100 apartment complex in a typical local area provided by the National Association of Home Builders (NAHB) that gives the construction cost, and long term benefits this type of project will generate. He directed the Commission members to page 1 summary of what is contained in the following pages and for 100 units the local income is \$11,600,000, local business \$3,620,000, local government revenues from all sources. Phase 1 is the direct and indirect of construction activity and Phase 2 is the ripple effect that goes out to the community, Phase 3 is ongoing annual affect that occurred when new homes are occupied, There will be 44 local jobs supported by this development for 100 units and if you double that then the other numbers double as well. Mr. Fallon stated that for the Town Economic Director to say this should not be allowed and the industrial land should be preserved makes no sense. In order to have industrial or commercial jobs you must have people to work in those jobs and if you do not have housing for those people and the Town does not, then the Town cannot have workers and the Town cannot attract businesses. What businesses are going to come here with this significant infrastructure and move into this vacant space when they cannot hire anyone to work for them.

Mr. Lubowsky asked what the local income reflected on the summary (\$11,600,000) included.

Mr. Fallon indicated it included direct expenses and indirect income that goes to all of the other things. He referred the members to the more detail work sheet that was provided with the summary. Phase I is direct impact to construction activity and local income is \$74,000. Phase 3 is the ongoing annual affect after the units are occupied.

Ms. Schaeffer stated a fiscal impact analysis is something the Town should be requesting with every application and subsequently the Commission would have had opportunity upfront to

address these assumptions and it shows what is missing in terms of analysis for this project.

TIA/Signal at Falmouth & Shirley – Mr. Fallon stated when Wal-Mart did its expansion it proffered \$120,000 for traffic improvements in the area of the Wal-Mart Store. It is his understanding none of that has been spent. Additionally, Wal-Mart proffered \$60,000 for a Hawk Signal, which is a pedestrian traffic light and it, his understanding that also has not been spent. Mr. Fallon stated if the Town does not spend it by next year (2016) the Town will lose it and it goes back to Wal-Mart. Under current rules, the Town can take that \$180,000 and double it by a match from the State for a signal at that intersection and \$360,000 will be more than the cost of a signal. Mr. Fallon stated it is warranted it now and when the apartments are put in it will be warranted then.

Traffic - Mr. Fallon stated what was being discussed about not exceeding the water planned for this area but the same rationale is not being applied for traffic. The permitted industrial uses for this parcel vastly exceed the amount of traffic this apartment complex will put in, so it is either or.

Ms. Schaeffer asked if Mr. Fallon had discussions with Public Works as to why those improvements currently have funding for have not been implemented.

Mr. Fallon stated he has asked the question but has never received an answer.

Water – Mr. Fallon indicated the Town has permitted treatment capacity of three million gallons that can be treated at the treatment plant which on an average day puts out about 1.3 million gallons per day. Additionally, that three million gallons the Town is now only producing about 2.4 million gallons and have two permitted wells that can be brought on line but have not and the Town can drill more wells at a number of locations and pull more ground water into the system. The Town is fortunate in that it relies on ground water and reservoir water and there is a backup reservoir. Water is not an issue and it can be expanded without a great deal of expense or time. Additionally, a comment was made that when you get to 80% it involves the Virginia Department of Health guidelines and action has to be taken. Those actions are writing a letter to the Virginia Department of Health and tell them how the Town will plan for the future, such will the water system be expanded or will it remain the same. It does not impose any other requirements.

Mr. Lubowsky stated that Mr. Fallon should stop implying his assumption as to what would be done with ground water and stop stating in public meetings that water is not a problem.

Mr. Fallon stated that water is not a problem it is just not fixed. The sewage treatment capacity is fixed because Town cannot go beyond 2.5 million gallons.

Mr. Nevill stated water is less of a problem than sewer.

Mr. Fallon stated at some point Town will reach its capacity on sewer and the question becomes what projects do you want to approve with the limited capacity that the Town has and how will the I&I problem be fixed In May 2008 a study was done on the average treatment flow in the Town's sewage treatment plant and it was about 1.3 million gallons early in the month and after

a rain event it went up to 5.5 million gallons be treated per day for four or five days then dropped back down. When you have a lot of ground water and heavy rain there is a tremendous amount of in-flow that raises averages and if in-flow is cut then averages goes down.

Mr. Fallon stated he did not believe neither sewer nor water is a problem for this application.

Ms. Schaeffer stated she thinks for the Planning Commission to continue to dwell on this issue while the Town Council is granting services outside our boundary with no message to the Commission makes it very difficult for her as a planning Commissioner and that is why she keeps saying these applications have to go forward. The Town Council has to consider those issues as to what is best for overall and what is not. Granting applications outside the borders and telling applicants within our borders they are exceeding is confusing to her. She stated she did not know what the Town's ultimate goal and vision is without a clear message from the Town Council directing the Commission on how to address this.

Mr. Lubowsky stated as Chairman of the Utilities Committee the water problem is an issue for the Planning Commission and he encourages the Commission to continue to look at the water issue.

Mr. Fallon indicated that page 3 of Ms. Sitterle's letter indicates that the Commission is to determine whether utilities, sewer, and water facilities exist to serve the uses permitted on the property.

Ms. Schaeffer stated she wanted clear direction from Mr. Tucker and Town Council.

Mr. Fallon stated that the utilities, water and sewer facilities do exist that can serve this property and that is the Commission's review standard.

Mr. Fallon concluded his presentation and asked for questions.

There were none.

Dr. Harre indicated he had hoped to conclude the meeting within two hour time frame but because residents had come to speak he would open the public hearing and asked residents to limit their presentation to two minutes.

Public Hearing Opened – 9:10 PM

Mr. Steve Wojcik, 621 Old Meetze Road – He indicated that Mr. Fallon had just presented some proffer information that concern him and his neighbors and have not had ability to comment on and eventually he would like to have opportunity to see it and comment on it.

He stated he appreciated the discussion about affordable housing. He indicated he had spoken earlier at the work session and recognizes the need for workforce housing and regardless of the type of housing, he lives directly across the street and appreciate the Town recognizing the need for significant buffering and screening because of the different zoning not because of the type of housing. He indicated he wanted to correct the record for the May 19th work session relating to

lighting and it was due that he was not at the microphone when he spoke. He stated his concerns are on record and he has also communicated with Ms. Sitterle over the past month relating to his concerns. If the Commission approves this project, he asked that the Town require minimum 25 foot buffer zone for screening and in addition to have two staggered rows of mixed coniferous that are mature because as mentioned by Mr. Fallon the height adjustment will not be visible to him but that is only if there are mature coniferous that are at least 6 foot tall. He also specified that not only are they mature they are equal in terms of Bruce, Fur, Cedar and Pine. He stressed need to have substantial buffering to mitigate the differences between the R15 single-family residential zoning on Old Meetze Road and the density and site development intensity of the proposal. He stressed he did not want more lighting and want to preserve the night sky and preserve the habitat in the neighborhood for the bats, owls and other creatures which he and his neighbors consider quality of life living on that road and in Town. He indicated they are able to see the night sky because there are no street lights and do not want street lights and have addressed this to Mr. Fallon in a meeting. Mr. Wojcik identified three things they would like to have the development comply with

1. All exterior lighting produce a maximum luminous value no greater than of 0.1. Horizontal and vertical foot candles 10 foot beyond the property boundary.
2. No more than two percent of the total lumens are omitted at angles of 90 degrees or higher and are pointed downward not outward onto Old Meetze Road.
3. The representative from Orchard Development that attended the meeting at Mr. Fallon's office stated light poles in the parking lot would not exceed 19 feet. He asked that be the standard for this project.

Mr. Wojcik stated if this project is approved he asked for the Town to place No Parking Signs on both side of Old Meetze Road.

Mr. Wojcik stated he appreciated the increasing concern of the Commission and Town Council relating to capacity for sewer and water and for those people that live in Town that do not have access to sewer and water it is especially concerning not only because sewer and water is granted because of agreements for outside of Town but also expanded use of sewer and water within Town without clearly knowing when the residents of Old Meetze Road are getting sewer and water is a concern especially as developments surrounding Old Meetze Road have gotten sewer and water. This is identified in CIP but there is no date by the Town as to when sewer and water will be available for Old Meetze Road. He stated he has lived in his home for 11 years and has spent over \$23,000 making sure his well water is safe and the drainage system is environmentally friendly for the Town and for him and his family. He indicated he would prefer not having to maintain a septic system and would love to be connected to the Town sewer.

Mr. Mike Murphy – Monroe Estates. – Transportation impacts are significant and appreciate all of the studies, but have to ask the Commission and Town Council as subject matter experts how good are those studies and who is approving them. They need time to review the staff report that was just presented. Contractors can put forth anything as far as studies go. Water and sewer is a concern. Loss of industrial zoning is a big concern because a church or library could go on that site; it does not have to be an industrial building. The impact to surrounding neighborhoods is going to be significant and it will create more traffic by adding an additional 600 on Falmouth Street with a light that has not been paid for by the Town because they forgot about \$180,000.

He stated he was not a fan of this proposal and recommended the Commission deny it before citizen review it.

Debbie Easley – 605 Old Meetze Road – Mr. Fallon stated the pond would not be used for storm water management and she asked what was going to be used for storm water management. Mr. Fallon’s engineer responded but was not at the microphone and cannot hear his answer.

She indicated this project would cause a significant amount of runoff with nine apartment buildings. She stated she has lived here for about 16 years and has concerns about the environment. She was okay with residential zoning at that location and is glad that the Town is looking at affordable housing because it is needed but she expressed extreme concern over the density because nine apartment buildings is significant. Trying to turn left onto Falmouth Street off of Old Meetze Road traffic is already backed up and there is no place for traffic to go. The statistics given about only 42 additional children will be added for a 288 apartment’s complex with approximately 500 residents she thinks will be more significant. She urged the Commission to consider the other new developments that are going in at Old Meetze and Falmouth to Meetze Road what impact will that have on traffic and how many more students will that include. She urged the Commission to look at the whole concept and make sure there is a right balance because affordable housing is needed. Ms. Easley indicated there were wet lands on the property and she understands the existing buffers will remain but she would like to ask that the shore trees not be cut down because if they do it will diminish the existing buffer that is currently located there. She stated it was a beautiful area that has about 20 deer living there that will be displaced. She stressed she is okay with affordable housing but feels the density is too high, traffic will be significantly impacted and she has concerns about storm water runoff management.

Cooper Wright, 226 Falmouth Street – He indicated he worked for Department of Defense and when you have to do a study the first question always asked before a study is done is what do you want the question to be through the study. He also questioned the statistics of 42 children for a 288 building complex. He stated three months ago he stood in the middle of Falmouth Street in sewage water because of a collapsed sewer line and he expressed concern over the overall infrastructure and the ability of Town’s sewer system the outflow coming from a 288 apartment complex. He indicated he lived on the corner of Lee Street and Meetze Road at the four way stop and it is a busy intersection and he agrees with Ms. Easley’s suggestion of looking at this project with the other proposed developments planned for Falmouth Street and determine what the combined traffic impact of the two developments will be. Residents need to know because the current four way stop is very busy.

JoAnn Duran – Kingsbridge Court – She indicated there were several residents in attendance from Kingbridge Court and none are happy about this development because we have children that stand on that corner and it is already very difficult for them to get across the street and ask the Commission to consider the children.

Roger Duran – Marshall Virginia – with property on Kingsbridge Court. He stated affordable housing is a great idea but asked does it have to be in Town to serve the jobs that are need, because there is a lot of county surrounding the Town.

Rena Davis – 13 Kingsbridge Court – She indicated she lives across the street and is aware of

the sewer issue and she does not understand how this development is going to make it any better. She agrees with affordable housing but asked why that location and why it had to be in town. She indicated there were not enough businesses now that can supply taxes and she does not believe it will come from residential. There is not enough growth here for businesses and why can't we find another use for that property. The statement was made that teachers need affordable housing and she indicated there are teachers that live in this county and fire fighters are coming from Fairfax to live in this county because it is a better way of life. They work in Fairfax because paychecks are higher and to say that there is no affordable housing for teachers and firemen is untrue.

David Norden – 318 Falmouth Street – He stated he served on Town Council for 16 years and was also chairman of the Public Utilities Committee and is very familiar with the Town's sewer and water issues. He stated the 14 page staff report would indicate the Commission should deny this project whether it is traffic impact, increase school seats or taking away industrial land. As stated by the Town's Economic Development Director to grant the application for rezoning for the Orchard Ridge Apartments, the Town would lose a substantial piece of industrial land and the opportunities to derive tax and economic benefits from it for perpetuity. There is no going back on this. It would work against the Town's overreaching goals for economic development and fiscal stability as well as endanger viability of future commercial projects because of a lack of sewage/waste water capacity. Mr. Norden stated that was a powerful statement and for Mr. Fallon to try and indicate economic benefits of an apartment complex compares to the opportunity for business growth and job opportunities in our community is laughable. He stated that the numbers for sewer the Town has allowed in their staff report is generous and for the applicant to suggest a one bedroom apartment is 61 gallons per day and two bedroom is 91 gallons per day and trying to say those are actual numbers but Town cannot look at actual uses and that is the reason there are engineering standards and there is a reason why a 3 bedroom single family house is required by the Town to look at that as 300 gallons per day. However, the applicant has cut that in half for a three bedroom apartment and he asked why a three bedroom apartment would be half of a three bedroom single family house. It makes no sense.

If the Commission looks at the Town numbers with their idea that it should be increased by at least 15% it has already tripled the capacity for these 16 acres that would have come from business growth on this land. If the Commission agrees that the applicant numbers are false and you take the one and two bedroom units at 150 gallons, half of the norm, and use the 300 gallon standard for three bedroom single families home it equates to almost 46,000 gallons per day for this project and the applicant cannot prove this is not correct. The engineering standards have to be buffered in and as stated the Town will always have I&I and the applicant can promise all the money they want it is not going to fix the problem. If the problem is fixed here it will show up elsewhere and it is an ongoing project for this community for the rest of our lives.

Right now we know we are over capacity at the sewer plant without continuing to increase through these rezoning. Mr. Norden stated that the Commission is aware but the general public is not that the Town sewer plant is under a deed restriction and it cannot be expanded even if approvals were acquired from DEQ and EPA and all other government agencies which likely Town cannot, because we dump into a tributary that is far smaller than what is allowed and the Town is stuck with what we have. There is no money the applicant can give that will help with this problem. If you under estimate and guess wrong the economics to this community is

catastrophic and are not fixable and when it comes to sewer mistakes cannot be made. He stated regardless of what the Town Council will do it is up to the Planning Commission to make that judgment call with the sewer or hang their hat on any of the other issues but he asked that the Commission deny this project. Mr. Norden stated for the record that this project was vetted by the previous Town Council and Mayor and it was rejected unanimously primarily because of the sewer problem and now with a new Council makeup the applicant is asking again and Mr. Norden requested the Commission deny the application.

The Public Hearing was closed at 9:35 PM.

Dr. Harre stated a lot of information had been provided this evening and suggested that the Commission members take time to digest it and come back in a work session next Tuesday, August 25 at 7 PM to discuss it and at that point take a vote, unless Mr. Fallon wants to extend the deadline.

Mr. Fallon asked if his engineers and traffic consultant would be needed at the work session.

Dr. Harre asked the members and they indicated they had sufficient information.

Ms. Schaeffer stated she wanted to make sure there is sufficient time and it is okay to meet on August 25 without going beyond the deadline.

Mr. Robinson stated the previous application came to the Planning Commission but it has not been formally presented to the Town Council.

Mr. Fallon stated the 100 deadline occurs on August 27th.

Mr. Robinson stated the motion would be to continue the meeting not to adjourn.

Mr. Nevill made motion to continue the meeting on Tuesday, August 25 to have a work session discussion among the members of the Commission and have it opened to the public.

Dr. Harre stated that work sessions have been advertised.

Mr. Kip seconded the motion.

All voted in favor. Motion passed.

The Meeting was closed 9:40 PM.

Minutes Submitted By Dee Highnote.