



TOWN OF WARRENTON

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**MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
December 16, 2014
7:00 PM**

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, December 16, 2014 at 7:00 PM in the Municipal Building.

The following members were present: Ms. Elizabeth Scullin, Chair, Dr. John Harre, Vice Chair, Mr. John Kip, Ms. Brandie Schaeffer, Mr. Lowell Nevill, Mr. Yakir Lubowsky, Town Council Ex-Officio member, Ms. Susan Helander, Mr. Ali Zarabi and Ms. Sarah Sitterle, Director of Planning and Community Development.

Approval of Minutes

Minutes of the November 18, 2014 meetings were approved unanimously.

Public Hearing

A ZMA 14-02 – Rezoning to apply Industrial Planned Unit Development (I-PUD) overlay district on Walker Drive.

The application was for rezoning of two parcels (20.87 acres) on Walker Drive (GPIN 6984-72-3635, 11.65 acres and 6984-73-7494, 8.522 acres) for a mixed use development to include a combination of commercial, flex industrial, office and residential uses. The Comprehensive Plan identifies the parcels as suitable for light manufacturing, flex industrial and wholesale commercial and limited office uses. The property owners are The Drew Corporation and Springfield Real Properties, LLC.

Ms. Sitterle addressed the Commission and informed them this was a Zoning Map Amendment to apply an Industrial Planned Unit Development (I-PUD) overlay district on two parcels on Walker Drive that total 20.087 acres. This proposal would include combination of flex industrial, office, commercial, retail and residential uses and the residential uses would be multi-family over retail and would be approximately 75 units. The Comprehensive Plan identifies the parcels as suitable for light manufacturing, wholesale and limited office uses. This project started approximately three years ago, with meetings staff held with the owner regarding the conceptual uses for the two lots in combination. Conceptual plan includes warehouse, day care, flex industrial, retail, two restaurants and a 100 room hotel with a conference center, which consequently with current zoning, the conference center would be allowed by right. Ms. Sitterle

stated there was an existing storm water management pond that would be abandoned and reconfigured because the storm water pond is not serviceable as it is.

Adjacent properties across Walker Drive include lower density residential units and to the north there is industrial property with Old Town Athletic Club and also includes doctors' offices.

Ms. Sitterle noted that the property is adjacent to the Route 29 bypass interchange on Meetze Road and Lee Street and because of the proposed traffic that would be generated by this development, there was a traffic study developed and included in the packets submitted to the members of the Commission. However, because the study was not received until December 10th, the Town has not had opportunity to evaluate the study and Town is acquiring consulting services for that purpose.

The Comprehensive Plan does encourage combination of uses on the site. Ms. Sitterle stated that the mix of uses appears to be an economically and environmentally good use of the land and is consistent with the Comprehensive Plan, but it is important to consider the uses in combination not only for the subject property but also for other applicable industrial parcels where such a district could be located.

Ms. Sitterle stated this would be the first application since the creation of the revised PUD district regulations. The Warrenton Green project had generated a number of Special Use Permits, zoning map amendments and text amendments for this. Unfortunately, it did not materialize in 2008 or 2009, so this is a first for the Commission to consider. Staff notes that a determination was sought after by the owners at the beginning of the year because these two parcels do not meet the minimum requirement of 25 acres. Staff noted that it does not appear to be adequate, however there is a section under article 3-5.2.4.3.5 which allows Town Council to have authority to waive or modify the criteria for minimum acreage. This was not known and staff noted that the standard is not met however it appears there is nothing that would preclude them from moving forward and as result that is why this is coming to the Commission.

Ms. Sitterle stated that going through the combination of uses it appears the mix of industrial residential and common open space uses does meet the percentage outlined in the ordinances for an overlay and she noted that this was outlined on page 4 of the handout provided to the members.

Ms. Sitterle stated that the concern is that the uses proposed have not been marketed and as result it is still somewhat conceptual and if any of the uses or combination changes even slightly that could impact water and sewer availability and there is concern that may change.

Ms. Sitterle stated that based on regulations the minimum acreage was not being met but there is a possibility that Town Council could consider a waiver. Therefore, staff can not suggest it is something the Commission could consider however if you do wish to consider it based on the article that allows a waiver, staff would recommend that it be deferred for two reasons.

(1) Traffic impact analysis needs to be completed and Town is in the process of hiring a traffic engineer to evaluate the submission.

(2) The mix uses appear to meet the ordinance requirements, but it remains conceptual and town recommends the applicant provide additional information regarding more firm uses and marketing efforts.

Mr. Nevill asked what the next steps would if waiver request went forward to the Town Council and it was approved.

Ms Sitterle stated this was two existing lots and it would go through staff and it would most likely be an administrative function and then it would go to site plan if the rezoning went through and overlay district would apply.

Mr. Nevill stated this would not come back to the Commission because of the 50 lot requirement but asked if the Commission would see it under the preliminary plat process.

Ms Sitterle stated that 50 lots or fewer do not require the Commission to review a preliminary plat.

Ms Scullin stated the applicant has the option to have preliminary plat and have it reviewed by the Commission.

Dr. Harre stated the primary concern is sewer and water and total uses by the different businesses. He thought that if it was specified that uses cannot be any higher than zoning currently requires that would carry through since calculations were made based on zoning at that point in time.

Ms. Scullin stated that through conservative measures or green measures, the applicant could possibly bring their levels down.

Mr. Nevill noted that page 5 of the analysis stated that it is significantly less than rezoning request and he asked what the bottom line was for this capacity and if the impact was greater than what it is currently zoned.

Mr. Bo Tucker stated that is what was in the report. Ms. Sitterle presented the report that included most of his comments. As it is zoned for industrial use and as earlier studies were done, 700 gallons per acre per day for commercial and industrial uses has been the standard and that number is supported by the development on the end of Walker Drive and the southern end of town. Mr. Tucker indicated that with a by-right scenario, the applicant can put in what is above the estimate for build outs. He added that when everything comes together and the study indicates capacity is at 95% and there are several more projects with utility demands that may be coming here in a number of months, any usage demand above that will have some form of impact. Mr. Tucker indicated that if it was by-right they would not be here and the Town has to accept what would be developed in that case. He noted that it should be made clear that the studies are averages and some of the numbers that the applicant used were historical uses and there were no safety factors considered so right now water/sewer would be a factor.

Mr. Nevill asked with the increase of approximately 39,545 gallons per day if it was based on estimates on what it represents as opposed to what the property is currently zoned. Mr. Nevill

stated that his concern is what effect this will have on decisions that the Commission will be required to make in the future and what impact will this have on other developments.

Mr. Lubowsky asked what was being required of the Commission in terms of approval. He indicated this was a rezoning issue which is at the discretion of the Planning Commission and by Town Council. It will purge industrial zoning that is in place and put a mix of uses there. As to how it is executed and if there is a demand for the uses, he noted that should be identified before rezoning. He wondered if the Commission would be putting the carte blanche ahead for this to be done. He added that it is conceptual and planning should be done before coming forward with a rezoning request.

Ms. Schaeffer asked what the purpose for the rezoning was and indicated she did not understand the intent of the I-PUD. What uses are permitted by-right and what is permitted by Special Use Permit once it becomes an I-PUD. Specifically it states that with the underlying zoning category those uses remain intact by-right. The uses in the I category remain by-right but when Article 3-5.2 and special uses state that commercial uses are permitted in C district by-right or by special use permit regardless whether if uses are by-right or by special use permit in the district. She asked if that was referring to the underlying district or I-PUD district. For example, if a restaurant is by special use permit and if it is rezoned to allow a pad site for the restaurant, she wondered if it would come back to the Commission as a special use permit for a restaurant.

Ms. Sitterle stated that a restaurant would be by a special use permit in the R-PUD district, but that they are allowed by-right in the Industrial District because it is considered commercial. The Industrial Planned Unit Development District allows for a combination of uses that would not ordinarily be allowed in the Industrial District.

Ms. Sitterle stated that article 3-5.2 relates to not only residential, but commercial and industrial as well.

Ms. Sitterle stated there is a 15% limitation on commercial uses by-right in the Industrial District. If there is an existing building, the 15% limitation would apply to the square footage of the building not the acreage.

Mr. Nevill stated he would like to see what it would be like without a rezoning and what is allowed by-right and have a before/after change comparison of elements and look at the advantages of the overall comprehensive plan.

The public hearing was opened at 7:25 p.m.

Mr. Bob Springer spoke on behalf of the owners. Mr. Springer stated he wanted to address the questions that had come up during the discussion.

Mr. Springer indicated a master plan will be presented once zoning has been provided. Mr. Springer stated that the reason rezoning is required because they are unable to market the property for a disallowed use and they are trying to find out what they can do and then market the property and find how what the demand may be for a project such as this.

Mr. Springer stated this project was under consideration several years ago and looked at current industrial zoning which could be hotel or one restaurant site and balance would be office/flex warehouse. Because current office market space is very weak, he indicated that they would see a large portion be built out for flex warehouse because there is demand. Talking to Council members and members of Commission, he indicated they have asked if flex warehouse is consistent with the Comprehensive Plan. They have looked at industrial zoning in terms of a gateway, what it looks like, pedestrian and joining residential and commercial but it did not seem to be a good fit. Mr. Springer noted that this was an illustrative plan because no one knows what the water and sewer use will be because uses are unknown. They were seeking a rezoning in order to market the property for certain users.

Mr. Springer indicated that if they approached a hotel which is allowed by-right and they are asked what the remaining property will look like and it looks like flex warehouse use then that will bring in a different level of hotelier than if they see what is being proposed.

Mr. Springer stated that it is evident when looking at this property with residential use across the street and the Lineweaver Tech Park north of the proposal with no services. The Comprehensive Plan addresses gateways and pedestrian friendly amenities, and what they are proposing would be consistent to the plan more than what would be seen with by-right industrial zoning. Mr. Springer stated there is no market for office space.

Mr. Zarabi stated he understood the advantages for having the rezoning but they were trying to determine what benefit that would be to the Town and could the potential consequences be accommodated in terms of the additional uses.

Mr. Springer stated he sees a benefit to the Town being better tax base with hospitality rate and the higher tax revenue with residential and retail uses and a more attractive entrance to the Town.

Mr. Zarabi stated that he agreed with Mr. Springer but the intensity of use will have side effects in terms of utilities, and traffic, which needs to be put on hold until the Town completes their traffic study, but he emphasized the need to know hidden costs that cannot be foreseen and wondered if the Town can leverage against that risk.

Mr. Springer stated that he did not think there were hidden costs because it is the water uses that have been discussed. He indicated that there are by-right industrial uses that would use a significant amount of water and it is likely this will use more water than industrial because that is flex warehouse. Everything else such as alternative housing, and pedestrian friendly amenities, makes it more consistent with the Comprehensive Plan and consistent with surrounding area.

Mr. Lubowsky stated that what is being presented is not pedestrian friendly.

Mr. Springer stated there was not a lot of detail on the proposal because they do not know who will be there and who the users will be and until that is known they are unable to market the property. He identified a pond that will be in the development that will include a pedestrian trails but the detail is not shown because they currently are unable to market the property. Mr. Springer stated that his assumption was that the details would be provided on the Master Plan. Mr. Springer stated that not only trails would be available but services that are currently not available

in the area which pedestrian will be able to walk to.

Mr. Springer stated they were trying to get approval so he can go forward and market the property and come back with a master plan.

Mr. Lubowsky stated that he did not want this to come to the Town Council until such a time that the planning has been completed because if a rezoning was allowed now and marketing is done later and then the proposal changes, it could be problematic.

Ms. Schaeffer stated that in her opinion, the rezoning would allow flexibility to market but she suggested that conditions be imposed that will require it to come back to the Planning Commission. She stated that she agreed that the Town would benefit with tax increase but it will also be an additional burden to the water and sewer systems and schools and as result need to find way to find a balance that will allow the flexibility you need for marketing but also protect the Town gateway.

Ms. Schaeffer stated there are provisions in the state code that allows market studies to be submitted to the Town that can be kept private and not part of a FOIA request and can be a way to share information with Council members and Planning Commission members. She stated she would like to help Mr. Springer and she understood the flexibility but she did not understand the Master Plan reference. She stated that if a rezoning is approved it was stressed to Mr. Springer that he would have to be in conformance with the Master Plan and altering it would require him to come back to the Planning Commission for proper amendments.

Mr. Springer stated he was relying on Article 3-5.2.4.3 paragraph number 2 that states a master plan shall be required to guide the development. He stated that there was no way he could come to the Commission with an absolute plan without being able to market and having no idea of who the occupants of the property will be. He said they can do a better job of marketing and selling if it is known there is flexibility. His assumption was the master plan is where the Commission sees the plan and that is how they would move forward. Mr. Springer indicated the rezoning was a small step that would allow an increase of commercial use from 15 to 35 percent and also allow residential use and his intention had always been to come back to the Commission with a final master plan.

Ms. Scullin that stated that a rezoning is a large step.

Mr. Springer stated the rezoning would allow commercial use to double to (35%) and allow residential use.

Ms. Schaeffer stated she understood the situation Mr. Springer was in and the need to market the property in order to get financing, but she expressed concerns over opening this up to rezoning. She asked from an economic standpoint how the Commission can allow marketability and help both the applicant and the Town.

Mr. Nevill asked if there was a way without approving the rezoning for an I-PUD that the Commission could give a statement of support that allowed mixed use that would further the goals of Comprehensive Plan, that allowed industrial increase, and also incorporated residential

and office uses. He wondered if it could include wording stating this was not a rezoning but a statement of support for affordable housing, walkability, etc., which are elements addressed in the Comprehensive Plan.

Mr. Nevill stated the vision is that the Town does not want a gateway that looks like 'Anywhere, USA' and the goal is not to have a gateway on Meetze Road that looks like I-95 southbound nor is another vacant office park desired. It is known that retail is on the decline and there appears to be a rising percentage of vacancies. He stated it would be great to have something in that area that would improve walkability so those residents could walk to a day care center, dry cleaners, etc. It was thought that then the Comprehensive Plan vision would be expanded. He noted that the Commission was all on board for a village town concept that grows in time that puts a streetscape forward instead of parking lot.

Mr. Nevill indicated that every decision like this the Commission makes takes away future planning flexibility and if another property owner comes to the town there may not be enough utility availability to go around. He noted that the remaining property owners with undeveloped land should not be unfairly burdened. If the Commission makes decisions now and someone states they have zoning and because of poor decisions made, then the Town pays for the water and sewer system upgrades.

Mr. Springer stated he understood the Commission's concern, but he stressed that if the rezoning was granted it would allow another restaurant and mixed use that would include retail and residential units and that is the only difference.

Mr. Nevill stated that the Commission would also be giving up the opportunity to look at it.

Ms. Scullin stated when looking at his proposal there are only islands of buildings and parking spaces and for a PUD (Planned Unit Development), the Commission expects some connectivity.

Mr. Springer stated he understood but the plan presented was an illustrative plan and not every visible space will be built on. He indicated they are not trying to max out the density, but trying to reflect proposed potential uses. His misconception was that he would come back with final master plan. The purpose of this illustrative concept was to give the Commission some idea of order of magnitude, what will be done and the types of things that may potentially go in there. He stated he was not certain a day care center would go there but he had talked to real realtors and others that market property.

Ms. Scullin stated the Commission has to act on criteria based on the Ordinance and the goal of zoning is to protect the Town and while the property may not be marketable today, it may be in 5 years.

Mr. Springer stated that the rezoning would be consistent with the Comprehensive Plan and provide higher tax revenue but that if rezoning was not provided he could market the property for flex warehouse and there is a demand. He did not think flex warehouse was consistent with the Comprehensive Plan as to what is proposed.

Mr. Nevill stated industrial is not residential and decisions recently made have increased the

number of residential units in town and there is a lot of impact with the difference between taxes paid and taxed services. This is better because it allows for workforce housing which would be preferable, but the Commission has to consider the impacts on those decisions.

Mr. Nevill stated he would like to see industrial use for the employment base, revenue or tax base and if we take that way is there a study that shows industrial is not needed. He expressed concern over commercial retail and stated vacancy numbers would be helpful to see.

Mr. Springer stated that the retail component being considered and the customer base perceived is almost 50,000 cars that go around the by-pass everyday and the retail space will not be large and will not be competing with town businesses.

Ms. Scullin stated that staff has recommended a deferral until a traffic impact analysis is completed and another big issue is whether Town Council will grant the 25-acre waiver.

Mr. Springer indicated that Town Council has to look at the project before a waiver can be granted.

Ms. Scullin stated that a waiver request could go to Town Council before rezoning determination is made.

Mr. Springer stated that he was under the impression that the rezoning and waiver would be looked at as one package, not separately.

Mr. Springer stated there were three criteria that Town Council has to consider when reviewing the proposal (1) Project advances legislative intent of PUD, (2) Project will generally be in conformance to Comprehensive Plan and (3) It will not have adverse affect to adjacent land.

Mr. Lubowsky stated that once zoning is gone then discretion is gone and rezoning should not be vague and town needs to know what they are going to get.

Mr. Springer stated that it was his assumption the master plan is where the town would get that information. He stated that he grew up in Warrenton and has invested interest in this project and wants something nice to go there.

Mr. Nevill stated he wanted to publicly acknowledge that both the owner and applicant are local and not developers and have an interest in the community.

Mr. Walter Hithcock, 127 Culpeper Street, brought to the Commission's attention documents he had in his files from the town relating to road connections. He stated there had been interest in a motel and extended stay for tour buses that has been expressed. He wanted a high end motel for extended stays but it was difficult to talk to anyone about that proposal given the current zoning.

Mr. Bill Chipman, 289 Winchester Street, addressed the group and stated this should be a two step application process because development is a good idea but the cost of co development with less than 25 acres is challenging. At first it was 30 acres but today it is less than 25 acres and the applicant is trying to get a waiver. He thought that the applicant should have a work session with

the Commission. He stressed that the Commission remember this is a gateway and look back at the Highland Development and it was not planned great and by-right is not what we want.

Mr. Zarabi asked Mr. Chipman what zoning or development is at Lansdowne.

Mr. Chipman stated that the development is called Leesburg Village and it was zoned commercial. He stressed caution to the Commission that when thinking about restaurant use restrictions not to make generalizations about chain restaurants being bad.

Amber lives in the Edgemont Development on Autumn Wind Court and expressed concern about traffic onto Meetze Road and water usage. She also asked if there would be a tree scape area and Ms. Scullin indicated that could be a requirement. She also asked about signage and noise Ordinance requirements and Ms. Scullin stated that the applicant would be required to follow town ordinances.

Mr. Zarabi asked the local resident what she would like to see go there.

The resident indicated no fast food or gas station and to make sure it is family friendly.

The public hearing was closed at 8:25 PM.

Ms. Scullin asked if the Commission would like to hold a work session with the applicant so both of us are comfortable with the outcome.

Dr. Harre stated he needed to know the legal framework in terms of getting a waiver first or rezoning.

Ms. Scullin asked Sarah if she would contact the Town Attorney and get the legal outline and options and copy of the code.

Ms. Scullin made motion to defer Zoning Map Amendment 14-02 for 30 days to allow a traffic analysis study and work session with the applicant on January 20.

Motion was seconded by Mr. Kip and all voted in favor.

B. Special Use Permit 14-04 – First Floor residential use in the Central Business District at 39 S. Fourth Street.

A letter was received from the applicant asking to withdraw application for 30 days.

Mr. John Kip made motion to defer Special Use Permit 14-04 for 30 days.

Motion was seconded by Dr. Harre. All voted in favor.

Worksession

A. Draft Comprehensive Plan Update

Ms. Sitterle stated there was no update.

Ms. Nevill asked about the joint work session with the Town Council.

Ms. Sitterle stated it may be scheduled in January but it has not been confirmed.

Mr. Nevill indicated he had spoken to Mr. Bo Tucker about water issues and he had agreed to add a paragraph to the staff analysis relating to water impact and reference the Water Sewer Comprehensive Plan that is consistent to state water plan and is the source document when talking about capacity. He also asked for staff analysis introduction to include county input.

Ms. Schaeffer commented that it is difficult to guide developers if the Town does not know what is wanted.

Ms. Scullin stated it is known what is not wanted but we cannot define what we want.

Staff Comment

Ms. Sitterle stated that a Special Use Permit for Auto Sales at 331 Broadview has been received.

The meeting was adjourned at 8:55 PM.

Minutes Submitted by Dee Highnote