



TOWN OF WARRENTON

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MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
December 15, 2015 – 7:00 P.M.

The Town of Warrenton Planning Commission convened on Tuesday, December 15, 2015 at 7:00 PM in the Municipal Building.

The following members were present: Dr. John Harre, Mr. Brett Hamby, Mr. John Kip and Ms. Susan Helander, Mr. Ali Zarabi, Mr. Lowell Nevill, Ms. Brandie Schaeffer and Mr. Yakir Lubowsky. Ms. Sarah Sitterle, Director of Planning and Community Development represented staff.

Dr. Harre called the work session to order stating there was a quorum present and a full agenda.

Dr. Harre asked Ms. Sitterle if she would give staff review of the I-PUD (Industrial Planned Unit Development) amendment.

Ms. Sitterle explained the application is a proposed amendment to the I-PUD portion of the Planning Unit and Development regulations. This application is to set up a rezoning project, but the text amendment would apply to all future I-PUD applications. The staff looked at PUD regulations in the surrounding area for comparison purposes. Each PUD regulation is specific to its location and no two are the same, but there are some interesting comparisons. Staff gave an overview of some items that came up in comparison. Changes to the maximum land use mix for commercial use was not found to be standard in the comparative ordinances. The current maximum is set at 35% commercial use. That would be changed to a maximum of 60%. Changes proposed for the open space areas appear to be relatively consistent among the comparative ordinances. As noted, other jurisdictions do not have the same process for waiver regulations, something unique to this ordinance. Some jurisdictions do not allow for residential uses among the industrial mixed use development proposals. Staff did provide some comments to the applicant regarding the draft red-lined changes and noted that there appeared to be some references that do not appear in the ordinance. Staff wondered about the impact of the mixed use residential component, how much would be considered commercial use and how much would be residential. This amendment does propose to remove the 10% maximum cap on apartments. Following that, there is a suggested change from a maximum 15% residential use to a maximum of 35%. There is a suggested change from a maximum 15% mixed-use residential to a maximum of 35% mixed-use residential.

Ms. Sitterle went on to say that drive-through facilities are considered a permissible use in all their applicable districts with a special use permit. This proposed change would make drive-through facilities a by-right use. The proposal also includes reducing internal setbacks to 0 feet. The proposed new Section 3-5.2.10.5 has waiver modification provisions for PUDs and the new would allow for a waiver of subdivision, zoning ordinance, and other Town requirements, which may include the Public Facilities Manual the Town code. This would also allow for waiver or modification to the sign regulations in Article VI, which could change the size, number, orientation, location, functionality, and design of signage. This may not be a common feature for waiver and modification provisions and is something for the attorneys to discuss above staff level. It needs to be understood if the waiver process would replace the function of the BZA with a variance request related to setbacks. These are some things that staff had noted.

Dr Harre asked if this text amendment would apply to all industrial land above 25 acres.

Ms. Sitterle answered affirmatively; any future applications will come under the provisions.

Brandie Schaeffer asked how many parcels are there currently that would meet this standard of 25 acres zoned industrial. What would the Planning Commission be effectuating?

Ms. Sitterle responded that there are probably two other large industrial properties; one being the SIVACO property and the other being the Weisberg property north of Country Chevrolet.

Dr. Harre stated the I-PUD almost seems like a C-PUD (Commercial PUD) but with more residential. He asked Ms. Sitterle if she would consider this a rezoning of these lands and would they have to have commercial zoning.

Ms. Sitterle responded that it raises an interesting question because this would be a rezoning to apply the overlay district. The changes proposed do make it more similar to the commercial zoning and commercial planned unit development. With straight commercial district zoning there is no residential component, so there would need to be a planned unit development overlay with a commercial rezoning as well, which is a question for the commission to consider.

Mr. Hamby stated that he believed the parcel was smaller than 25 acres during their last discussion and does not see a proposed text amendment reducing the acre requirement. He asked if they had another piece of property.

Ms. Schaeffer said she believed this was a general text amendment, not applicable to one piece of property.

Mr. Hamby said he looked through the application and did not see a request for a waiver of the 25 acre minimum requirement. He asked if he missed something.

Ms. Sitterle said no the minimum acreage requirement would be the same.

Dr Harre stated that this was his initial question. He wants to be looking at an application to

compare what's necessary.

Mr. Nevill stated that everything is specifically referring to the Walker Drive property.

Ms. Schaeffer explained that it refers to Walker Drive properties because they are the applicant.

Mr. Nevill asked what changed, because it was less than 25 acres before.

Dr Harre stated we are not considering any specific applicant at this point correct. This is a general text amendment.

Ms. Sitterle said yes, that is correct.

Ms. Schaeffer said text amendments have to be sponsored by someone to go before the Planning Commission. They are being sponsored by this applicant. I would encourage the commission to think about the fact that they impact all the properties.

Mr. Nevill said I believe this is the first one we've had. Looking at some of the other jurisdictions' Planed Use Development ordinances, this is about having some degree of flexibility when you get to the planning phase. So the applicant can adjust the commercial industrial balance when creating their plan. The Town may say then say the plan looks good or they may say, unless you waive this or amend that, you're going to be stuck with this. You get a picture of a development that does not meet the intent of the ordinance, but it's about flexibility. The logic of the PUD says there's a plan and then there's flexibility to be adaptable.

Ms. Schaeffer said, it may be helpful to go through the proposed changes in conjunction with the applicant's justification letter to better understand why these are being proposed. She understood the staff analysis and the comparison was very helpful. Better understanding the justification behind the proposed changes and staff perspective may be helpful to the commission.

Mr. Nevill agreed. The language that stands out is the increased ability for certain waivers.

Dr. Harre asked if there were any more questions for Sarah.

Ms. Schaeffer said she had one question. This was drafted and adopted in 2009. Are you familiar with the history, how this came about and why we have it? She sees some of the intents are economic development and to encourage redevelopment. Is there anything that is not written in the text that staff thinks is helpful for the commission to understand why this was adopted in 2009 and it has not come forward since. This let her know there may be some things in the ordinance that are prohibiting things from happening when the intent was economic development and subsequently nothing has happened, recession aside. What was the intent of the ordinance was and what may have been missed that has not made it an effective ordinance.

Ms. Sitterle explained this came about because of the Warrenton Greene project, the 42 acre parcel behind Country Chevrolet, an industrial planned unit development proposal in 2008, or 2007 when the conceptual plans were initially submitted. The plan was for some large retail, hotel and conference center, and some residential multi-family units. To make the plan possible

in the industrial district, revisions to the Planned Unit Development regulations were made to include the commercial and industrial planning and development overlays. At that time, as a text amendment, there was a cooperative parking special use permit, the rezoning, and another special use permit because of the steep slopes, all of which came forward together. The Warrenton Green project fell through, possibly because of the economy and other factors. It ended up being withdrawn.

Ms. Schaeffer agreed that's what she heard and that this was drafted in response to a specific property not considered overall. The Warrenton Greene site has its' own constraints, and subsequently this ordinance has not come to fruition.

Dr. Harre said there was a PUD ordinance and it was divided out. At the time, the town felt it was necessary to have this distinction. Several different properties were considered at that point.

Ms. Schaeffer said she was back to the justifications on each individual amendment.

Mr. Nevill asked what the projected next steps are.

Ms. Sitterle responded the next step would be a public hearing on the amendment.

Mr. John Foote introduced himself and had a power point presentation. He represents F & R Development, Springfield Properties. They had given quite a bit of thought to the project and felt they could help work through some of the issues. The property does exceed 25 acres. The whole property under contract is 32 acres. The chairman is correct; this is not intended to be focused on as a land use application. The applicant looked at the question of doing a planned unit development, but the existing ordinance in the town was found to be insufficiently flexible. The work flexibility has already been mentioned.

He went on to say, "as you know Mr. Chairman, our firm specializes in land use and I've work in 18 different jurisdictions in the last year." Virtually every jurisdiction has a Planned Unit Development of some kind. He's not sure where the comment comes from that there are not waiver provisions in these ordinances, because they all have them. They have provisions for waiving any regulation or requirement that's contained in ordinances or otherwise that may preclude the locality from approving a plan that has been submitted and that it wants to approve. Any planned unit development goes through an exercise with planning staff, with the commission and council, and it gets zoned according to a master development plan which has been worked out between the parties. Some of the Euclidian requirements apply to standard zones such as the industrial zones or commercial zones, or cookie cutter zonings make it difficult to do something such as what is proposed here and in fact you could not do this under your existing industrial zoning or under the existing industrial planned unit development district.

Everyone hears about Euclidian zoning, but it doesn't have anything to do with geometry. The name comes out of a case called Village of Euclid v. Amber Realty decided back in the 1920's by the United States Supreme Court, which was one of the first cases that upheld the constitutionality of zoning. They basically carved up the Village of Euclid and said you can put this here and this there. This kind of cookie cutter approach is what is known to this day as Euclidian zoning. Over the last 20 years, zoning has been shifting to Planned Unit Developments

and form based codes. These are not intended to be cookie cutter. They are intended to be suggestions to show what the town wants according to a generalized assessment of the kinds of uses that are appropriate for the district, the general percentages of those uses appropriate for any given Planned Unit Development, and the applicant will work out the details. The suggested changes here are to the I-PUD.

Because Mr. Foote has been working at this for some time, he has the vague recollection that at some point, because this is zoned industrial, it was suggested that they look at amendments to the I-PUD to accomplish the more flexible proposal that the applicants in this case will suggest, or that the Town may want to consider for any I-PUD. If it is felt that this is more of a C-PUD, it may be appropriate to take a look at the ordinance as it may apply to a C-PUD to accomplish the end result that we think the Town may want to see with this and other properties. I-PUD was chosen because it's industrial zoning, which led to the proposed modifications. None of the other provisions in the ordinance are being changed. The proposal includes a series of changes, the first of which is the Statement of Intent which is to increase flexibility in certain PUD categories. The 2009 amendment to the PUD districts otherwise stays the same. When the Town considers accepting changes to other portions of the PUD ordinance that they insure the flexibility that these districts are intended to create.

He went on to say, what we've done here is look at the category of usage. The proposed mix of uses do not necessarily require the numbers proposed for the text amendment. However, having worked with so many PUDs, we provided Ms. Sitterle with several exemplars of similar mixed use district waiver provisions. I believe Ms. Sitterle looked at other Planned Unit District ordinances. They are all over the map and it's very difficult, as the chart shows, to compare apples and oranges with respect to the various districts because they're different in respect to uses that are proposed or permitted, and the difference in the percentage of land space that can be devoted to one or the other. The amendment has some suggestions that are roughly related to what the proposal might have, but are not exact. For example, there's a amendment for a maximum of 35% residential, but the proposal coming forward has only 19% of the land use devoted to residential. The footnote has been modified because it wasn't entirely clear how the percentage was calculated, which is clarified in the text amendment. It refers to a percentage of land area. It also refers to, in a number of cases, the master development plan which is a zoning map for the property. The chairman said it may get bogged down as a land use plan and this is likely to change in due course.

This is color coded in contemplation of the project in terms of retail/commercial, mixed use (office, retail, restaurant), and multi-story buildings with retail on the bottom floor and residential above. These are two existing buildings I think you are all familiar with and here are three others that would be purely residential. While this is not yet engraved in stone, this is to show the kind of thing you would want to do with mixed use Planned Unit District ordinances. You could not do this under your existing Industrial zoning or I-PUD partly because the mix of uses is inconsistent with what is proposed here and partly because you need residential in these projects to help make them financially viable. What we looked at was the uses permitted by right and there actually are very few changes to the ordinance that are proposed here that are necessary to accomplish what is proposed. For example, the only thing added here is the suggestion of an I-PUD by right use. It is a bit of a misnomer in planned district development to say by right. It's a by right use, as authorized on the approved master development plan. It is not by right in the

sense where a site plan is all that is required to develop the property. A Master Development Plan is the map for the development, which is a legislatively approved document that goes through extensive review by the staff, the planning commission, and town council before it can ever actually govern the building.

These next slides shown are proposed commercial uses, such as hotels and motels. There is a provision in other areas of the ordinance with conference centers and the applicant thought that ought to be something to be considered as part of the master development plan for I-PUDs. There are a handful of uses down the applicant feels are appropriate and make sense mixed use districts. Particularly there are commercial uses, but many uses are listed in the I-PUD. The proposal includes additional commercial uses and is consistent with the structure of the I-PUD.

Mr. Foote agreed with Ms. Sitterle that not only does Warrenton require a SUP for banks with drive-through facilities, but many jurisdictions say that almost anything with a drive-through use is a special use permit. It can be moved into the category of special use permit.

The only thing the amendment edits in industrial uses is hotels with conference centers. The ordinance allows the development of a standalone conference center. The Fair Oaks Shopping Center at Route 50 and the interstate, where you find the Waterford at Fair Oaks standalone conference center, does not have a hotel associated with the facility. There are only two special use permits in the ordinance right now with an I-PUD and that's the dwelling units for the elderly and the handicapped and apartment buildings, as well as assisted care living facilities. The amendment suggests that dwelling units for elderly and apartments be moved into a use by right because they will be subject to the limitations of percentage of land use, and also subject to approval through the managed development plan process. Most jurisdictions do not require special use permits for any kind of residential facility.

Ms. Schaeffer asked if the bonus was prompting the Special Use Permit (SUP), since it seems the residential is associated with the bonus.

Ms. Sitterle said that was her understanding. In other places in the ordinance the ADU provisions would have that special approval with an SUP.

Mr. Foote stated the plan is age restricted housing. The population is aging.

Ms. Schaeffer asked Mr. Foote to explain, now that she has clarification, the concern here for the strike through if the SUP is associated with the density. If we just said at which point a density, a bonus is requested, then an SUP is justified.

Mr. Foote said no, absolutely not. It's something that he believes is needed, but it can be something that you have. This is just clean up language with respect to the first part. This maintains your floor area ratio of 0.6 which is already your F.A.R. for an I-PUD. What has been done is reducing internal setbacks to zero. The reasoning goes back to the plan. Right now this property is in a couple parcels. Those parcel lines can be eliminated once the property is under single ownership. As the property develops, it is likely that new property lines will come about in the course of things. For example, let's say these became a condominium unit over here and the condominium unit wanted to carve out its' own property, or suppose the theatre didn't want to

lease land but wanted to be on an owned parcel, if you create a property line under your existing ordinance, that automatically creates a setback that breaks up your ability to park and landscape. It's an artificial setback that makes no sense in a unified planned unit development.

Mr. Foote suggests that the town goes through the process of seeking an effective waiver because it does not make sense for a unified development. This waiver modification provision is a compilation of several waiver modification provisions. The substance of it is the idea that when you come to a situation in which you have a setback requirement, there is no mechanism for waiving that requirement if it precludes the development of a unified project. This is done without regard to the Board of Zoning Appeals, because the Board of Zoning Appeals has an entirely different function. Despite the change in state statutes that went into effect last year, intended to liberalize the use of the variance process, as a practical matter if you go for a variance, you're already stuck with the requirement and now you're seeking to be relieved of a requirement that already applies to you. That is difficult to get and it occurs after the rezoning. It is an inflexible and difficult process to employ on an ongoing basis for a project such as we're proposing. That's why jurisdictions don't send this to the Board of Zoning Appeals. They let the modification process take over. Some jurisdictions permit modifications by the staff as an administrative matter.

Once you've studied this a bit, and this applies to PUDS generally, this is something that will make your PUD district more flexible. This is a sort of approach that provides flexibility on both sides of the equation, not just the developer, because the Town has the ultimate approval power. Mr. Foote thanked the chairman.

Mr. Nevill stated the proposed waiver modification provisions allows applicants to request a waiver of modification any standard or requirement set forth in the subdivision ordinance this article or other Town requirements. Mr. Nevill conceded the waiver process/justification makes sense within the confines of the PUD ordinance. However, the language makes it sound like somebody within a PUD can request waivers to the standards applicable in other zones, waivers that would not be available to someone in a zone other than a PUD.

Mr. Foote said the only property owner who can seek a waiver is an applicant for a PUD, which requires a rezoning.

Ms. Schaeffer asked Mr. Robinson to help the commission understand the difference between a variance and a waiver and associated implications.

Mr. Robinson explained that Town Council can do a waiver for an ordinance or a particular section of the ordinance. As an example, Town Council can waive a setback rule. A variance is something Town Council can't waive. There is a separate body called the BZA which is technically not part of Town Council. Town Council is actually a quasi judicial function appointed by the Circuit Court. That's the basic difference. This is a very large waiver and Mr. Robinson wanted to ask Mr. Foote how common waivers like there were, because it is a large waiver on a lot of particular issues.

Ms. Schaeffer said the Planning Commission doesn't approve waivers or variances, but they're considering text amendments so it's difficult to understand the implications. A distinction is the

fact that the variance comes after it's approved. The waiver is in conjunction with the application so you have an idea it's going to be modified. A memo from Mr. Robinson and Mr. Foote would be helpful to better understand the implications as they relate to the text amendment.

Mr. Robinson said he would be happy to work with Mr. Foote on the waiver provisions.

Mr. Foote requested that the commission keep in mind they have written many statutes/ordinances and are flexible. He could write this all day, but if Town Council doesn't approve, it's not going to happen.

Mr. Nevill said nothing really addresses the capacity impacts from a public service standpoint. If the applicant is considering a percentage waiver adjustment to suit the particulars of the project to make it commercially viable and fit the project to potentially interested people, then it seems to be within the legislative intent of flexibility that the PUD represents. However, from a planning perspective, as far as looking at potential projects, undeveloped or redevelopment projects, when planning for the whole town, you take into consideration available public services. Calculations from the by right or the existing without waiver versus with waiver impact, the tally and comparison is a useful instrument whether it's water, vehicle trips, or potential students. All of these things need to be in the analysis. That's why the language about waivers for other Town requirements such as public facilities manual concerns Mr. Nevill. The consideration of waivers here and there is an incremental eroding of the logical planning process for the comprehensive plan. Any erosion of the process is concerning. To what extent or how will that be represented when doing the waiver process.

Mr. Foote said to remember this is just talking about the ordinance. The actual application process for the rezoning of this property is pending on a separate tract. For example, a detailed traffic impact analysis (TIA) has been submitted to the Town within the last couple days. Every rezoning application, whether the ordinance says a word about it or not, involves the questions posed. There is a process of detailed negotiation for a locality. It has to do with mitigation of impact. The town knows there is water, but sewer can be an issue. There has been a certain amount of sewer applications allocated in the planning for this property. Mr. Johnson is taking a detailed look at the relationship of what that allocation is versus the uses proposed. The TIA is tied to, after a scoping session, what is believed to be a fair assessment of what the probable uses of the property would be and what the trip generations would be. Other impacts that may occur for the Town have to be considered. The only other thing that has to be considered, on a project such as this, predominately commercial/industrial/retail is almost always an end positive. There is very little residential proposed with this development.

Ms. Schaeffer stated that because a level of service standard has not been set, it's difficult for the Planning Commission to understand the associated impacts.

Mr. Foote said many jurisdictions have a level of service impact standard. Developers are of many minds about that, but most of the development community, so long as those numbers are tied to a reasonable impact, find them to be useful if for no other reason than it's very difficult to do a pro forma on a development. One does not know how one will make money doing the development without knowing the impact costs.

Ms. Shaffer stated therefore developers do not know to what standard they will be held, which is part of the difficulty for the commission in evaluating applications.

Mr. Nevill said back to residential, the current I-PUD says max 15% and the proposed text amendment raises that to 35%.

Mr. Foote stated the residential they are contemplating in this project is approximately 19%.

Mr. Nevill asked why cannot the residential uses be addressed through the waiver process.

Mr. Foote said you can.

Mr. Nevill stated it is like a Special Use Permit (SUP). An SUP can be granted to remove something that is available as an SUP, but you have to go through a process. Whether it is a drive-through that could affect an abutting residential area, the citizenry has an expectation that it will be reviewed. Every year is different and representatives can say the population demographics is conducive for increased residential or no increased residential. Issues will change from year to year, so he would hate to remove something that allows the planning commission to look at impacts and to make an informed recommendation to the town council.

Ms. Shaffer stated that she agrees changing the standards affects everything, but at the same time applications have come forward with several waivers and modifications. It has been overwhelming to look at all of the modifications in conjunction with the plan. Outside of this application, she has no idea why the Town of Warrenton finds a percentage of residential to be appropriate in an industrial district, but not appropriate in a commercial district. What is being looked at here is an application more appropriate for the C-PUD, but the C-PUD doesn't allow residential which, would be more compatible than putting residential in an industrial district. The commission has to look at the way the ordinances are written, the associated impacts of those on these properties, the ability to develop and whether these amendments are the right for the I-PUD because they affect everything. If the applicant went for a C-PUD, then they'd be back to square one, where with other applications need a comprehensive plan amendment. If the ordinance does not have what's needed to allow and facilitate a comprehensive plan amendment, then the commission will be looking at several waivers, which becomes overwhelming in one application. Trying to understand the best avenue to address these issues is difficult. Understanding the overall intent within the ordinance and the comprehensive plan is the best way to approach it rather than sitting back and letting each application come forward with six waivers because the ordinance is written in a way that is not conducive to development. With an I-PUD, there is the associated master development plan allowing some control. Considering these amendments in conjunction with the overall impact of the other parcels gives some flexibility. It's not like the council is dealing with the commercial district and effectuating large sections of land. To understand the difference, on the two other properties, what is the difference in residential numbers? If permitted by right this much industrial use, how much in turn can they get in residential? What does a 15% to 35% change equate to? Is this going from 50 units to 500 units or 50 to 75 units? That would provide an understanding in the next phase of this evaluation of the associated impacts of that change. Is it better to consider these amendments as an associated overall I-PUD, or would they be better in conjunction with the application in the form of a waiver? Some should be done holistically and others may be better handled in a waiver.

Mr. Nevill said, to the previous point this does seem to be a C-PUD in an industrial zone. If this application points an issue with the PUD and its usefulness in the various zones, it's an opportunity to rectify something that is not necessarily the intent.

Mr. Foote said he thought one of the things Jesse pointed out, as it's important to what is being discussed, is that they are not proposing a change to the existing percentage of residential in the I-PUD. They are talking about the mixed use residential percentage, which is not defined.

Ms. Schaeffer said she was unclear about whether they count existing development, because it may not even be relevant.

Mr. Foote said you may want to contemplate a definition of mixed use. They're aware of the residential limitations in the C-PUD, but what is being discussed is in the I-PUD. The applicant is not wedded to the I-PUD. They are looking for an appropriate mix of uses and flexibility in development. Council can put some residential the C-PUD. The framework of what the applicant is looking at is already there. With a handful of different uses and a waiver provision, the town is where the applicant would like them to be.

Ms. Schaeffer said one thing that stuck out for her when reviewing was that when we had a previous application there was analysis done of industrial land, and not only land that was zoned industrial, but what land use was actually happening. She found that even when zoned industrial the land is used in a commercial capacity. Does the town have the ability to locate industrial uses here with the existing road network and buildings? Is this something the town really wants in the long run? When the comp plan amendment came before the commission, she was the only one who voted for it at that time. Her point was that they are continually having land not being using in the capacity zoned, a lot of the industrial district is very commercial. Back to the point of merging commercial and industrial, versus where residential falls within the two of those, is a concern. Thinking about town industrial land overall, she would be interested in having input from Heather Stinson, Town of Warrenton Economic Development Manager, as the role of the ordinance was economic development. How has she been able to market these properties? Has it been effective? What has she been running up against? Will these amendments help her or hinder her? Doing this would helpful to understand the overall impacts to the town and their objectives.

Mr. Nevill added the Warrenton service district to the overall inventory of impacts. Especially as it relates to Warrenton provided public services.

Dr. Harre asked if there were any other comments.

Mr. Zarabi commented that think there is naturally a perception of fear of the unknown in terms of further deterioration of quality of life in the community. The reason they are struggling with so much is that they have not quite determined which of these projects are actually enhancing the quality of life environment and the public safety and welfare of the residents in this community. While this may be appropriate for this application at this location, this sets the precedence for other properties that may not be able to handle the flow of the traffic, the compatibility with the adjacent neighborhood. This makes it that much easier and almost a guaranteed process. Now if that they are looking for an exploration of all sorts of economic development opportunities

broadly and they are certain the infrastructure capacity can handle it then Mr. Zarabi has no question about limitations and parameters. These are very measured steps even though there appears to be negligible differences in the existing language in the proposed text amendment as it applies to the project. Projecting farther beyond the project is not certain the compatibility is there with for example, the SIVACO property quite the same way it's there for Walker Drive.

Ms. Shaffer thought this was a very good point and that it's important to see the distinction between the overlay. When making this text amendment, they are not effectuating any property. The commission is not giving anyone the ability to do anything extra because they still have to go through the whole process. They are just making this ordinance friendlier for development. The town has had the ordinance since 2009, without one application. Ms. Shaffer thinks what they are seeing is some incompatibility, but this does not necessarily make the other properties immediately able to build this stuff. It does not inherently make it by right. What it does is to say if you want to rezone to I-PUD, these are the requirements and these are the standards within it, but it does not necessarily impact level of service because they have to go through a TIA and show how they're impacting traffic, as well as water, sewer, police, and fire. This is just making the regulations more flexible and usable. This does not effectuate any property, it effectuates the processes through which applicants come before the commission.

Mr. Zarabi asked that while working in conjunction with this application on the comprehensive plan, do they have an understanding or projection of the community's greatest need. Based on the kind of market they want to draw because the community vision does not seem very strong.

Ms. Schaeffer stated that this goes back the level of service standard, and with a TIA there is no standard set for what the area has to look like afterwards. This application will bring questions like this to the surface, which will have to be worked through.

Mr. Lubowsky stated that he believes there are some of the inconsistencies which need to be worked through. For example, an anomaly would be where the applicant would have preferred to approach the project as commercial, but cannot because of the current regulations, resulting in unintended consequences. The town wants higher standards so that when the box of tools available is redesigned, applicants have the correct tools they need and are not trying make their needs fit using the wrong tools. The commission needs to rationalize the system so the Town ends up with useful tools, not allowing applicants to use a "wrench" when the town wants them to use a "fork", while still having a working "wrench". Requiring items to have a SUP where the Town wants to keep additional review processes, but still providing more flexibility.

Mr. Nevill stated the intent is not for a rezoning to commercial, but to increase industrial zoning flexibility.

Ms. Shaffer feels the ordinance needs to be made more flexible, while keeping certain standards. For example, requiring a drive-through to have a SUP but making other uses less prohibitive.

Mr. Harre, asked if this is would be ready for a public hearing next month.

Ms. Sitterle responded that it is possible to have the project ready by next month.

Mr. Foote then provided a 30,000 foot view of the project upon request by the Planning Commission. The project was described as having four phases and included restaurants, retail, a bowling alley, and offices. The north side of the project would have a campus like setting for health and wellness.

Ms. Shaffer asked if a TIA has been submitted for the project.

Mr. Foote responded that a TIA has been submitted.

Mr. Nevill commented on that the design looked like a cluster of buildings in a sea of parking.

Mr. Foote described the project as having additional diagonal parking in front of stores and areas for people to sit outside in front of stores. The applicant considered parking structures, but found that they are cost prohibitive. The applicant explained that because the project is slightly over parked, they are willing to consider more trees and pedestrian designs for the parking areas

Mr. Nevill asked about the structure in the bottom right of the project.

Mr. Foote described the buildings in question as a two story bank with offices and drive-through.

Ms. Shaffer commented that Centerville also has a bank in conjunction with a shopping area.

Mr. Foote stated that the spot in the bottom right is a high visibility area, which banks love.

Mr. Wood stated that it is important to add that Warrenton does not have a movie theater and over the past three years everyone (citizens, council members, constituents, etc.) he has talked to said that they would like to see more entertainment in town.

Mr. Nevill asked what would happen with the building if the applicant did not get a theater invested because a movie theater has a large footprint and internal structure.

The applicant explained that at this point in the process they cannot confirm with certainty that a theater will be there, but that they would have a better idea later on in the process.

Dr. Harre stated that the public hearing will be next month.

Mr. Nevill, asked the attorney to provide a schedule timeframe for decision implications.

Comprehensive Plan Update & Other Comments

Ms. Harris explained that there was a second RFP meeting where the scoping was discussed. Staff would be working on Comprehensive Plan priorities for the next RFP meeting. Council was advised to please contact Ms. Harris with any questions

Ms. Shaffer was happy with Ms. Harris's efforts to help the committee focus their efforts and allow the RFP committee to express all of their concerns. She felt that the RFP committee would

be happy to move the RFP process out of committee as soon as possible.

Mr. Nevill also professed his gratitude for Ms. Harris's efforts.

Dr. Harre complemented the Catholic University graduate students plan for the design project they created for a shopping center in Warrenton.

Ms. Shaffer commented that Ms. Harris also brought this example up at the RFP meeting.

Mr. Nevill enjoyed seeing a refreshing new look at the area from the students. He then stated that the applicant also has an opportunity to break away from the norm with their design.

The applicant stated that he wanted to work with the town. He asked for understanding in that potential tenants are not willing to commit until they know that the project will happen. The intent is not to just build a movie house, but once they have over 50% commitment from tenants then the theme of the project will start to develop. He wants the project to be successful. He is tired of leaving town for movies and feet parents would like to have a location for their children to go closer to home. The applicant also described the project as continually evolving. For example, the residential area was originally facing the pond, but has been flipped to face the shopping area, with the bonus of the parking to "fading away" because of the slope.

Mr. Nevill commented that the applicant has a long track record and could pitch a design that appeals to the tenants he wants. This method may be more successful in drawing the kinds of tenants they want, rather than allowing tenants to determine the design.

The applicant explained that everyone has something to contribute to the project. Tenant's needs may be different then what the applicant currently envisions. For example, movie theaters can be very specific about parking needs.

Dr. Harre asked Ms Sitterle what was on the agenda next month.

Ms. Sitterle responded that next month is the I-PUD text amendment.

Ms. Shaffer requested they consider setting up a structure for presentations, where applicants are given a time and place to discuss their project. She also requested a scanned red-lined version of the I-PUD text amendment to help with review.

Dr. Harre closed the meeting at 8:45 PM.