



## TOWN OF WARRENTON

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MINUTES  
PLANNING COMMISSION  
TOWN OF WARRENTON  
January 20, 2015 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, January 20, 2014 at 7:00 PM in the Municipal Building.

The following members were present: Dr. John Harre, Vice Chair, Mr. John Kip, Ms. Brandie Schaeffer, 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.

### **Election of Officers**

Mr. Lowell Nevill made the following nominations.

- Ms. Sarah Sitterle as Secretary
- Dr. John Harre as Chair
- Ms. Brandie Schaeffer as Vice-Chair

Mr. Ali Zarabi seconded the nominations and all voted in favor.

Mr. Nevill stated that the Commission feels the absence of their esteemed colleague, Mrs. Scullin, who brought a lot of experience, skills and expertise to the Commission and it was easy to make appointments from year to year. However the remaining members on the Commission have a range of experiences and the two younger members respect and admire the experience the other Commission members bring to the table. However, given the fact that the Commission does not have an obvious person with Mrs. Scullin's level of experience, and other Commissions, Councils and bodies have rotating chair positions that may be something this Commission may want to consider.

Mr. Lubowsky stated that the selection of a seventh member was important and he agreed with the nominations that Mr. Nevill had made. He suggested that during the next year consideration be given to having Ms. Schaeffer serve as the point person for the Comprehensive Plan update and to interface with the County Planning Commission. He stated that he thought it would be helpful to have one person that could work in synchronizing the Center District Plan with the Town.

Mr. Nevill suggested that recommendation be tabled because of the amount of work that needs to

be done and he did not want to burden Ms. Schaeffer when perhaps it is something that we could request to the Council to put out for bid.

Mr. Lubowsky stated he wanted to clarify his recommendation in that Ms. Sitterle has principal staff responsibility and he was not implying that would not be served, but the Commission had earlier discussed the possibility of bringing in a consultant which he indicated was a good idea and his recommendation for using Ms. Schaeffer was to have her serve as the “whip” and he was not implying burdening her but filter her Planning Commission responsibility through her experience and expertise.

Dr. Harre stated that a consultant needed to be brought in to work on the plan because it was in need of a major revision. He added that it needed to be done professionally and agreed with tabling the recommendation.

### **Approval of Minutes**

Minutes of the December 16, 2014 meeting were approved unanimously. No changes were identified.

## **PUBLIC HEARING**

### **A. Special Use Permit 14-04 – First floor residential use in the Central Business District at 39 S. Fourth Street.**

Ms. Sitterle identified that this was an application to allow residential use on the first floor of an office condominium per Article 3-4.11.6 of the Zoning Ordinance that prohibits apartments on the ground floor except by Special Use Permit. The applicant is seeking a change for use for the unit from commercial office to residential, which was constructed in 2004 as part of a block of office condominium units. The zoning for the property is identified as Central Business District, which is suitable for a mix of business, commercial, public-semi-public and residential uses. The property owners are Malcolm W. Alls and Priscilla G. Hottle.

Ms. Sitterle stated that the property was located at South Fourth Street and part of a building that has addresses of 31, 35, & 39 South Fourth Street. Previous uses of the space have included professional offices and personal services establishments. The owner is seeking to convert the use at 39 South Fourth Street from a professional office to residential due to difficulty in leasing the location for commercial use. The application was previously tabled because there was a question about the Certificate of Occupancy for the entire building but Ms. Sitterle indicated that had been researched and cleared up and the use can be converted to the requested use provided the Commission recommended approval and the Council granted approval.

Staff noted that the Central Business District is a mix of business uses and the Comprehensive Plan states residential units are preferred on the upper level. Ms. Sitterle stated this was a side street location and a part of Old Town. The request to convert from office to residential would not have a significant impact and is not projected to have significant noise issues. The building at 25 South Fourth Street is vacant and the street is very quiet. The residential use is compatible to other units adjacent to the property. Parking is located behind the building within the public parking lot, and that will continue and no impact to the transportation system will occur.

Ms. Sitterle stated that any building interior changes will be required to meet building code standards prior to issuance of a new Certificate of Occupancy for the change of use. The unit will

continue to be serviced by town utilities and this change will provide for an additional resident in the Old Town area. No additional infrastructure is anticipated as part of this request and trash pickup would occur at the same time and location that it presently occurs.

Ms. Sitterle stated staff has reviewed the application and that although the building was originally intended for office use, conversion of the space to residential use would be within the character of the existing uses of the neighborhood. The conversion of the space for the residential use would not be irreversible if in the future the owner desired to change the use back to office space.

Staff recommended approval with the condition that a building permit application is submitted and approved prior to conversion of the space.

Mr. Kip asked if the second floor was occupied.

Ms. Sitterle stated that it was not currently occupied.

Mr. Zarabi asked if additional businesses in the Central Business District be subject to same level of scrutiny or lenience if they changed their uses and would the Commission be as flexible and understanding if this unit was located on Main Street.

Ms. Sitterle stated decisions are made on a case-by-case basis and it would be up to the Commission and Council to determine if a conversion on Main Street would be suitable.

Mr. Zarabi stated that in past, the Commission has not wanted to do first floor residential and expressed concern with this setting a precedent.

Mr. Nevill stated that two properties in the neighborhood already have a first floor residential unit and he agreed with Ms. Sitterle that it would be reviewed on a case-by-case basis and he did not feel a precedent was being established.

Mr. Zarabi asked if there were difference standards between Certificates of Occupancy for residential and commercial.

Ms. Sitterle stated there were and it depended if the property were subject to a site plan and all plan requirements must be met before one can be issued.

Ms. Schaeffer asked if there was an existing Certificate of Occupancy for commercial.

Ms Sitterle indicated there was a Certificate of Occupancy.

Ms. Schaeffer stated that the provision in Central Business District is to ensure a vibrant street light and any time residents are allowed on the first floor a lot of street light is going to be missed. We have been lucky with the existing professional services located on Main Street; they have created vibrant window displays. She indicated that if this was allowed over and over again then legally the Commission would be setting a precedent and it is important that each time a SUP comes forward a review of the Ordinance may be needed and perhaps be more lax in our provisions because having vacant properties serves no one.

Ms. Schaeffer asked Ms. Sitterle if she had discussions with the applicant about occupying the second floor since it was already vacant.

Ms. Sitterle stated that residential uses on upper level are allowed by-right.

Ms. Schaeffer asked Ms. Sitterle if she had discussions with the applicant about utilizing the second floor for residential instead of converting the lower floor to residential because doing so changes the zoning and makes this building residential.

Ms. Sitterle indicated that she had several discussions with the applicant regarding the usage of the building and impact the conversion would have on zoning.

**The public hearing was opened at 7:20 p.m.**

Mr. Malcolm Alls, owner, stated he had tried to lease the building but had not had any success and commercial space in town was down by 15% and the unit had been vacant for over year. He stated he had other residential units in town that he rents and in comparison to commercial units his residential rental units rent very well. He indicated he owned property on Fourth and Lee Street that has residential on the first floor. He informed the Commission that he was requesting this conversion because commercial is not working and residential does work.

Mr. Zarabi asked Mr. Alls if his other two units would be converted.

Mr. Alls stated not at the present time because they are currently being leased.

Ms. Schaeffer asked Mr. Alls if he had spoken to his neighbors and were they supportive of his proposal.

Mr. Alls stated that the only interest expressed by the neighbors was what was happening and he was unable to tell them because he was not sure if the conversion would take place. He indicated the neighborhood was very small because there are a lot of vacancies.

Mr. Lubowsky asked if the parking in the rear was unassigned spaces.

Mr. Alls stated yes that it was a public parking lot and he considered it a big plus.

Ms. Schaeffer asked if the parking lot had time limits.

Mr. Alls stated he did not believe it was timed.

Ms. Schaeffer stated that she knows the parking directly behind the commercial building has time limits because of parking tickets she had personally received and perhaps the second half of the lot is not timed. It was clarified that the portion of the parking lot directly behind the buildings fronting on Main Street was timed.

Mr. Nevill asked Mr. Alls if the 15% commercial vacancies mentioned earlier was for the whole town.

Mr. Alls stated that he got his information from a local realtor.

Mr. Nevill asked Mr. Alls what type unit he was proposing and the market rental rate.

Mr. Alls indicated it would be two bedroom one bath with rental rate of \$1,100.

Mr. Nevill asked Mr. Alls if the realtor gave him a vacancy rate for residential units.

Mr. Alls stated he was informed it was two to three percent.

**The public hearing was closed at 7:26 p.m.**

Mr. Zarabi asked Ms Sitterle to clarify how the intended use would change and/or alter parking, water, sewer and other requirements.

Ms. Sitterle informed him the parking requirements in the Zoning Ordinance states that if a building is within 300 feet of a public parking lot, parking requirements do not apply in this particular situation. She indicated that she was not an expert in residential or office utility usages but utilities are already in place.

Mr. Zarabi asked if town had a ratio of consumptions between residential and commercial.

Ms. Sitterle stated the town does and Mr. Tucker would know the differences.

Ms. Schaeffer stated that residential is viewed as less intensive use.

Mr. Kip made motion to approve SUP14-04 to allow residential use on the first floor in the Central Business District with the condition that a Building Permit is reviewed and approved prior to conversion of the space.

Ms. Helander seconded the motion. All voted in favor with a vote of 7 to 0.

Dr. Harre stated that the approved SUP 14-04 would go to Town Council on Feb 10<sup>th</sup> for their approval.

**B. Special Use Permit 14-05 – Vehicle Sales in the Commercial District.**

Ms. Sitterle stated this request is for the establishment of a small used car dealership at 331 Broadview Avenue per Article 3-4.10.3 of the Zoning Ordinance. This request requires a Special Use Permit according to the 2006 Zoning Ordinance. 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.

Ms. Sitterle noted that there is an existing auto repair shop, known as Wilson Automotive, on site and there is an approximately 660 feet building for the automotive repair business, customer service and garages. The applicant is proposing to use 250 square feet of existing office for the auto sale use. No construction is planned as the applicant will be using the existing building. On the north, south and west sides of the building there are abutting properties that are zoned Commercial and on the east is property zoned Residential Townhouse (RT).

Staff noted that the subject property will have this use 5 days a week during the hours of 8:30 a.m. to 5 p.m. and it is expected to prevent noise impact generated from the property during evening hours for this added use. It is projected to be consistent with other automotive sales of similar size and it is proposed that parking would be present in front of the parcel on Broadview Avenue and no lighting changes are anticipated. There are two commercial entrances that will serve both businesses. Parking is a concern for the added use as the existing business must also maintain its required parking. The applicant is requesting 10 of the existing parking spaces and Ms. Sitterle identified the parking spaces to the Commission members. She indicated that even with the added parking spaces the applicant is three spaces short and only seven could be used for display and customer and employee parking rather than the 10 that was indicated. The applicant has to have at least three additional spaces for this additional use.

Ms. Sitterle stated there are regulations for outdoor display of cars and where vehicles may be parked. At the time of the site plan development approval in 2000 the building met the Zoning Ordinance but today there is a nonconforming set back and parking had been allowed in the previous Ordinance and will be allowed to continue. The new use is not perceived to be a nuisance because it would operate within the same existing business hours of the auto repair shop. The impact will be slightly higher than previously existed due to vehicle display.

Ms. Sitterle stated there is concern over the storage behind the building and impact to the buffer that is a residential use. This new use will require the site plan process and for all site plan requirements to be met.

Staff added that automotive sales are very prevalent in Town. Currently there are two used car dealership that are subject to Special Use Permits (SUP). Wells Auto Sales & Anzo Motors. The original applicants are no longer there at the Piedmont Pets location and as result, the current owners are required to meet SUP requirements and there have been a number of discussions held with them over various concerns.

Staff noted that there are quite a number of businesses that exist that have maintained continual use because of being in existence prior to the 2006 Zoning Ordinance. As result, Ms. Sitterle stated this would not be seen as something unique in town however the volume of traffic generated from such a small scale operation should not have significant impact to traffic and the use is permissible. The existing building does meet town building code requirements and any changes made will be subject to town building permit and inspections to assure code requirements are met.

Ms Sitterle stated staff has concerns over the number of parking spaces designated for display, customer and employee use. She indicated the request exceeds the Ordinance allowance. She noted that the proposed use is considered acceptable and a Special Use Permit is granted with the following conditions.

- (1) Parking spaces allocated must not exceed 7 on site.
- (2) Any additional changes made in the rear of the site be part of a site plan and the buffer between the subject property and residential properties be addressed.
- (3) Site Development plan is submitted for review and approval by the Director of Public Works

and Director of Planning & Community Development.

Dr. Harre stated he was having difficulty determining the number of parking spaces and asked if the 7 spaces would include employee and customer parking.

Ms. Sitterle stated yes.

Dr. Harre asked Ms. Sitterle how many parking spaces are required.

Ms. Sitterle stated that there are 23 parking spaces for the automotive repair segment of the business which was included in the original site plan. Three additional spaces are being required as part of the Special Use Permit request. Since the 23 spaces were required and 25 spaces, with one handicapped space was provided and the applicant has since added five more spaces since site plan approval. As result, Ms. Sitterle stated there was a slight overage but not enough for the ten spaces.

Ms. Schaffer stated that it was difficult for her to determine the number of spaces based on what appears to be required and the information provided.

Mr. Kip stated he had issues with the proposed hours of operation being Monday through Friday only from 8:30 to 5:00 p.m., which would preclude Saturday sales and indicated he found that hard to believe.

Mr. Nevill stated that the concern is that credit was being given for something that was not going to be used and also noted it was a cluttering appearance from the front. He asked if a count had been done by staff when site visits were conducted.

Ms. Sitterle stated she had not done multiple visits to count each time.

Ms. Schaffer asked Ms. Sitterle how many existing spaces did she count when she did make her visit.

Ms. Sitterle stated at the front there were definitely six spaces and she indicated she may have been mistaken in identifying space number 7.

Ms. Schaffer asked if the Ordinance allows for type of parking that is shown.

Ms. Sitterle stated Ordinance allows for 90 and 45 degree parking and what was shown is consistent to the Ordinance.

Mr. Nevill stated that only two other used car dealerships in town were subject to Special Use Permit requirements which the Commission recently addressed and he asked Ms. Sitterle if those SUPs had 5 year sunset clauses.

Ms. Sitterle stated she recalled a time limit but she would have to check on the sunset clause.

Ms. Schaeffer asked how many cars can they have parked that are being serviced. She indicated when she made a site visit there were no available parking spaces because spaces were filled with cars being serviced and she asked what the Ordinance requires.

Dr. Harre stated that the requirement is three spaces per service bay.

Ms. Sitterle referred to the Ordinance and indicated that it stated 4 spaces per service bay plus one space per employee is required. She indicated this was based on the 2006 Ordinance requirements.

Dr. Harre asked what the total number of spaces was.

Ms. Sitterle stated she had counted 25 spaces. She indicated that 25 spaces were part of the site plan and at that time 23 spaces were required, the applicant has added an additional 5 spaces which gives them a total of 30 spaces.

Mr. Kip indicated he counted 31 spaces.

Ms. Sitterle stated that one of the spaces being counted was an overlap for the diagonal parking but it was not a separate space.

Ms. Schaeffer suggested that a parking chart be included with the plan reflecting the existing number of spaces, unused spaces, required spaces, and proposed spaces.

Mr. Nevill stated that the other thing that had been looked at by the Commission is the site plan labeling, identifying spaces. He referred to a recent plan for a car dealership on Shirley Avenue that showed employee parking, handicapped parking, display spaces and service spaces. This allowed the Commission to visualize what will be seen from the street. He expressed a concern that compared to other towns nearby that end up having a lot of used car dealerships; the ones in Town should appear neat and orderly. He stated he respected the fact that it was a local business owned by local family and keeping our local people to do business and adapting to changing times was important. The Commission was not trying to stifle creativity or flexibility for local businesses but the next people that do not have as much lineage in the neighborhood are not fly by night and coming and going. He thought after looking at the site plan more delineation is needed as to where the display spaces are and some knowledge that they will stay as display and landscaping is done so it distinguished in and out parking.

Dr. Harre indicated that the diagram reflected a date of 2000 when the building was built on site.

Ms. Schaeffer stated it would be helpful to have an existing plan and proposed sheet so a comparison could be done. She stated that the drive lane shows 34 feet and she mentioned the fire safety requirement but with the new parking spaces being added it appears the lane is being cut in half to 15 foot as a drive isle in that area. She indicated she was trying to understand how to approve a SUP that was not meeting the standards in place.

#### **PUBLIC HEARING OPEN – 7:50 p.m.**

Carol Wilson, owner of the business stated her intent was to get her son involved in the business. She indicated there would 2 or 3 cars that would be used cars and it is not envisioned to be a large used car operation and it would be a way for her son to become familiar with managing a business. She indicated he would also do body and mechanical work on the used cars he would be selling. She stated that the parking spaces that have been added do not come to the openings

of the driveway. Customers come in on one end and exit at the other end and there have not been any problems. Mrs. Wilson stated she would remark the parking spaces if necessary and the rear of the property will be cleaned up to allow for more parking for employees that will free up most of the lot for the cars in the bays. Ms. Wilson stated a lot of the customers come for state inspections and as a result they are not there all day.

Dr. Harre asked Ms. Wilson how many parking spaces she currently had.

Ms. Wilson stated 30. She indicated that when the business opened in 1995, 25 parking spaces were required when the new building was built in 2000. She stated they purchased the old building that was former Exxon Station and they built a new addition in 2000 that is serving as the body shop and five spaces were added.

Dr. Harre asked Ms. Wilson how the cars that would be for sale would be designated.

Ms. Wilson stated they would be on the body shop side which is the less used and located next to McDonald's.

Dr. Harre asked if there would be signage.

Ms. Wilson indicated she did not know if her son wanted to have an additional sign and that with customers coming and going word of mouth may be sufficient.

Mr. Kip stated that if the used car sales are going to be located close to McDonald's and he identified six parking spaces in that location and asked if that was correct.

Ms. Wilson stated that was correct.

Mr. Kip stated that the SUP states proposed hours would be 8:30 to 5:00 pm, five days a week.

Ms. Wilson stated that currently that is the hours of the business and she is closed on the weekends. She stated that her son would be the only employee in the used car dealership and he would be responsible for that part of the business. She stated that her son was already working at the other business from 8:00 to 5:00 and he will be sharing used cars because there will only be a maximum of three used cars at a time on site and she did not envision a lot of customers. She stated it may be feasible that her son may want to be opened on Saturdays but it would be the same hours of 8:30 to 5:00.

Mr. Kip stated that was not what was being requested.

Ms. Wilson stated that was correct and currently the business hours are Monday through Friday 8:30 to 5:00 p.m.

Mr. Kip told Ms. Wilson that if she perceived there is a possibility of having Saturday sales, it must be requested.

Ms. Wilson said okay but that her son had not indicated he would be doing sales on Saturday.

Mr. Kip stated that in his opinion most car sale business occurs on Saturdays.

Ms. Wilson stated she understood but that this was not just car sales business it would be a supplement income for him.

Mr. Kip stated that this was a request for a Special Use Permit for vehicle sales and the Commission was not there to discuss repairs and if she wanted a Special Use Permit for vehicle sales and the submitted request shows five days a week then that is what it is and if she anticipated having Saturday sales then the request should reflect that day also.

Ms. Wilson stated she understood that and she asked her son if his intent would be to have Saturday sales and he replied no.

Ms. Helander indicated she had made a site visit and asked Ms. Wilson if her business was a good neighbor to the residential area.

Ms. Wilson indicated there have been no problems or complaints. She indicated there was a creek behind the building that separates the back of the business from the back of the residential area. She indicated the business being closed on the weekends has been a benefit because that is when most residents are home.

Ms. Helander asked if there had previously been a landscape buffer.

Ms. Wilson stated it was grown up and some old pine trees that are looking pretty raggedy and that at one time when they moved in there was a buffer between McDonald's but were not required to put anything in the back because it was already grown up. Periodically, the Town came through and mowed it down because it grows up on the power lines. She indicated that if a buffer was required that would not be an issue.

Ms. Helander asked Ms. Wilson if she would be cleaning up the back of the lot.

Ms. Wilson stated yes.

Mr. Nevill asked Ms. Wilson if she would be repairing the fence.

Ms. Wilson indicated she did not own the fence.

### **PUBLIC HEARING CLOSED 8:00 P.M.**

Ms. Schaeffer stated she was having difficulty reading the plan and needed a clearer understanding and would like to meet with the applicant and discuss it. She stated that the two times she went and visited the site she did not feel comfortable pulling in and out of the business. She stated that she thought the Town should examine opportunities when SUP and rezoning issues come up to start looking at eliminating curb cuts that is a huge safety hazards for pedestrians and drivers. She did not know if there was an opportunity with this request but the travel way along the back of McDonalds is huge and if there was an opportunity for an inter parcel connector with a separate median that would be safer. There is no turn out lane from McDonalds and by intensifying the use will bring more traffic in an area that is not very safe in general. The proposed use is not a great intensity but the SUP goes with the land and she respects the need of the applicant as to what they are trying to do with the business but this is the only

opportunity the Commission has to examine and make changes and look at opportunities for overall improvement. She would like to have more time to work with the applicant and see how they can help foster their business and work to make further improvements for both the town and the applicant. She stated that she did not see the SUP moving parking to the back but it appears to be intensifying parking in the front and that upon her site visit she noticed that vehicles were backed into spaces which in turn impedes the sidewalk. She indicated she is not opposed to the use and thought it would be complimentary but she was not in a position to make a recommendation at this time. She recommended that Ms. Sitterle and Town Council look at the total contribution in tax revenue that car dealerships bring to the Town.

Mr. Nevill stated that he felt the entire Commission had issues with the site plan and would like to see the parking spaces numerated or laid out because there is confusion and asked if this request could be tabled. He asked Ms. Sitterle about possibility eliminating curb cuts and widening the space.

Ms. Schaeffer indicated she knew Ms. Sitterle had brought this to Town Council and asked if she had level of comfort with it and if it was something she had considered or looked at.

Ms. Sitterle stated this goes back to the Broadview Avenue Study done in 2008 where HNTB came in and suggested with each site plan entrances be reduced on Broadview Avenue and that had not gone over particularly well with business owners. Business owners have felt those entrances are part of their business and have stated they are not going to be removed. She indicated that with a couple of different proposals, such as the Old Exxon Station that is now Taco Bell and Advanced Auto Parts had three entrances and that is now reduced to two. There are some opportunities where we can make strides with that effort; however, the Town Planning Office is not in the business of taking away people's entrances on Broadview Avenue. It takes much thought and a concerted effort.

Ms. Schaeffer asked if there was any traffic study done on turning because of the amount of traffic on Broadview.

Ms. Sitterle stated no from a transportation standpoint and the latest Broadview Avenue study is in the engineering phase for possible improvements on Broadview Avenue in the future. She indicated there could possibly be a different configuration with the potential for medians and how many years that will take will depend on funding. To say to reduce, at this time, an entrance does not make sense based on what could happen on Broadview Avenue and she was not a traffic engineer and was not comfortable saying this movement makes sense but this one does not. She indicated her staff could review that and get input from VDOT who is more in tune with the consultant that is currently working on the project and may possibly have some base data that will be helpful and could be shared. As a Planner looking at this, Ms. Sitterle stated she did not consider closing an entrance.

Mr. Kip stated he understood Ms. Sitterle's concerns and to him closing of entrance is another issue. What is before the Commission is a SUP for used car sales and Ms. Wilson has identified that this segment would be up in one corner of the property and they are asking for 7 parking spaces but he counted 6 spaces. The issues that are being brought up are valid but they have no impact on this request.

Ms. Sitterle stated he was correct at the current moment she had not examined if closing an

entrance would be possible.

Mr. Kip stated that would not have anything to do with the number of spaces they are requesting for the used car dealership. They have the space but they are requesting 7 spaces but he only counted 6 and the eventuality of a driveway being cut and being eliminated is a no brainer but it does not affect this application. He added that regardless, if they have one or two entrances it does not have an impact as to whether they have used car sales.

Ms. Schaeffer stated she was asking because of the interest of curb cuts and the only time curb cuts can be considered is when business owners want to intensify their use. When SUP's come forward it is opportunity to look at the implications on transportation systems and if it is not done and SUP is granted and they have existing zoning it puts town in a more awkward position. She stated she understood what Ms. Sitterle was saying in regards to Broadview Avenue study not being finalized but it is something that should be considered by the Town from a transportation standpoint. It may give the applicant better visibility and more parking onsite and opportunity to improve the layout.

Ms. Helander stated her issue was the appearance of the property from the rear from residential perspective. She indicated that there is no buffer and from residential area view is unappealing and on behalf of the residents the view needed to be more appealing.

Ms. Schaeffer stated that Ms. Wilson indicated there were no issues with the residents but in the event she sells the business and the new user is not as friendly or neighborly; the Town has no ability to enforce the issue. The Commission needed to protect the site for future buyers as well.

Mr. Nevill stated that a recommendation has been made to table the request for one month. He stated he would like to have a 5 year sunset clause included in the SUP in order to be able to reconsider the conditions at that time.

Dr. Harre stated that the recommendation needed to identify what is to be accomplished within the next 30 days.

Mr. Nevill made the following recommendation to table SUP 14-05 for 30 days

1. Clarification of future and current usages on the plan.
2. Address the improvement of the buffer screening from residential
3. Address how this will impact traffic and the Broadview Avenue Improvement Plan in terms of curb cuts and provide opportunity to readdress the elimination of curb cuts

Mr. Kip second the motion and all agreed.

## **WORKSESSION**

**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.

Mr. Bo Tucker, Director of Public Works/Utilities addressed the group and identified the following projects.

1. Utility Program – The Warrenton Dam permit is renewed every five years and this year the

town received a conditional permit because of the requirement of a re-evaluation of the spillway. By next December, the Town will be informed as to whether evaluation of the spillway will be done by new criteria or existing criteria. Mr. Tucker stated he was anticipating a spillway study will be required and if the criteria changes he indicated a major or minor dam project will be required increasing the spillway. This is contingent on spillway evaluation.

2. Water Plant Expansion – To move all the chemical mixings (chlorine) from the existing building to an addition or stand alone facility.

3. Two Utility Truck Replacements – Deferred equipment that has been extended beyond its usefulness.

4. Well 3 – This well has been inactive and the money has been reserved. The Town is working with the Health Department to bring one of the major production wells back on line at Cedar Run that would provide about 300,000 gallons a day.

5. Storage Tank Mix -

Mr. Tucker stated that other projects in the out years were primarily replacing components and processes that are at the waste treatment plant which are reaching their economical life and it is time for replacement. Water line extensions and some vehicle replacements are a part of that effort.

Mr. Nevill stated that it was difficult to follow the document and find references that were identified in the document. He stated that in the future he would like to see items prioritized and have it consistent across all departments. He indicated that he would like to see it tied to the Comprehensive Plan and show what Town has in terms of discretionary spending.

Mr. Nevill asked about the following projects identified in the report submitted by Mr. Tucker.

1. Page UD21 – Project UD20-002 – Old Meetze Road extension. He asked if that property was on the left and had been on the book for some time. Mr. Tucker stated yes and that all those properties were on wells and he stressed that it was a place holder because it had been on the books for several years and it will be done when development takes place on neighboring property at the developer's cost. Mr. Tucker indicated the wells are fine now and there are no issues.

Mr. Nevill asked what opportunities the Town has to do additional looping in the water system.

Mr. Tucker indicated that each time there is a developer involved the system is looped in order to conserve. The biggest looping issue is Blackwell Road extension.

Mr. Nevill asked how in general the Town was doing with looping.

Mr. Tucker stated there was no looping program for the Town except when a property comes in but almost all the system is looped except for the college and the training center. Mr. Tucker indicated those two sites would never be looped but indicated most of the Town is looped that each time a vacant piece of property comes into Town, that property is looped.

Mr. Nevill asked if there had been any water main breaks or outages.

Mr. Tucker stated within the past two years there were couple breaks on Rappahannock Street.

Ms. Schaeffer asked if there was a master water map and if it was in the Comprehensive Plan.

Mr. Nevill stated the map was in the water and sewer comprehensive plan.

Mr. Tucker stated that there is a water technician on the staff located at Town Hall that maintains water maps and who can provide copies upon request.

Ms. Schaeffer suggested that in the future the water map be included in the Comprehensive Plan and asked if there is anything in the water map that is not funded in the CIP.

Mr. Tucker stated the list provided is an assessment of pump stations, wells, created by staff with some help from a consultant and the list provided is the utility department's best assessment of what is needed and when it is needed.

Mr. Nevill stated he wanted to be sure that there was not some aging infrastructure that is being kicked down the road and if priorities need to be shifted then that discussion needs to take place.

Mr. Tucker stated that with a new Town Council it is possible that new guidelines and directions will be passed and forthcoming. For many years, the Town Council position has been that facilities will not be expanded.

Mr. Tucker stated that there are aged water lines in town and a lot of cast iron pipes and there are areas with cast iron pipes 100 or 125 years old and town has been very fortunate with fewer breaks than in previous years. He indicated if there are four or five breaks then the line is programmed for replacement.

## 2. – PW-10 – Anderson Study

Mr. Tucker stated a study was done in the mid 90's and at that time there was about 15 to 20 priorities and about eight years ago all were addressed. The one identified on the listing for Cleveland and Shirley Drainage was on the list but there were no issues and last year an issue came up in which a sink hole developed in the parking lot of the church. Repairs were done and this has been programmed for replacement.

Mr. Nevill asked what liability issue would the town face with items identified back in the 90's that have not yet been repaired or replaced.

Mr. Tucker indicated that the study reflected the pipes were under sized and in twenty years he has been in Warrenton, Shirley Avenue has never flooded and this particular problem occurred because when the church expanded they tried to fit one pipe inside another and it ended up being a bad connection. The sink hole was not large it was a depression in the street.

Dr. Harre asked Mr. Tucker to go through the Public Works project list for the upcoming year.

Mr. Tucker identified the following:

1. Cost sharing of the Broadview Study based on money available from the Urban Program funding, which is estimated at 2% to be a million and half. This is primarily identified for design and small portion for construction.
2. Franklin Street Piping replacement from Claire's Restaurant to Fifth Street Parking lot.
3. Asphalt equipment replacement.
4. Mass Arm Signal at Blackwell Road. This is a fifty-fifty cost share with VDOT.
5. Dump Truck Replacement
6. Truck Weight Scale at the shop
7. Storm Water Retrofit – May have to partnership with communities HOA
8. Another Vehicle Replacement
9. Gold Cup Sidewalk in 2016
10. In 2018 three sidewalk proposals – Greenway, Academy Hill Park & Shirley Avenue

Mr. Nevill noted that the parking deck was still reflected on the CIP and has been for 18 years and based on parking study that outline need for additional 300 parking spaces by 2010 and that prediction was done 15 years ago and has not come true. The parking deck was recommended as a solution. He recommended a re-engineering study be done looking at the situation today and looking beyond 5 years to determine what the Town's needs will be and as result dedicate thought and money to it. He indicated re-engineering and redesigning the current public parking lots in the Old Town area could accomplish a lot of things. Culpeper did a lot of upgrading and improvements to their public lots behind Davis Street and in doing that they combined signage, beautification into and integration into the old town and he expressed a desire to see that type of thing to happen in Warrenton before having a parking deck. Traffic studies are done routinely at different times of day is it possible to do a parking study for Old Town. If something like that has been done, he expressed a desire to see the data as opposed to a 15 year old study. Conceptually it is more than a parking improvement; it is beautification and public access.

#### **WARF –**

Ms. Rice, Director identified the following projects for upcoming year.

1. Academy Hill Park – Put in Dog Park and make improvements to the existing softball field by building a dug out and installing a fence in the outfield. The following year additional parking would be added because of the addition of the dog park.

Mr. Kip asked why the price of the dog park was \$30,000.00

Ms. Rice indicated that cost includes fencing the entire area with double locking gates, sod and water fountain, which will require getting water lines to the park.

Mr. Nevill asked if there would be increase in insurance cost.

Ms. Rice stated it would not result in an increase.

2. WARF Repair and improvements include gutter replacement, heat tube replacement in the competition pool, upgrade security camera and replace exercise equipment.

3. Trails – Engineering work on the Timberfence Parkway Trail. The second year has been earmarked \$60,000 but that is based on going in with the county and submitting a grant that will cover 80% of the \$600,000 trail cost and the remaining 20% will be split between town and county. Third year includes repairs and improvements to the trails on WARF field.
4. Sand Volleyball court will be coming this spring at no cost to Town. Youth Sports Club will be building them this spring. Ms. Rice indicated that the club will maintain them at their cost. She indicated that a grant was awarded to them from the Fauquier Health Foundation.
5. Rady Park – Next year repairs will be made to the fence and playground. The fence around the parking lot will be replaced and the stone benches and restrooms will be addressed. Following year playground will be replaced and she is hoping to get grants for this project. Ms. Schaeffer stated she would assist in writing justification for the grants.
6. Depot – Current under planning stage. Ms. Rice indicated that desire is to build something that would identify railroad heritage, with interpretative signage, install a waiting platform similar to what would have been part of a railroad operation. The idea would be platform could be used for picnics. Also public restroom would be included. Discussion has also been held about possibility of installing a play area as part of the site.
7. Utility Vehicle is identified on the list for use to get around WARF grounds.
8. Eva Walker Park – Drainage repairs
9. Ms. Rice stated that following year (2016) the following are identified.

Vehicle Replacement  
 Call Boxes in all Parks  
 Skate Park Enhancements  
 Splash Feature – Eva Walker Park

Mr. Kip indicated he walks at the WARF frequently and he asked if there is anything in the contract that requires contractors to restore the grounds.

Ms. Rice stated yes there were provisions for returning the property to its previous condition.

### **B. ZMA 14-02 – Rezoning Walker Drive**

Dr. Harre stated at the last meeting a legal question was asked about the 25 acres being waived.

Mr. Robinson indicated that yes, it could be waived. However Mr. Springer brought to his attention a different approach and as result they will be meeting about this. Mr. Robinson indicated this is not by-right therefore any condition can be required before it goes forward but it has to be approved with a Master Plan and that will be explored. This is a rezoning and certain proffers can be required. In terms of asking what you want this is a work session and an

opportunity to work with Mr. Springer and **(static cannot hear Mr. Robinson)**

Mr. Robinson stated did not think the Master Plan was an issue.

Mr. Nevill asked what the expectation is from the group.

Mr. Robinson indicated that it was to request submission of information rather than a conceptual plan. He added that the Master Plan lets people know what the Town is getting, and that this was a good discussion time.

Ms. Sitterle stated the applicant wants to know the process.

Mr. Nevill stated a waiver of the 25 acre requirement and then discussion of the Master Plan and whether to waive the 25 acres and request a Master Plan for the rezoning or only address the rezoning.

Dr. Harre stated that the Master Plan identifies what the town will be getting. The information provided last time was conceptual.

Mr. Springer stated that for 30 years he and his brother have been trying to figure out what to do. They have looked at current industrial zoning and what can be done by-right, hotel, and restaurant, perhaps a day care center and the remainder would be office space. He stated there is no demand for office space. Flex warehouse is more appealing and over past two years, he spoke with Council and asked what they wanted there and based on those discussions it was not what Council wanted. Based on the zoning, Council desires, and talking to realtors is the reason they had come up with the rezoning. There is value under industrial zoning and certain value in flex. They are trying to do something that will work, look good and allow them to make money. That is their objective. They were thinking under an industrial PUD, there is one additional step which is a comprehensive plan or master plan. Under by-right zoning there is no mention of a Master Plan.

Dr. Harre asked Ms. Sitterle if pages provided replace zoning pages they currently have. The PUD Master Plan will be developed. It is not included in the residential PUD regulations.

Ms. Sitterle stated plan requirements are identified on page 4 (static) but it does not say Master Plan.

#### **STATIC ONGOING DURING DISCUSSION UNABLE TO HEAR**

Ms. Schaeffer stated that the first thing the Commission was addressing is the waiver request. The minimum requirement of 25 acres was not being met and can the applicant move forward to the Council with a waiver request. The second issue is the Planned Unit Development (PUD) which is exactly what applicant is trying to do. There is a group of properties that could develop independently and not achieve an overall benefit to the community and as a result, the Commission looks at them cohesively and asks how can they be developed internally and a Master Plan is developed together, design guidelines together and during that process a review of the codes will be made and identify what does or does not have to be complied with. Provisions for waivers can be included. The Master Plan that is developed jointly may have some pad sites that identify restaurants, hotels and things of that nature. Flexibility can be built into the Master

Plan for those areas that you may not have a user be it a grocery store or restaurant. The Commission agreed to that and the waivers are bundled together and then a traffic impact analysis is done and impact to schools and other things of that nature and then the proffers are established and when you get your user the money starts coming in then you pay your proffers. Currently there is no way for the Commission to know what impact the development will have and to look at those proffers and impacts if we do not have that Master Plan process during the PUD so doing it together takes time to review to make it work for all of us. The Master Plan has to happen in order for the Commission to understand the implications to properties, traffic, schools, and rezoning and to Whit's point where we say there is no legal ability at that time because you would just be doing site planning. It has to happen at the time you do the Master Plan. Ordinances are not easy to understand. But looking at how PUDs are done in Fairfax, Prince William and other localities, the Master Plan process is done collaboratively and the rezoning comes together whether you have a user or not.

Dr. Harre stated a Master Plan is needed in order to sell it. The plan identifies the various areas for restaurants, hotels, trails etc that will make it a community and that is what the Commission wants to see.

Mr. Springer stated that before he can do that he needs to know if he can receive the waiver because if he is told to build a traffic circle, that costs \$4 million dollars.

Ms. Schaeffer stated that is what would be learned during the process when we are working together and you identify where you want to place a hotel, restaurants, housing and townhomes we will be able to see what is triggered and at that time traffic study will show if you are causing a 100 vehicles per hour and perhaps a traffic study will be needed. Traffic study will cost \$25,000 and improvements may be \$150,000 and it comes down to the rolling of the dice.

Mr. Springer stated that a traffic study has already been done.

Ms. Schaeffer stated that traffic study is only considered when VDOT agrees to the scope.

Mr. Springer stated that VDOT had already agreed with the scope.

Ms. Schaeffer stated VDOT cannot agree to the scope until Town agrees with the scope.

Mr. Springer stated town had agreed to scope earlier.

Mr. Robinson stated the Town does not require proffers; however, it has to be done in terms of trying to sell it. The Town would have to state there are no proffers and town is left with zero recourse and so how do you go out and sell the property without telling them what the potential proffers will be attached to the project. As Ms. Schaeffer suggested doing the Master Plan process collaboratively will provide user information they need upfront before they make their decision.

Mr. Robinson stated he understood Mr. Springer's concern about the time factor in finding users and possibility of losing potential users, but the Town is willing to work with him as quickly as possible. Having a Master Plan will provide potential users a clear description of what is being planned for that specific site but the rezoning is a bigger factor.

Mr. Nevill stated he was confused and wanted to know why the Commission could not recommend to the Council that they waive the 25 acre requirement and why is that a rezoning.

Ms. Schaeffer stated that the Commission can recommend the waiver and then Mr. Springer can apply for the rezoning, but he does not need to do that separately it can be done concurrently unless he wants to do them separately.

Mr. Nevill stated that a Planned Unit Development (PUD) is a more involved process where the applicant is working with the Town but the way it was being presented to the Commission is that we will lose opportunity for any input.

Mr. Robinson stated the Town loses opportunity for input when it comes to proffers.

Mr. Nevill stated that if it is rezoned as a PUD, it is rezoned into something that has more negotiations through that participation of the joint planning process for proffers and he asked how that was different than site plan for any other zoning.

Mr. Robinson stated it is because this is a by-right situation.

Mr. Nevill asked why this was created as a separate zoning ordinance if it did not involve a more collaborative process.

Mr. Robinson stated it is because of using different parcels, residential and commercial zoned areas.

Mr. Nevill stated that it appears as market studies are done and different potential buyers and investors are identified there would be an evolution with staff. If this is what we are looking for then it needs to be included as part of the request that goes forward to Council.

Mr. Nevill stated that his concern was the impact to future proposals and other people property and we have taken away potential usage for them because of decisions we make now. That is what makes him think of offsets because planning for all the undeveloped property for capacity purposes. So in fairness to all property owners in Town, his major obstacle is the major impacts for other property owners and our decisions impacting downstream into the future. Mr. Nevill stated this was a hurdle he could not get over.

Mr. Springer stated there is cost and benefits tax revenue but it is not all roses.

Mr. Nevill stated that when we get to 95% usage for sewer and water we will not have a proffer saying go build another reservoir.

Dr. Harre asked Mr. Lubowsky if at the last Council meeting if there was any discussion about having another water and sewer study done.

Mr. Lubowsky stated it had been discussed.

Dr. Harre stated the Town had hired a new economic development person and we want the Town to grow but yet we are telling people we do not have sewer and water to do that, which is not the same message.

Mr. Springer stated that was a good example because if he is told that he is limited to 750 gallons an acre (1,500 gallons per day) but according to Mr. Tucker he will be charged for 2,400 gallons of water per day.

Mr. Nevill informed Mr. Springer that his proposal of mixed use is what the Town likes to see.

Dr. Harre stated that Ms. Sitterle's report reflects that the percentage of residential is much higher than what is required under the SUP.

Mr. Springer indicated it was 15% of FAR (Floor Area Ratio) which is allowed for residential and is based on acreage you have. He indicated that he is building 60% of what he is allowed to build and not 100% of the FAR which he is allowed. He indicated that he was informed in earlier conversations with the Town and Council that they did not want to see the entire square footage being used.

Mr. Nevill stated that percentage is for the total not just FAR.

Mr. Lubowsky asked Mr. Springer why he was discouraged about the percentages.

Mr. Springer stated that to be at 100% would be a very large project and he did not think the market would support the square footage allowed by FAR.

Dr. Harre recommended that another work session perhaps be scheduled.

Ms. Schaeffer asked Ms. Sitterle if it would be good for her and Mr. Robinson to meet with the applicant and come up with a determination on a Master Plan, or should the applicant submit a letter to Mr. Robinson asking for a determination if a Master Plan is needed before rezoning determination can be made. What is the next best step for the applicant?

Mr. Robinson stated that the Master Plan issue could be resolved between him and Mr. Springer early next week and it is prudent he have it in terms of the proffers and doing this will make it easier for Mr. Springer to move forward.

Ms. Schaeffer asked Ms. Sitterle if she thought the work session should include one or two members of the Commission and Council.

Ms. Sitterle indicated it was up to the Commission but she suggested having a separate session from a regular Commission meeting. The date of the meeting will have to be advertised.

Mr. Robinson suggested putting it on the agenda for the next session and have it on the agenda as a place holder and if a special separate meeting is needed it can be scheduled at that time.

Ms. Sitterle indicated that there is a 30 day limit on tabling a proposal.

Mr. Springer stated that what he wanted to go away from the meeting with is knowing this is something that can go forward.

Dr. Harre suggested Mr. Springer meet with Mr. Robinson and Ms. Sitterle and that the main

issue he sees is the amount of residential and utility usage and if that was brought more in line with what is allowed but commission does not make final decision that is up to Council.

Dr. Harre expressed to the applicant an apology for another delay but indicated it was a major project that will have a lot of implications.

Mr. Springer stated he understood and was willing to wait another 30 days and meet with Mr. Robinson and Ms. Sitterle.

The meeting was adjourned at 10:25 p.m.

Minutes Submitted by Dee Highnote