



## TOWN OF WARRENTON

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MINUTES  
 PLANNING COMMISSION  
 TOWN OF WARRENTON  
 February 17, 2015 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, February 17, 2015 at 7:00 PM in the Municipal Building.

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

### 1. Approval of Minutes

Minutes of the January 20, 2015 meeting were approved unanimously. No changes.

**Dr. Harre recommended that Old Business (Special Use Permit 14-05) be presented before the Public Hearing item.**

### 2. OLD BUSINESS

**A. Special Use Permit 14-05 – Vehicle Sales in the Commercial District.** Application for establishment of a small used car dealership on the property at 331 Broadview Avenue per Article 3-4.10.3 of the Zoning Ordinance. The property is zoned C-Commercial and consists of three parcels (GPIN 6984-18-5198, 6984-18-6195, 6984-18-6067) that is 0.7874 acres. The property contains an existing vehicle service and repair business. The Comprehensive Plan identifies the property as Re-Planned Commercial, which consists of older highway commercial areas that are encouraged to be re-planned to provide pedestrian-oriented streetscapes with parking behind buildings, inter-parcel connections and buffers between neighboring residential neighborhoods. The property owner is DACDAB LLC.

Ms. Sitterle informed the Commission this was a re-visitation of Special Use Permit 14-05 for vehicle sales in the commercial district at 331 Broadview Avenue. She stated that staff met with the applicant on site and walked the property in order to identify parking spaces and gain clarification about the minimum requirement by the Virginia Department of Motor Vehicles. There are 10 spaces required for the license; however, the applicant did not intend to use all of the required spaces. The parking lot circulation isle appears to be adequate as there is

approximately 20 feet between spaces and there are 28 spaces on site. The two new proposed spaces would help to make up for the short-fall for the display area of the operation. The buffer area in the rear has been thinned out and staff has required additional landscaping.

Ms. Sitterle indicated she had contacted to Mr. David Cabbage of the VDOT Culpeper District Office regarding the Broadview Study but Mr. Cabbage did not get back to her. She indicated she would continue to pursue contact with Mr. Cabbage.

Ms. Sitterle stated that if the Commission determines this request to be suitable for the site and a Special Use Permit is granted that the following conditions be included:

1. The rear paved area is cleaned up and striped to accommodate employee vehicle parking to allow for the minimum of ten (10) display spaces required.
2. The rear buffer area should be improved with additional landscaping, including evergreen trees or other trees that would provide a more adequate screening of the commercial use. The additional landscaping is to be confirmed with an amendment to the site development plan.
3. A site development plan is submitted for review and approval by the Director of Public Works and Utilities and the Planning Director.

Mr. Zarabi asked if the buffer was required by Ordinance.

Ms. Sitterle stated it is a requirement to screen commercial from residential uses.

Mr. Zarabi stated that the wording in item 2 should be changed to state that the rear buffer area must be improved.

Mr. Nevill asked what the language in the Ordinance was.

Ms. Sitterle read Article 8-8 (Screening) to the Commission.

Mr. Nevill asked Ms. Sitterle if it was her judgment that the thinning of the buffer and addition of evergreens and other additional landscaping would meet the intent of Article 8.

Ms. Sitterle stated that was her opinion.

Mr. Kip stated there were two applications as far as parking requirements are concerned. One application relates to car sales and the other to car repairs. He asked if the revised layout met the Town parking requirements.

Ms. Sitterle stated it did not and that is the reason staff is requesting modification to the rear area as there is an opportunity to address the 10 spaces that are needed to be accommodated for the display area.

Dr. Harre stated his interpretation of the Division of Motor Vehicle requirements is that they have to be contiguous spaces and he asked if the applicant had 10 contiguous spaces that could be used for display.

Ms. Sitterle stated that the sales office is located in the body shop area and for now the applicant has two proposed parking spaces, five possible spaces have also been identified which would give a total of seven (7) contiguous spaces and three spaces located in front of the body shop.

Dr. Harre stated that those spaces identified were not contiguous.

Ms. Sitterle stated the three in front of the body shop could be viewed as non-contiguous to the other spaces.

Dr. Harre stated the 10 additional spaces for display plus three for customers and employees and handicapped total 36 spaces and currently there are 28 spaces.

Mr. Kip stated there were 30 spaces not 28.

Ms. Schaeffer stated that display spaces are separate and did not have the same parking space requirement. Parking spaces are based on customers, sales areas, and employees.

Mr. Nevill stated the client could get credit for outdoor display and 10 additional spaces are not required. The 10 display spaces required for the DMV license is not in addition to what is required by local ordinance.

Ms. Schaeffer stated the applicant has to meet DMV requirements before they can get their license and the Town has a separate requirement for customers and employees based on square footage.

Ms. Schaeffer asked how many spaces were required for the proposed use and how many were required for the current use onsite.

Ms. Sitterle stated the current use on site had not changed and still applies to the current site plan. They were required to have 22 plus 1 handicapped spaces at the time of the site plan development. Per article 7.6 spaces are required as follows for the auto sales use:

- One space per 500 square feet of enclosed sales area. Plus three spaces per service bay.
- One space per employee; and
- One space for 2,500 square feet of open sales area. This equals three spaces for customer and employee parking.

Ms. Sitterle stated the enclosed sales area is only 250 square feet not 2,500. There is 1,620 square feet of open sales area. As result one parking space for the enclosed sales area and one space for employee and one space for the outdoor open sales area for total of 3 spaces.

Dr. Harre asked how many parking spaces were determined for the 1,620 square feet of open sales area.

Ms. Sitterle did not provide specifics but indicated the outside display area was included in the calculations.

Mr. Nevill indicated that at the January meeting, it was stated that 5 spaces would be dedicated for auto repair services which had been added since the 2000 site plan and those spaces would be used for the display area. He asked if those spaces were being double counted or were they being credited.

Ms. Sitterle stated that was correct because they met the minimum site plan requirements at the time and they have subsequently added spaces to provide additional parking.

Mr. Nevill stated 5 additional spaces have been added since the 2000 site plan and no additional buildings have been added.

Ms. Sitterle stated that was correct.

Ms. Schaeffer stated that it is the same owner and same operators and asked if they were required to look at other uses and bring them into compliance.

Ms. Sitterle stated the applicant has to provide the minimum number of parking spaces for each use. The new use has to meet the minimum requirements. The applicant already meets the minimum requirement for the service use that has been in existence.

Dr. Harre stated that the question is that Town ordinance requires a certain amount of spaces and the State also has a certain number of required spaces and it needs to be determined if they meet the State requirement before coming asking for the Town's approval. It appears they are going to be short of the number of spaces required by the State and as result will not be able to get their license.

Mr. Nevill stated that he thought that was irrelevant for the Town other than granting a Special Use Permit.

Ms. Helander asked if the applicant has a license.

Mr. Nevill stated no they have to get it from the Division of Motor Vehicles before selling cars.

Ms. Helander stated they are already selling a car.

Ms. Sitterle stated the car on the lot for sale did not belong to the applicant and he would provide an explanation to the Commission when he had opportunity to speak.

Mr. Nevill stated the question about parking has been addressed and he asked how many total parking spaces the current usage required.

Dr. Harre stated 23 spaces.

Mr. Nevill stated to meet DMV requirements an additional 10 spaces are required for a total of 33 spaces.

Dr. Harre stated three additional spaces are needed for the car sale usage for a total of 36

required spaces, but that was not a State requirement.

Mr. Kip noted that it was unclear how many additional spaces could be provided in the rear.

Mr. Nevill indicated the question was asked at the January meeting if there was a solution to the parking spaces identified on the site plan. Does it project old and proposed use and are we still questioning whether or not we have the required 36 spaces.

Dr. Harre stated at present there are 30 spaces and possibility of additional spaces being added in the rear after it is cleared out but at this point there are not enough spaces.

Mr. Nevill asked Ms. Sitterle if it was her understanding that the applicant will make up the deficiency by clearing out the rear.

Ms. Sitterle stated there is opportunity in the rear to provide striping for parking spaces.

Mr. Nevill stated it was hard to make a judgment with an incomplete plan.

Mr. Zarabi stated it was not a complete plan and it had been a long time since there had been a complete plan. He asked if the Commission was going to stick it to this gentleman versus everybody else that has gotten approval in the past. Clearly, we cannot make the numbers work and each time it is counted the Commission comes up with a different number.

Mr. Zarabi stated the use is compatible and it is the same owner and they have identified what portion of their business will be for car sales. He suggested that the Commission let the owner take the hit on the service industry or excel in selling vehicles, but let him reconcile the issues with the State. He stated he did not have an issue with the request because it the same individual and business is being effected and the Commission has a history of allowing this level of flexibility in order to permit local business owners to maximize their opportunities.

Dr. Harre stated the reason the State requires 10 spaces is that they do not want businesses parking used cars out front for sale. They want a minimum of 10 cars parked for display in the front and it comes down to the Commission to determine what is wanted for the Town of Warrenton. He asked the Commission if they wanted to approve the application regardless of the number of spaces.

Mr. Zarabi stated if the applicant is already in violation of the State requirement then he has a big issue because they should not be selling vehicles without meeting the State license requirement.

Ms. Sitterle clarified that someone had parked a vehicle on the lot that is for sale. The vehicle is not being sold by Wilson Used Cars.

Mr. Lubowsky stated regardless who owns the car, Mr. Wilson is responsible.

Mr. Bruce Wilson, owner of Wilson Used Cars provided pictures to the Commission and identified 15 potential spaces that will be available for parking and striping in the rear after it is cleared.

Mr. Kip asked how many additional spaces would be available after the rear area is cleaned out.

Mr. Wilson stated approximately 10 to 15 spaces would be made available at the rear of the building.

Ms. Schaffer asked if the hours of the sales would still be Monday through Friday only.

Mr. Wilson indicated that the hours for the business would be Monday through Friday.

Dr. Harre asked for a motion.

Ms. Schaeffer stated she had a good feeling for this and thought the applicant could make it work. The application has to come before the Town Council for approval and she suggested the Commission ensures no waivers or modifications were granted on buffering or parking. This will allow the Commission to ensure that parking requirements will be met and allow for input in future discussions.

Mr. Nevill stated he had suggested at the last meeting a sunset clause (5 years) be included as a condition and requested that detail be added as a part of the condition.

Ms. Helander suggested a sunset clause of three years.

Mr. Nevill stated the SUP that was granted a three year sunset clause was a different situation because that SUP was for a tenant whereas this is the owner and he has less hesitation about this business owner and for consistency he would like to keep it for 5 years.

Mr. Kip made a motion to approve SUP 14-05 with the following staff recommendations:

1. The rear paved area is cleaned up and striped to accommodate employee vehicle parking to allow for the minimum ten (10) display spaces required.
2. The rear buffer area must be improved with additional landscaping, including evergreen trees or other trees that would provide a more adequate screening of the commercial use. The additional landscaping is to be confirmed with an amendment to the site development plan.
3. A site development plan is submitted for review and approval by the Director of Public Works and Utilities and the Planning Director. At the time of approval, no waivers are to be granted for parking or buffering.
4. The used car sales use receives a sunset clause for five (5) years.

Mr. Nevill seconded the motion and it passed with a vote of 5 to 1 (Harre, Kip, Schaeffer, Nevill, Zarabi voting in favor), with Ms. Helander opposing the motion.

#### **PUBLIC HEARING OPENED – 7:37 p.m.**

3. **A. 2016-2021 Capital Improvement Program (*DRAFT*)** – Six year program of public improvements to coordinate infrastructure, available financial resources and the

Warrenton Comprehensive Plan. This is the draft listing of projects for the new program

**PUBLIC HEARING CLOSED 7:38 P.M.**

Ms. Schaeffer asked Mr. Tucker if the Town will be in a position to ask for proffers in the event proposals exceeded water and pump stations and if a new road or intersection needed to be put in and it was not in CIP. She stated that at some point a series of applications will be coming before the Commission and wondered whether the Town would be in a position with the current CIP to upgrade in certain areas. If a pump station is needed is the Town going to be in a position to ask that of a proffer because it is not in the CIP and they are exceeding what the Town can do. She asked him if he felt comfortable with the CIP in terms of getting proffers to provide what is needed.

Mr. Tucker stated that if someone is coming in with a by-right development, typically they can do what they want. When they come in with a Special Use Permit or Rezoning then that allows the Town to get more involved. In the big picture, there are some things in the Capital Improvement Program (CIP) that has potential for damage. Both past and current history developers, especially those with Special Use Permits, are coming in with enhancements.

Ms. Schaeffer used an example that a developer wants to add a road and the Town is not able to provide that infrastructure.

Mr. Tucker stated that on the Public Works side what is in the CIP including intersection work, and traffic signal work, at Blackwell and Walker Drive and also at Meetze Road and Walker Drive. There is a revenue sharing project to upgrade signals and there is a place holder for the Falmouth Street and Shirley Avenue intersection, but widening a road for potential future development of the area is not included.

Mr. Nevill stated that this brings up a good point in that even if it has not been done in the past; perhaps it is something that should be done. He noted that with the roadways a lot of the standards have been designated to have a collector road because of the current zoning and there has been a precedent. He thought that the Commission needed to start looking at moving towards addressing the infrastructure issues and some of the earlier issues relating to capacity caps and improvements for public works infrastructure beyond transportation and look at the water, sewer and storm water. The Town has 125 year old pipes and the Commission needed to start looking at how the upgrades can be put into the Comprehensive Plan and the public works comprehensive plan so that there is a starting point for negotiations when it comes time for proffers and other opportunities to work together with someone and move forward other than with by-right development.

Mr. Tucker stated in addition to the capacity study a rate study was also being done. Although the Capital Improvement Program stops six years out, the rate study will be a little more extensive in terms of what the capital needs are in case there is an adjustment in the availability fees inside and out to help pay for improvements. Mr. Tucker stated the Town is in a position where utilities supply on the sewer side is very limited by the number of pounds of nutrients that can be put back into the stream. He noted that the Town's limit is 2 ½ million gallons a day and if that increases the Town will have issues.

Mr. Nevill stated that when looking at decisions relating to rezoning, the Commission wanted to be reviewing the public documents, public works comprehensive plan, the Town CIP and all other documents. Based on the assessments of the Town's systems, hopefully the Commission can be able to accomplish or improve or address the issues. He stated this was something that had been requested previously as tools to be used as negotiations as part of the proposed proffers for rezoning.

Ms. Schaeffer stated that both are required to be included in the CIP and Comprehensive Plan and to Bo's point, the Town's position is that growth pays for growth. But her point is that if things are not put into the CIP and in the Comprehensive Plan and growth comes, growth has an establishment limitation from being able to pay for itself because the Town has not provided the mechanism for them to put that money towards improvements.

Ms. Schaeffer stated proffers are voluntarily and the Town cannot ask for and accept proffers.

Mr. Lubowsky indicated he was confused because based on the nature of a rezoning, or a SUP the Town would be asked for something for zoning that at this point was not contemplated. So asking and seeking to destabilize the status quo, he wondered how is it that the Town has to be assured that there has been contemplation that someone may ask for certain improvements and if it has not been considered, then the Town would not be able to accept proffers for those items. He stated this was news to him and encouraged that the Town gets out of the business of not asking.

Mr. Nevill stated there are established points of negotiations during land use discussions. He added that when talking about infrastructure and capacity, the Commission should also be discussing efficiency standards for commercial and residential uses, the number of gallons per day and how to update all of the Town's systems, comprehensive plans, and ordinances to accommodate flexibility to allow for new capabilities for new projects. For example, a developer states they can decrease the gallons per day and as result how is that incorporated into the approval process and have it become part of an adjustment to the zoning to allow for greater density. The original zoning decisions could have been decades ago without having the technology that allows for capacity uses that the current negotiated change would allow. He thought that it was unrealistic to expect everything regarding zoning, codes, and ordinances to evolve at the same pace so there has to be a way of negotiating.

Ms. Schaeffer stated she joined the Planning Commission a year ago and she asked the question what was the Town's vision. She wondered that if it was to not allow anymore growth, then everything is kept like it is and the Town does not put anything in the CIP that would allow future development. The point of the Comprehensive Plan is to look 30 years out and in that plan the Town would include planning land uses of what areas could potentially be rezoned.

Ms. Schaeffer stated that if someone came forward and wanted to put a road in and pay for the entire thing, if it was not identified in the Comprehensive Plan and CIP it would not be possible for them to legally do that because of state statute. The statute specifically states it has to be tied to the CIP and the Comprehensive Plan.

Mr. Lubowsky stated this was perverse because the CIP is what the government is saying is intended to be funded.

Ms. Schaeffer stated Town is also required to plan for future growth and that impacts what is needed in terms of a facility standpoint and that is why there is a facility plan that is tied to the Comprehensive Plan. She added that the Town does not want to react to a developer, but that the Town needed to develop its own vision and long term plan.

Mr. Nevill stated it was also a way to keep localities honest. If localities had gotten used to the gravy train of growth and then all of a sudden, convention centers and sports complexes were being built that were not envisioned; having a long term vision allows localities to stay honest and keep within the strategic vision that has been built over time. The Town would not be building things that did not have anything to do with the project.

Mr. Lubowsky asked what would occur if a school is needed but it was not envisioned in the CIP and a developer offers to build the school but according to what was stated earlier it would not be possible for the developer to build the school because it is not in the CIP.

Ms. Schaeffer stated that the property would not have been allowed to be zoned residential if it was not in the long term plan which is what is occurring in the New Baltimore service district plan. She indicated the service plan does not identify specifics on the type of school that will be placed but it clearly shows schools will be a part of that service plan. She indicated that a land use analysis has been conducted that shows the number of homes that can go into that district and that allows planners to determine the number of schools needed as well as to what impact it will have on water and sewer. All of this is put into their CIP to assure it can be planned for or in some instances taken out so things cannot be included.

Mr. Lubowsky stated the CIP can be amended to address issues and he thought this conversation was something that should take place off line.

Ms. Schaeffer stated there are a couple of applications that will be coming forward and we are looking at the CIP now and she expressed a desire to have a long term conversation that she feels needs to happen as the Town moves forward but she wanted to find out from Mr. Tucker if there were any improvements or upgrades to roads, sewer or water that should be in the CIP as growth comes forward. Maybe there may be things that are not within the developer's reach to pay for but it could be said that this would make it feasible and she wanted to make sure this has been considered by the Town as it is facing an uptick in the market.

Mr. Tucker suggested adding zeros to everything. He indicated there will be some sewer rehab that will take time to study as to where the best results are and it is currently being done and there are place holders. He stated that figure will get larger in the outer years.

Mr. Nevill asked if there was a secondary sewer treatment going the other way because water sheds are being split.

Mr. Tucker stated he has been informed it is not possible to get one at the Occoquan Basin. He stated there was a water map on the upstairs conference room wall and it shows a dividing line

where there was a plan to establish a treatment plant on Cedar Run and take everything from Main Street that currently flows to the Cedar Run pump station and incorporate it with the Millwood, Trinova, and all the folks on the other side of the creek as a regional plant. Mr. Tucker stated this occurred in 1997 but went by the way of the Arbor Dam.

Mr. Nevill stated this was the type of thing the Commission is talking about because we need to be good stewards of the resources that we have. It sounds like the studies are being done but the Commission wants that information to tie to decisions as the Town approaches capacity.

Mr. Tucker stated that one of the things that are currently being studied was the three or four large tracts that come in stating they want an I-PUD as opposed to the current zoning and what the impact will be.

Ms. Schaeffer stated that there is a push for economic development for the Town and an economic development manager has recently been hired. She is concerned that Town will be saying that development can't be done because of capacity issues.

Mr. Lubowsky stated he agreed with all of the discussion that had taken place and planning for the community takes place here with this Commission. The Town Council does not plan and looks to the Planning Commission to provide to the Council the vision. He stated he found the recent issue discussed being perverse because everyone shares the philosophy that growth should pay for growth but in order to accommodate that as a possibility it must be said that the Town intends to pay for growth and put in the CIP that the Town will pay for it. He indicated that it sounded to him that this was simply an exercise of facilitation. He stated he did not think any member of the Town Council would be prepared to put into the CIP things that the Town anticipates developers to pay for and he would like to understand the concept better.

Mr. Nevill stated he agreed and used the example of Branch Drive with property that would have service but the developer stated that was outside of his scope but indicated if Town wanted it the Town should pay, which is reasonable. That is what the CIP is for in terms of advancing the interest of interconnectivity of roads and further other items that were envisioned in the Comprehensive Plan. This is something that could be put in the CIP identifying the extension of Branch Drive with the bridge over the creek, extension of the road, or purchase of the property.

Mr. Zarabi stated that one of the things that occurred was the unwillingness of residents to pay for critical infrastructure and the critical vision as to how these communities were developed. He stated he did not disagree with the earlier discussions and he liked what Mr. Lubowsky had to say. However, as a son of a municipal planner, that often the visions were in the hands of professionals and would get compensated by additional costs paid by the developer. The cost of development went up when the municipalities had to fund these projects and when he reviewed the transportation segment of the CIP and Comprehensive Plan, there is language in there that speaks to roads and interconnectivity tied to the developer and that is accepted. But it is the community and the people that will determine how they want to grow by putting it in the hands of professionals who are tasked to determine the best way to connect the community. But when dealing with limited capacity and the inability to expand then everything becomes a premium. Short of providing those things that are already vested by people paying their taxes on property that is undeveloped, the Town looks at the balance of utilities as bargaining tools and has to

determine how to best maximize those resources. He wondered if the Town shares it, gives it to the County, or does the Town get one and half times the rate or two times the rates and those are things members of Town Council will have to determine. He wondered how the Town best uses its utilities as the bargaining chip to offset the cost of a growing community.

Ms. Schaeffer stated that she thought this was something that needed further discussion with the Town Attorney.

Dr. Harre stated it was good this discussion took place because of the Commission getting more involved with the Comprehensive Plan and needing to tie these things together for the future.

Mr. Nevill stated the joint planning initiative with the County and the relevance for Mr. Tucker is for the joint planning of the Warrenton Service District, Water Sewer Authority, and all the various services that are planned for the Warrenton Service District. The Town needs to have that Comprehensive Plan integrated with the County's plan with a focus on structure so it can be tied back to the CIP projects.

Dr. Harre asked for a motion.

Mr. Kip made motion that the draft Capital Improvement Program for FY 2016-2021 be approved. The motion was seconded by Ms. Helander. The motion passed unanimously with all voting in favor and none against.

4. **B. ZMA 14-02 – Rezoning to apply Industrial Planned Unit Development (I-PUD) overlay district on Walker Drive.** Application to rezone two parcels (20.087 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.

Dr. Harre indicated a fax had been received from Mr. Springer (applicant) requesting this be delayed but no time limit was indicated. Dr. Harre asked Ms. Sitterle if the applicant had indicated how much time he needed.

Ms. Sitterle stated he did not specify the exact length of time.

Dr. Harre asked how much time the applicant had with the request.

Ms. Sitterle stated 90 days because he was requesting for a delay and not to withdraw the application.

Dr. Harre asked how much time the Commission had left to consider this application.

Ms. Sitterle indicated the application was submitted in August 2014 and was delayed several months because staff did not consider it to be complete. It was resubmitted in December 2014 with a traffic study and additional information on the infrastructure. It has been 60 days since the

resubmission.

Mr. Kip asked if the clock started in December with the resubmission.

Ms. Sitterle stated that was correct. She indicated the request was submitted to the Commission at the December meeting and the 100 day count started with December.

Mr. Kip indicated that the 100 days would end in March.

Dr. Harre asked if this delay stops the clock or does it impact the 100 day time period the Commission has to consider it.

Ms. Schaeffer asked how many days the applicant has with the withdrawal.

Ms. Sitterle stated 90 days but it is not an official determination.

Mr. Kip recommended that a confirmation from the Town Attorney is needed as to what decision the Commission has to make for what to do at the March meeting and if this can be delayed for 30 days.

Mr. Nevill asked that the Town Attorney provide a time line with decision points and dates.

Dr. Harre stated that it will be assumed the Commission has to make a decision at the March meeting unless we are informed otherwise. Dr. Harre stated that in his opinion the delay should only be for 30 days.

Mr. Kip suggested asking Mr. Springer for a clarification as to how long of a delay he is requesting.

Mr. Nevill recalled a situation in which the Commission was compelled by the clock to make a decision which was incomplete and then the applicant did a delay and decided not to come. The Commission was not sure if the applicant knew they had the opportunity to attend. If we are compelled to make a decision because of expiration of time, he wants to make sure the applicant is aware of that and has opportunity to attend.

Mr. Lubowsky stated that Commission could deny it.

Mr. Nevill stated that would be the consequence in that the applicant has asked for a delay but the Commission cannot delay, the case has to be heard and there is no more information and it is determined to be incomplete and it is denied.

Dr. Harre stated that in the past Town Attorney would attend the Planning Commission meetings and that recently there have been several legal issues that have come up that required counsel and he thought it would be good if counsel could be present for the meetings.

Dr. Harre asked for a motion.

Mr. Lubowsky asked if a vote could be taken since this item was added to the agenda and was not advertised.

Ms. Sitterle explained that this was discussed as part of the work session after the public hearing and as result no additional advertising was required.

Mr. Fallon confirmed the statement.

Mr. Kip made a motion to approve the delay request for 30 days and get it resolved at the March meeting.

Mr. Nevill seconded the motion and the motion passed unanimously with all voting in favor and none against.

## **5. WORKSESSION**

### **A. Discussion of Request for Proposal (RFP) for professional planning services for the Comprehensive Plan update.**

Ms. Sitterle stated that the Town has standard RFP documents that she is reviewing and once she has it drafted she will send it to the Commission members for review and comment. Once she receives comments back she will determine if a work session will be scheduled or perhaps meet with a couple people at a time to review the RFP's and go from there.

Dr. Harre stated that in the past citizen input has been a part of the Comprehensive Plan and he asked if the consultant would be responsible for getting citizens together or is that something the Commission has to do.

Ms. Sitterle stated staff was available to help with that coordination but that would be part of the request in the RFP.

Ms. Sitterle stated there is money in the budget for the Comprehensive Plan effort that she will be able to have available once the RFP issued. In addition, staff has requested professional services as line item in the budget to anticipate this process and to also help with any future studies that may come up.

Mr. Lubowsky asked if the money was in the 2015 budget.

Ms. Sitterle stated yes.

## **6. Planning Commission Comments**

Dr. Harre stated that the last meeting was too long and thinks there needs to be a time limit and what is not addressed is moved to the next month's meeting. He stated 9 or 9:30 should be the cutoff point.

Mr. Nevill stated he agreed but that the things such as CIP should be a separate meeting and stand alone. Any reoccurring work sessions should be looked at and not be included and be

separate.

Dr. Harre asked if work sessions have to be advertised and if so for how long.

Ms. Sitterle stated yes for two consecutive weeks.

Mr. Zarabi suggested that a work session schedule be designated and have it as a part of the ongoing advertisements and if there is no need to meet then it is still on the docket without having to squeeze in additional announcements.

Ms. Sitterle stated that process would be very helpful.

Mr. Kip asked if it was conceivable that the following Tuesday (4<sup>th</sup>) be scheduled as a work session.

Mr. Nevill stated that if the fourth Tuesday is set aside for a work session and hour and half is set aside for our regular meetings, if we have no public business then the work session is pulled up because it is a place holder. He stated that work sessions tend to deal with ongoing projects that require decisions. So there would be two types of work sessions.

Mr. Kip stated this would have to start in March because of the two week advertisement requirement.

Dr. Harre stated having work sessions built into the routine advertisement would be beneficial.

Ms. Helander stated that the Town Council had tabled Malcolm Alls request for 30 days.

Mr. Nevill stated that was because two members of the Council were not present.

Mr. Lubowsky stated it was the senses of the Council members that there was not enough information. The minutes of the Planning Commission are not received by the Council immediately after the meeting but one cycle later because they have to be approved by the Planning Commission. Some of the members of the Council asked for the draft minutes of the Commission meeting and they were made available in a short timeframe. Mr. Lubowsky stated there was some philosophical concerns and apprehension of establishing precedents and host of other issues that were raised. He indicated that all of those issues were addressed by the Commission but it was feeling that it would be delayed for 30 days until such time the Council could get the additional information.

Dr. Harre asked if there had always been a time lapse for the Council to receive copies the Commission minutes.

Mr. Lubowsky stated yes. They lag about one month.

Mr. Nevill asked if the unapproved draft is seen by the Council.

Ms. Reynolds stated no and that she considered it a serious problem. She indicated the reason it

was not voted on is because Council had not seen the Planning Commission minutes.

Mr. Lubowsky stated that most of the issues in the minutes of the Planning Commission is not something the Council acts on and that perhaps in the future issues that are going to be advanced from the Planning Commission to Council those segments could be provided in draft form.

Mr. Nevill stated that reviewing of the minutes without the benefit of being here is like reading a telephone conversation but if it is provided to the members of Planning Commission in email form for review before sending it to the Council. He suggested that Council should be informed that they are receiving unapproved minutes and if they have questions or comments to contact that person for clarification. He said he would welcome any call from a Council member.

Ms. Reynolds asked if it would be possible to have the minutes as part of the package the Council Members receive prior to their meetings.

Mr. Zarabi stated in the past there had been access to the recordings of the meetings and he asked Ms. Reynolds if the Council members have access to it.

Ms. Reynolds indicated that was more work and she preferred receiving draft minutes and if she has questions she would call the individual.

Dr. Harre stated that normally there is minimal change to the draft minutes.

Mr. Nevill stated that email minutes to the Planning Commission members will be needed so that when Council members contact someone they have access to the document.

Ms. Sitterele stated that Dee transcribes the minutes by listening to the recording and prepares the draft which she reviews. The only reason for the delay is the amount of time it takes Dee, as a part-timer to prepare the minutes and there is nothing odd going on.

Ms Reynolds stated she was not trying to imply that something odd was happening, but the Council just did not have important information that the Planning Commission was dealing with and not having the information prevented her from making good decisions and to vote.

Dr. Harre stated that he was under the impression that the Council was receiving the minutes sooner.

Mr. Kip suggested that perhaps consideration be given that items go to the Council a month later.

Ms. Schaeffer stated that most jurisdictions go 30 or 60 days in some cases before it goes before the Board of Supervisors or Council and she thought Mr. Kip's suggestion should be considered. The Town is providing a fast track and it is business friendly but by no means is that the way it is done everywhere. Fauquier County amended their regulations to allow for a delay because of the same issue.

Ms. Schaeffer stated that staffing for the Town is substantially smaller in terms of other jurisdictions similar or even smaller in size to the Town. She said looking at Purcellville and

Haymarket and other jurisdictions, the Town does not compare at all as to what they have on staff. Fauquier County has a Zoning Administrator, dealing with a lot of issues that Sarah has to deal with, and a separate staff person that deals with the Comprehensive Plan and larger projects. She suggested that these problems could be a result of what the Town did in terms of cutting staff due to the downturn, but the Town is facing a lot of issues and upcoming projects. She thought that perhaps a discussion needed to be held with Council if these issues continue to come up as we try to get more and more out of staff.

## **7. Staff Comments**

Ms. Sitterle identified the following projects that will be coming forward.

1. Orchard Ridge Development – This will be coming forward for rezoning to a multi housing development. It is proposed to be a 280 Work Force Housing Unit.
2. Two Memory Care Facilities
  - a. One will be on the north of the by-pass off Blackwell Road. There is a strip of industrial property that will be proposed for rezoning to R-10.
  - b. A portion of the American Legion facility is being looked at as a possible Assisted Living Facility.

The meeting was adjourned at 8:55 p.m.

Minutes Submitted by  
Dee Highnote