



## TOWN OF WARRENTON

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### MINUTES PLANNING COMMISSION TOWN OF WARRENTON July 21, 2015 – 7:00 P.M.

The Town of Warrenton Planning Commission convened on Tuesday, July 21, 2015 at 7:00 PM in the Municipal Building.

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

#### Minutes

Ms. Sitterle stated she had completed her review of the minutes of the June 16, 2015 and will provide them to the members by email and members will have to vote on the minutes at the August meeting.

#### Public Hearing

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

Dr. Harre asked Ms. Sitterle to present the staff report.

Ms. Sitterle stated this application is a request for a rezoning from Industrial to R10 Residential and special use permit to construct an assisted living facility on the rezoned portion. Currently the property is zoned industrial and it would be a rezoning of 3.3343 acres of a 25.1074 acre parcel that is zoned industrial. Assisted living facilities are permissible in the R-10 District with approval of a Special Use Permit.

Staff noted that the property is located adjacent to the corporate limits to the north, the Route 17 By-pass to the south and Blackwell Road to the west. The remaining part of the 21.7731 acres will remain as an undeveloped Industrial parcel and at this time there are no plans for development.

The rezoned 3.3343 acres would be for a 60-bed assisted living facility/memory care center. The Future Land Use Map of the Comprehensive Plan does designate this property as Low Density Residential. This would be suitable for this type of facility and for rezoning to the R-10 District.

Staff noted that this proposed parcel resulting from the rezoning is adjacent to the Industrial zone to the east and south, which is split by the Route 17 by-pass. There are adjacent residential districts around the property, which include the Residential Townhouses (RT) to the southwest, Public-Semi-Public (PSP) and R-15 Residential districts to the west and R-1 Residential (County) to the north. Rezoning of the parcel would not create an isolated residential area.

This would be consistent with the Comprehensive Plan and surrounding character of the adjacent properties.

Ms. Sitterle stated that the development would include improvements to provide public sanitary sewer and water to the assisted living facility. This would necessitate the provision of stormwater management facilities and right-of-way improvements such as curb, gutter and continuation of sidewalks. There will need to be a provision for parking and ingress/egress to the property would also be required at the time of development. This proposal does include portion of a public road to obtain access to the facility which would be extended at sometime in the future for the remaining industrial zoned parcel or whichever use ends up happening there.

Staff stated that it was difficult to assess whether the entrance road will be adequate to serve all uses and what the future traffic impact would be given the retained industrial zoning for the remnant parcel. The Assisted Living Facilities do have a very low traffic impact due to the nature of the facility. Occupants would primarily remain onsite and traffic would primarily be staff shift changes, deliveries for services and visiting traffic, therefore no traffic study was warranted. It is unknown what will happen with the remaining property and as result it is not possible to identify future traffic impact.

Ms. Sitterle stated that the rezoning would be appropriate and the density for this facility is somewhat higher than what is normal in R-10 use however not unusual. The density would be 17.99 units if each bed were in its own unit but there could be two beds per unit if it is shared and the density would be appropriate. The limit for this type of development is 25 units per acre and the proposal meets that limit. Having direct access to Blackwell Road is reasonable for this proposal. Other surrounding densities are low and the lot coverage will be capped at 65%.

Staff mentioned that there appears to be a need for this type of facility based on housing study and 2009 Comprehensive Plan update although this site is isolated from the Central Business District, it is close to the commercial strip along Lee Highway and provides commercial services nearby. Police and fire protection are nearby and can serve the site. It is recommended that on-site security and sprinkling be provide to accommodate the residents. It is suggested that an ambulance or equivalent vehicle be available on-site to offer emergency assistance to residents.

Ms. Sitterle noted that public utilities will need additional evaluation for the proposal. The applicant stated 3.3343 acre parcel would equate to approximately 2,500 gallons per day or 75,000 gallons per month according to usage estimates for similar facilities in Fredericksburg and elsewhere. This would equal the use of approximately 750 gallons per day per acre, which is consistent with the current industrial zoning. The Town recently completed an update to its Water Sewer Capacity Study and depending on recommendations accepted by Council concerning the water resources, the water requested may not be an issue. The estimated sewer usage appears to be adequate, but it is recommended that it be demonstrated considering the current Town commitments projected to use 106% of existing treatment capacity at buildout. Therefore, the Director of Public Works and Utilities is asking for a year's worth of records to document the proposed sewer usage for the facility to confirm whether the estimates would be in line with what can be expected with this project.

Stormwater Management will have to be demonstrated as part of the site development process.

Ms. Sitterle reiterated that there is low estimated traffic impact as estimated number of vehicle trips per day is approximately 142 with the peak number of vehicles anticipated (12) during rush hour between 7 am and 9 am according to the applicant. The estimated vehicle trips per day would include visitors, service deliveries and traffic coming in and out of the facility.

Staff mentioned that the parking on site includes one (1) space per four (4) beds plus one (1) space per employee calculated for the work period containing the largest number of employees per Article 7-4 of the Zoning Ordinance. The proposal includes a 60 bed facility, which would require fifteen (15) parking spaces, plus twenty-five (25) employees would equal a requirement of forty (40) parking spaces. The applicant has proposed to provide forty six (46) parking spaces including two handicapped spaces. There was a revision to the plan as result of the June 23 work session to allow for a fire apparatus to have better turning access behind the building. The striped area of the northeast corner of the parking lot was added for improved circulation.

Staff stated that the landscaping appears to be acceptable but it is suggested that it could be enhanced with a berm and additional plantings to ensure proper separation. Landscaping will be subject to the site plan development process which includes a tree inventory to assess the landscape impact of the development and the number of replacement trees that will be required. Parking must also be screened from the adjacent residential development.

#### Subdivision

Ms. Sitterle stated that there will be a subdivision of the parcel as part of this proposed project. The parcel is large enough for the proposed development and has the required 75 feet of frontage and adequate room for setbacks. It is likely an administrative subdivision as only one lot is proposed and therefore exempted from many of the subdivisions standards.

Staff noted that the remnant portion of the tract must meet the same ordinance regulations as the new lot. The remaining 21.7731 acre undeveloped Industrial parcel also has the required 75 feet of frontage and adequate room for setbacks.

## **Conditions**

At the time of writing this report, there were some suggested conditions:

1. The concept plan and any subsequent architectural perspectives/elevations should be a condition of the SUP to guide staff in the fulfillment of the provisions and site plan.
2. Operation of the assisted living facility must be by qualified, licensed group in the Commonwealth of Virginia in accordance with the zoning regulations.
3. The sanitary sewer and water services for the project must be adequately demonstrated and any fees identified and paid prior to issuance of a building permit.
4. A condition for fire and rescue service should be submitted with the proposal and include fees if appropriate.
5. Identification of security measures to protect residents, including emergency warning facilities and measure to secure clients/patients as appropriate.
6. Identification and screening of any refuse and service areas.

## **Staff Recommendations**

As previously requested by the Commission for comments from various departments, staff has not officially received comments from the Director of Economic Development. However, Ms. Sitterle indicated she had spoken with her and was informed that she does not have an issue with the proposal any proposals that brings jobs, especially health care jobs to the Town is a benefit. She asked Ms. Sitterle to pass that information along but she has not officially submitted written comments. Mr. Tucker, Director of Public Works & Utilities has requested some additional documentation on the sewer usages for verification purposes. Staff believes the proposal to generally be in keeping with the Comprehensive Plan and Zoning Ordinance requirements, however because of the request from other departments staff is requesting tabling the application for 30-days to allow for complete input to be received and for the applicant to provide additional water and sewer usage information.

Dr. Harre asked about the impact fees.

Ms. Sitterle stated that was an error and it should just state fees, not impact fees.

## **The public hearing was opened at 7:15 PM.**

Dr. Harre stated that the same procedure would be followed as was done for the American Legion Assisted Living when staff recommended tabling that application, it was felt that some people realized it was going to be tabled did not attend the meeting to speak so the public hearing was left opened for the second meeting for public comments and the same will be done for this application. He indicated if there was anyone attending this evening that wanted to speak to please come forward and another opportunity would be provided next month.

Mr. John Foote representing Silver Companies with this application for Poet's Walk. Mr. Foote introduced members who are currently working with him on this project, Ms. Jessica Pfeiffer, Mr. Jervis Harrison, and Ms. Amy Pritchard.

Mr. Foote stated he had a brief presentation for the Commission because of a recent worksession. The property is industrial zone and can be industrial developed by-right and is seeing a down zoning to R-10. The rear of the property is a residue parcel owned by Mr. Dobson and is under contract and Mr. Dobson owns additional land north of Blackwell Road and Mr. Foote identified the Town line on the map and pointed out that the residue parcel is in the county and this is the last piece of property in the Town.

Mr. Foote stated they consider this as vagrant industrial property and before the by-pass was cut through this property made more sense to be joined with the industrial property located on the other side of the road and that is why it is called vagrant.

The Comprehensive Plan shows the designation and he identified an area that is currently zoned R-15 and stated there were only a couple of houses located there. He stated a number of years ago attempt was made to get this parcel zoned R-15 but the application was withdrawn because the company did not want to pursue the application.

Mr. Foot demonstrated on screen view of the entire site and indicated it was 21+ acres in total and he identified the 3.3 acres property that is under contract for the project. Staff report reflects a variance between the amount of acreage shown on the county's GIS and what is shown on the plans. Mr. Foote stated that Ms. Pritchard had looked into this and the number of the GIS is incorrect and if map out the boundary equates to the same acreage as shown on the application.

The next slide was a photo of a structure similar to what is being proposed. He indicated the size of the proposed structure would be 37,500 square feet and will fit neatly onto the property. He indicated there had been several iterations of layouts because of where the location of the sewer lines that is out there.

He pointed to a road that has been over designed. He explained by taking the limited traffic impact of a facility like Poet's Walk, which is estimated to be 142 vehicles per day based on similar facilities and uses. A fifty foot right away is not needed with 29 feet of pavement from curb to curb however that is what has been designed into this because in discussions with Mr. Bo Tucker and Ms. Sitterle, some time ago, no one knows what Mr. Dobson may one day be able to do or wish to do with the remaining residue of the property that is zoned industrial. Mr. Foote indicated that Mr. Tucker suggested the road be built to a minor collector standard which can handle several thousand vehicles per day. Therefore, the road was designed to accommodate future development for the rear of the property.

Mr. Foote stated the entrance could not be located up top of the parcel because of where utilities are located so he worked with Mr. Tucker and Ms. Pritchard to make sure the entrance could in fact be constructed because there is so little traffic going in, it does not require a dedicated turn lane but there is a slip in to the property and it is located at the edge of the bridge. He has been informed by Ms. Pritchard and Mr. Tucker agrees that the road can be constructed there and be constructed safely.

Mr. Foote indicated that at the worksession, Mr. Hamby, asked about fire truck access. Ms. Pritchard was sent back to the drawing table and took standard size vehicles consistent with those used by the Town of Warrenton Fire & Rescue to determine if in fact they could make the turn and she has confirmed that they will be able to make the turn.

Mr. Foote indicated that he knew the Commission would be hearing from the public about landscaping and he did not know what those suggestions will be. He identified the area and indicated that a fair amount of landscaping and buffering could be done because of its size. Once he understands what the public's concerns and interests Ms. Pritchard will work on the buffering and landscaping.

Mr. Foote showed slides of a Poet's Walk facility located in Fredericksburg. He stated Mr. Larry Silver's company was in the Fredericksburg area, but the company that operates these facilities is in Florida. Mr. Foote stated Poet's Walk is located all over the east coast. The facility proposed for the Town had not been designed by the architect but it would be very similar to the one in Fredericksburg.

Mr. Foote indicated he did not know about the operations of the facility but Mr. Harrison has been working with the Silver Company for a number of years and is more familiar with the operation.

Mr. Foote stated this would be a specialized memory care unit and in order to get in you have to be prescribed. It is not an assisted living facility. The facility will have state of art design and will be top of line in terms of features and services. People coming to this place are taken care of and this is a slice of the community that Mr. Harrison can tell you more about, as he did at the work session and this perhaps distressingly but certainly growing portion major aging population for a number of reasons, which not the least is that we are all living longer. This place is designed for and services that community.

Mr. Foote expressed appreciation for Ms. Sitterle's assistance and addressed some of the issues outlined in her report. He stated that this is an extremely low impact use of property that is presently zoned Industrial that could be developed by-right with industrial use. He stated he was not suggesting it would be only that it could be. With respect to economic impact, Ms. Stinson stated that anything that brings in jobs is a good thing and this facility will employ 55 employees that would include janitorial staff to highly trained individuals to help care and assist with the residents and there will be a range of salaries. Therefore this will provide 55 new jobs for the area. Also ambulance services are on a fee basis and not provided free as it is in some jurisdictions. Ambulance services and medical care is the highest social service need for these folks when they are outside of the community. Residents of Poet's Walk do not come and go. Therefore the facility will have minimum impact on public services.

Mr. Foote stated that water and sewer is not just a concern for the Town but also to him and his staff. He stated that he and his staff have been discussing this issue with Ms. Sitterle and Mr. Tucker for quite some time and have been apprised as to what Council likes to be told in respect to the adequacy of water and it is adequate. The recent studies have suggested the supplies of water are greater than first thought when he met with Mr. Tucker. He stated he understands the

problem with sewer but the problem he has with sewer is that virtually no jurisdiction measures sewer flow independently from water. You pay your sewer charges with your water bill in Virginia in every location. Sewer is not flow meter and as consequence when Mr. Tucker asked for some evidence of what the flow of sewer is for this type of facility, he does not have that information because sewer flow is not metered especially at the Poet's Walk facility in Fredericksburg. It is based on water uses flowed in and out. Generally, there is a little less water out then water in simply because people are drinking or using it for other services that do not go into the sewer. Therefore when you look at the number of gallons of water being used then you are also looking at what the sewer capacity are.

Mr. Foote indicated he goes way back with Town in relation to sewer when he was developing the Arrington project some years ago, discussions were held with the Town about the I&I problems that exist because that was going to be a major user. However, that is not an issue for this project but that led him to understand that the problem is not so much capacity at the plant but what gets into it before it reaches the plant. We do not want to treat it for rain water, infiltration and inflow is a issue with the Town and have also been told by Mr. Tucker that the Town is developing an aggressive program to go after that and may have even started that effort to control it. Without the ability to obtain sewer, the Town will be economically strained in a number of ways. Mr. Foote stated he needs to know as much as the Town wants to know what the sewer situation is. It brings no good will to him if there is no sewer capacity for the facility if in fact the project is approved. He stressed he is equally interested in the outcome but the problem he has is that he does not know how to measure it and will meet with Mr. Tucker when he returns.

Dr. Harre asked if any of the members had questions for Mr. Foote. There were none.

Mr. Birge Watkins, 832 Blackwell Road located across the street from the proposed site. As background, Mr. Watkins indicated he was a former member of the Town Council, served for 15 years as Chairman of Warrenton Safety Commission, Commissioner and former Chairman of the Vint Hill EDA, and Chairman of the Land Trust of Virginia and he knows a little about economic development and land conservation. He indicated he had worked with the Peterson Company in land development and knows something about community development and what makes better results for everyone including the neighbors, new residents, employees and the community at large. Recently Ed McMahon was in Town about a publication he did a number of years ago called Better Models for Better Development and he subscribes to that and believes that is the reason everyone is here this evening. Everything north of Route 17 is residential except Mr. Dobson's property and that includes the immediate neighborhood of large lots with single family houses, and it is a nice transition from the Town where there is commercial, townhouses and then large lot residential development. Many years ago, when the Route 17 spur was built, this site became separated from a larger tract to the south and is now out of place for commercial or industrial uses. He stated that what are more appropriate are one acre residential lots, but that is not what is being addressed this evening. A few years ago tractors were seen going in there and corn was raised there and he thinks that land has value for agricultural use. Although this is proposed as residential, what is being proposed is more like an apartment complex and it will have more than 50 employees and in his mind that makes it more of a commercial enterprise. Having a memory care facility for the property is not a bad way to go, but there may be better sites located around the county but that is up to the Silver Company. The

proposal will be good for economic development for job creation, as long as local people are hired, and so the question is how the Town is assured that the project will blend in with the neighborhood and becomes an asset to the community. There is an opportunity to develop a valuable memory care facility in a very attractive wooded environment and is consistent with the residential character of the existing neighborhood and future residential development. This type of facility does not need to be highly visible like an Applebee's or Hampton Inn and can be tucked away. He indicated he looked at the buffer, screening and setbacks and he has questions because if it was industrial there would have to be a 50 foot buffer.

Mr. Watkins noted that there are a lot of mature trees that can provide shade for residents, employees and visitors and provide a park atmosphere and it would be more attractive to future owners in the industrial park and next door residents. As pointed out earlier, Mr. Dobson owns the property next door which is zoned as residential in the county and it is in his best interest to preserve the trees. He recommended making the project an asset to the community not an impediment and taking a hard look at the landscape ordinance. He noted the Tree Preservation Plan and indicated he would like to see a lot of the trees to remain even if the parking and storm water management had to be relocated to the east side to preserve even more trees. He indicated there needed to be a sidewalk or trail on one side of Blackwell Road. There needs to be an attractive entrance to the property. He recommended good signage but no plastic signs. He suggested keeping the lighting down and including nothing bright. If the project is done right it will be a good transition from Town to the County. He expressed concern over the need to know the traffic impact with 50 employees, visitors, and service deliveries. The Town does need to know the traffic impact of this project and there are some serious implications for the future and the rezoning and SUP call for it. The immediate problem is the intersection of Oak Springs and Blackwell Road because line of sight is poor and there have been accidents there and it needs to be corrected, not by the applicant but before any more traffic is added to that street.

Mr. Watkins stated that Poet's Walk is the tip of two large ice bergs and that is the rest of Mr. Dobson's property and the Weisberg Property. Residents need to know how the Town will deal with traffic on Blackwell Road, Lee Highway and Oak Springs Road with the development of the Dobson and Weisberg properties. In the past each have suggested a million square feet each and that probably will not happen but to give you an idea the three shopping centers combined where he lives are 450,000 square feet and million square feet would be twelve shopping centers with Dobson and Weisberg properties. That will yield major traffic problems and it will go to Oak Springs Drive and there are two schools, two retirement homes, nursing home and hundreds of Townhomes with children. The Town needs to come up with a comprehensive traffic plan before development paralyzes the sector and safety is compromised. He urged the Commission and staff and Town council to use their leverage to make this a quality development and good traffic management and to not gloss over this project.

Dr. Harre asked if anyone else would like to speak. No one came forward. Dr. Harre stated the public hearing would conclude for this meeting and would reopen at next month's meeting, if this in fact does get tabled for 30 days.

Dr. Harre asked Commission members for questions or comments.

Mr. Kip asked if Mr. Tucker would be able to provide the information the applicant needs. He

indicated he thought this was a good project and did not see reason for tabling it. If the information is available some place that will help Mr. Foote that is fine but if it is not available then why waste the time.

Dr. Harre stated that one of the members of the Commission has dealings with some of the other Dobson properties and will not be voting on this. The question is whether there is a bare quorum present for the meeting and can the majority of the present people vote.

Mr. Robinson stated that Ms. Helander counts as quorum but will recuse herself.

Dr. Harre stated he understood the quorum but if a vote is taken and it is a 3 to nothing vote.

Mr. Robinson stated the vote stands.

Mr. Robinson expressed concern over the timing of 60 days to do things and stressed to the Commission to keep that in mind.

Mr. Robinson stated that Mr. Tucker was not here to speak for himself and did not know what the question was that he asked.

Mr. Kip stated that the fact Mr. Tucker was not present was no reason for the Commission not to act and Mr. Tucker would be back before it goes to Council.

Mr. Foote stated he did not know what concerns may be addressed at this hearing this evening and it is a combination of a couple things one of which is we will consent to a 30 day delay to give us time to address the questions and concerns that have been raised this evening. He suggested that it was not appropriate to go forward before those questions and concerns are addressed.

Mr. Lubowsky noted that tabling the application for 30 days will allow the three colleagues absent an opportunity to look at this. He stressed need for the Commission to get all the work done here before submitting it to Town Council because it is better to have that done by the Planning Commission.

Mr. Robinson stated that if the Commission is so inclined to delay for 30 days and Mr. Foote is in agreement to waive it by 30 days means that next month the Commission has to act.

Mr. Kip made a motion to table for 30 days Zoning Map Amendment (ZMA 15-02) and Special Use Permit (15-04) for Poet's Walk.

Mr. Hamby seconded the motion.

Mr. Robinson asked Mr. Foote if he was in agreement with the motion.

Mr. Foote indicated he was and asked the date of the next meeting.

Dr. Harre stated the meeting would be held August 18.

A vote was taken with three (3) in favor of the application and one (1) member (Helander) recused herself from the vote.

The motion passed.

Dr. Harre stated the public hearing will continue on August 18.

**B. Special Use Permit (SUP 15-05) Active Recreation Use in the Commercial District** – 256 Broadview Avenue. Application for use of a 2,061 square foot tenant space in the Warrenton Plaza Shopping Center as an active recreation facility for parents and children per Article 3-4.10.3 of the 2006 Zoning Ordinance for the Commercial District. The property (GPIN 6984-17-0548) is zoned C-Commercial and is part of a 0.6887 acre parcel associated with the shopping center. The applicant is Christi Murphy and the property owner is Keith Fletcher, II.

Ms. Sitterle stated that this was a request for a Special Use Permit (SUP) in accordance with Articles 3-4.10.3 and 11-3.10 of the Warrenton Zoning Ordinance. The applicant is proposing a change of use of a 2,061 square foot tenant space in the Warrenton Plaza Shopping Center to an active recreation facility. The previous use of this particular tenant space was a health and fitness center known as Curves. The 0.6887 acre property is located within the Commercial District with the R-15 Residential District located west of the proposed site in a multi use property known as Warrenton Plaza Shopping Center.

Staff mentioned that off-street parking and entrance requirements will need to be provided per Article 7 of the Warrenton Zoning Ordinance is a primary factor with this proposal.

Staff indicated that the Future Land Use Map of the Comprehensive Plan designates the subject property as Re-planned Commercial which are typically older highway commercial areas which are encouraged to be re-planned to provide pedestrian-oriented streetscapes with parking behind buildings, inter-parcel connections, access and buffers between neighboring residential neighborhoods and in certain areas, on-street parking.

Staff stated that the Warrenton Plaza Shopping Center consists of commercial and residential uses. The proposed use should be considered compatible with existing and surrounding uses, as well as the Comprehensive Plan. In addition, customers of this facility will support adjacent and nearby commercial activities.

Staff noted that what is currently existing there in the shopping center are Paul Henry's Windows, Colvin Floors, Rhinos Ink, Warrenton Plaza Hair Designs, The Warrenton Florist, Village Veterinary Clinic, Ace Motors, LLC, Tire Zone of Warrenton and Fletcher Rental Properties. There are also eleven (11) efficiency apartments in the plaza. All businesses have hours that overlap the proposed hours of Giggle N Friends.

Staff stated that the applicant plans to have music and group singing during sessions. The sound is planned to be at a level that will not hurt the children's ears. Lighting is a non-issue as the use

will be internal and no additional outdoor lighting is proposed.

Staff mentioned that sessions will consist of up to fifteen (15) families and be conducted during the identified hours. Morning and afternoon sessions are the predominant session times, subject to change as demand warrants. The small session size and short duration (about one hour each) would have a minimal impact on traffic and circulation.

Staff stated that parking requirements for the active recreation facility would involve one (1) space per two hundred (200) square feet of gross floor per Article 7-5 of the Zoning Ordinance. As the space is two thousand (2,000) square feet the required number of spaces is ten (10).

Ms. Sitterle noted that the shopping center currently has one hundred twenty-eight (128) parking spaces, two (2) of which are handicapped parking spaces. The number of handicapped parking spaces is not in compliance with Article 7-19.4 of the Warrenton Zoning Ordinance. Contemporary standards require a parking lot with hundred twenty-eight (128) spaces have five (5) handicapped parking spaces.

Staff stated that in Article 7-6 of the Warrenton Zoning Ordinance, retail sales require one (1) space per two hundred (200) square feet gross floor area for the first ten thousand (10,000) square feet, plus four (4) spaces per each additional one thousand (1,000) square feet gross floor area, with a minimum five (5) spaces for each establishment. Paul Henry's Windows and Colvin Floors, which are estimated to be fourteen hundred (1,400) square feet, require seven (7) spaces each. Colvin Floors additionally uses a thirty-six hundred (3,600) suite in the plaza for storage, but this does not require additional parking spaces. Rhinos Ink, which is estimated to be two thousand (2,000) square feet, requires ten (10) spaces. The Warrenton Florist, which is six thousand one hundred thirty-two (6,132) square feet, requires thirty (30) spaces.

Staff mentioned that personal services establish requires one (1) space per two hundred (200) square feet of gross floor area. The hair salon, classified as a personal service establishment and estimated to be four thousand (4,000) square feet, requires twenty (20) spaces. Offices require one (1) space per three hundred (300) square feet gross floor area. The real estate office which is about six hundred fifty-five (655) square feet requires three (3) spaces. Animal hospitals require one (1) space per three hundred (300) square feet gross floor area. The veterinary clinic, which is estimated to be twelve hundred (1,200) square feet, requires four (4) spaces.

Staff stated that vehicle service facilities/repair shops require four (4) spaces per service bay, plus one (1) space per employee. The tire center has one (1) bay and an estimated four (4) employees require five (5) spaces. Vehicular sales require one (1) space per five hundred (500) square feet enclosed sales area, plus three (3) spaces per service bay, plus one (1) space per employee, plus one (1) space per twenty-five hundred (2,500) square feet of open sales area. With an enclosed sales area of three hundred seventy (370) square feet, less than twenty-five hundred (2,500) square feet of open sales area and an estimated two (2) employees the used car sales would require four (4) parking spaces.

Per Article 7-3 of the Warrenton Zoning Ordinance, multi-family dwellings require one and one half (1.5) spaces per dwelling unit for efficiency units. The eleven (11) efficiency apartments require seventeen (17) parking spaces.

Ms. Sitterle stated that based on this calculation, the existing tenants of the Warrenton Plaza Shopping Center require 107 parking spaces. Contemporary parking requirements may be different than what was in place, if any requirements were in place, at the time the shopping center was built. Uses have changed over time and the current standards may not be indicative of the actual use of and demand for each space. Giggle N Friends would require ten (10) spaces which are accommodated by the existing parking lot.

Staff noted that the change of use to an active recreation facility may require minor interior modifications for which a building permit application is required. All building code requirements related to the physical space must be met before occupancy may occur. The Building Official has been contacted for guidance on the specific code requirements and inspections in relation to the change of use for this tenant space.

### **Staff Recommendation**

Staff finds the proposed use appropriate for the Commercial District and recommends the Commission recommend the request for an active recreation facility with the following conditions.

1. A building permit is required for any interior changes to the structure.
2. Music is limited to a volume that does not disturb adjacent properties. Any interior modifications should include sound attenuation to common walls or ceiling of an adjacent non-recreational use.
3. Any signage will require a separate permit prior to installation
4. A Site Development Plan is required in accordance with Article 10-2.1 (2) of the Warrenton Zoning Ordinance.

Dr. Hare asked if there were questions for Ms. Sitterle.

Dr. Harre asked if Curves had a Special Use Permit when they occupied the space.

Ms. Sitterle stated no because it was an existing use that did not require SUP and a change of use does require a SUP.

Dr. Harre stated he did not understand how an indoor play area with music and singing is classified as active recreation use.

Ms. Sitterle stated comparatively Town ordinance does not specify and the County was consulted on how they interpret these types of facilities and used their definition.

Dr. Harre stated that active recreation implies strenuous activities and sporting activities, and in his opinion that definition did not fit the Special Use.

Ms. Sitterle stated it was staff interpretation after consulting with the County.

Mr. Kip stated that page 3 of the staff report states the sessions will consist of up to fifteen (15) families and asked how many children that would include.

Ms. Sitterle stated that question would be better answered by the applicant.

**The public hearing was opened at 8:01 pm.**

Ms. Christi Murphy, applicant for Giggle N Friends, 7375 Terra Nova Drive represented the application to the Commission. To answer the question about 15 families, the current plan is for one hour sessions that would include 10 to 15 children at one time within that one hour session for child and care giver. The plan is to have three sessions per day and on Tuesdays to hold two evening sessions for working families who live in Warrenton and want to do something with their children. There will be one session on Saturdays.

Mr. Kip asked if at one time there could be approximately 50 people.

Ms. Murphy stated probably not and that chances are if there are 15 children and 15 adults. She indicated she had experience with pre-school and liked the 12 child/caregiver ratio and that is her primary goal because more than 12 would be chaotic. She indicated there is a walk in option and she projected approximately 30 people. Giggle 'N Friends are for children up to the age of 6.

Mr. Kip stated the guidelines require children to have an attendant with them.

Ms. Murphy stated yes and this is more of a community activity for parent and child to do together. This is something she has heard from parents of pre-school children that there is nothing for the parents to do in Town with their young children.

Mr. Kip asked Ms. Sitterle if there was a fire capacity for that building.

Ms. Sitterle stated there was and was something the applicant will seek advice from the Building Official.

Ms. Murphy indicated she has a meeting scheduled with the Town Building Official on July 28.

Ms. Murphy indicated she had done some research and understands requirement is one fire exit for 50 occupants and the space has one fire exit. She indicated she would address this with the Building Official on July 28 and make adjustments accordingly in order to meet the code requirements.

Mr. Lubowsky asked if this facility would be like Gymboree.

Ms. Murphy indicated it would be similar without all of the large gym apparatus. She indicated the equipment will be soft such as tunnels and tents. The first half hour the children play on their own and parents can converse with each other and the second half of the hour will be structured activities for parents and children to do together.

Dr. Harre asked about sanitation and how equipment will be cleaned.

Ms. Murphy stated the hours of operation would be 9:30 to 3 pm and at the end of the day there

will be cleaning and steam cleaning of mats and pillows. Some of the equipment will be soft pillows that will be washed and dried daily. She indicated children and parents will be required to wear socks before going into the play area.

Mr. Kip asked how many days Ms. Murphy planned to be opened.

Ms. Murphy stated six days and closed on Sundays. However, she stated if there is a need for birthday parties which is something the Town does not have for little children and as result could possibly be opened seven days. She indicated she is the sole employee and will need a break and being opened seven days will depend on what the community is asking for.

Ms. Victoria Kyre, 6993 Ivy Hill Drive spoke on Ms. Murphy's behalf and indicated she had been with her during the planning stages, ideas, inception, and the plan is not to have strenuous activities such as would have been at Curves with adults jumping around with loud music. She will be working with very small children and most events will be structured. The slides that will be used are very low to the ground, and all materials are padded and soft and wanted to stress to the Commission that there is nothing strenuous other than moms lifting their children and she hoped the Commission would approve the permit.

**The public hearing was closed at 8:08 pm.**

Mr. Lubowsky stated that after having a couple presentations on senior care it was delightful to have a different end of the perspective.

Mr. Kip made motion to approve SUP 15-05 Giggle 'N Friends with staff recommendations.

Ms. Helander seconded the motion.

Dr. Harre stated he would like to add another condition to the approval and that between now and Town Council meeting legal opinion from Town Attorney is sought to confirm that active recreation is the appropriate category for this application and to determine if a Special Use Permit is even needed.

Dr. Harre asked for a vote for the motion with the amended condition.

All voted in favor, and none voted against the motion. The motion passed.

**C. Special Use Permit (SUP 15-06) Church use in the RO District – 578 Waterloo Road.** Application for use of Suites 4-A, 4-B and 3-B of the property (GPIN 6974-95-5121-006,007 & 008) for a church in the Residential Office (RO) District per Article 3-4.8.3 of the 2006 Zoning Ordinance. The applicant is Derrick Rawlings and the property owner is Rensen Properties.

Ms. Sitterle stated this is a request for church use in the RO (Residential Office) District and would include suites 4A, 4B and 3B of the property in the Waterloo Professional Center.

Staff noted that the property is located within the Residential Office (RO) District, with the R-15

Residential District to the north and the Commercial District to the east, south and west of the proposed site. Parking is a consideration with this request.

Ms. Sitterle stated that the Future Land Use Map of the Comprehensive Plan designates the subject property as General Commercial which orients it with commercial uses that are not usually compatible with the limited commercial and central business district uses. This category can accommodate most commercial uses, but should not include uses which require high-volume truck activity and should be placed under strict site plan control with particular emphasis on adequate screening, vehicular access and restrictions on bulk and height of structures.

This is an existing professional center that consists of office and personal service uses. The Waterloo Square parcel is zoned Residential RO through the parcels to the east, south and west are all zoned Commercial (C) where a church would be permitted by right. The proposed use should be considered compatible with existing and surrounding uses, as well as the Comprehensive Plan.

Staff noted that other businesses in the professional center include Far Beyond Ink, URS Billing Services, LLC, A Classic Hair Design, LLC and Blown Away Hair Studio. Far Beyond Ink, a tattoo shop, is open from 12:00 pm to 9:00pm Monday through Saturday. URS Billing Services, LLC is a medical billing outsourcing firm open from 8:00 am to 4:30 pm Monday through Friday. A Classic Hair Design, LLC a hair salon is open Tuesday from 9:00 am to 4:00 pm Wednesday and Thursday from 9:00 am to 7:00pm Friday from 9:00 am to 5:00 pm and Saturday from 8:00 am to 1:00 pm. Blown Away Hair Studio also a hair salon, is open Tuesday through Saturday with varying hours between 9:00 am to 7:00 pm

Staff stated that the facility plans to have music and group singing during worship; however, most surrounding businesses would be closed during church services, which are planned to be on Wednesday evening at 7:00 pm and also on Sunday mornings. The pastor would be on site at other times on Tuesday through Friday from 9:00 am to 4:00pm

Staff noted that the congregation currently consists of 10 people and expects to be no larger than 35 people at the end of the two year lease. The small congregation size would have a minimal impact on traffic and circulation. The small congregation is anticipated to generate little traffic on weeknight and for Sunday services.

Staff stated that parking requirements for the church use would involve one (1) space per four (4) seats design capacity for the principal place of worship per Article 7-4 of the Zoning Ordinance. The expected maximum congregation planned would be 35 people. Given that information, nine (9) spaces would be needed to accommodate the design capacity for the space. The applicant has provided a plan highlighting five (5) spaces and that would need to be adjusted to nine (9). The hours of operation for the church services would occur during times when most other business are closed, which would allow for the maximum number of spaces for the design capacity to be available. The current congregation has ten (10) members, which would require three (3) spaces to accommodate their immediate parking demand. During the week, one or two spaces are estimated to be needed to accommodate the pastor and potential visitor use.

The professional center currently has 58 parking spaces, three (3) of which are handicapped

parking spaces. The plan shows 52 spaces and staff has field verified that there are actually 58 spaces on site. The handicapped parking spaces are in compliance with Article 7-19.4 of the Warrenton Zoning Ordinance.

Ms. Sitterle stated that suites in the center are 1,200 square feet. Per Article 7-6 of the Warrenton Zoning Ordinance personal services establishments require one (1) space per two hundred (200) square feet of gross floor area. The tattoo shop and two hair salons, all classified as personal service establishments require six (6) spaces each. Offices require one (1) space per three hundred (300) square gross floor areas. The medical billing outsourcing firm requires four (4) Spaces. Based on these calculations the existing tenants of the profession center require 22 parking spaces. At a maximum, Freedom Worship Center would require nine (9) spaces, which is more than accommodated by the existing parking lot.

Staff noted that lighting is a non-issue as the use will be internal and no additional outdoor lighting is proposed. Any interior modifications will require a building permit and all building code requirements must be met before occupancy may occur. The Building Official has been contacted for guidance and inspections on the specific code requirements for use of this tenant space.

### **Staff Recommendation**

Staff has reviewed the application and found the proposed use is appropriate for the Residential Office (RO) District. Staff recommended approval with the following conditions.

1. A building permit is required for any interior changes to the structure.
2. Music is limited to volume that does not disturb adjacent properties. Any interior modification should include sound attenuation to common walls or ceiling of an adjacent use.
3. Any signage will require a separate permit prior to installation.
4. A Site Development Plan is required in accordance with Article 10-2.1 (2) of the Warrenton Zoning Ordinance.

### **The public hearing was opened at 8:18 pm.**

Pastor Derrick Rawlings, the applicant of 121 Meadows Street in Fauquier County, represented the application to the Commission. Pastor Rawlings stated that the church has been established for 18 months and he grew up in Fauquier County and identified in the audience his board of directors and his wife. He stated he had been in ministry since he was 12 years old and attended church in Manassas. He went to college and played baseball but when he got back home and went back to ministry school and he started thinking about all the time he went to church in Manassas and after he married, he and his wife prayed about having a church here in Warrenton because he was tired of going to Manassas. About 18 months ago he started a church here in Warrenton because he believes this is where God wants him to be to spread the gospel of Jesus Christ. He indicated for about 10 months he and his board had been looking for their own building and they knew this was residential office but were looking for a church by-right so they could get in right away. Because we are small church with about seven members not 10, he and the board could not find a place they could afford. When they found this building, which has been vacant for two years, they felt it was a God thing. He graduated from Fauquier High School

in 2000 and Young Life used to be there but it has been out of the two year period and as result he has met with Ms. Sitterle and a Building Official and has been trying to do what has to be done to make it a church and remarked that he would be operating a church across from the high school he graduated from. He remarked how the evening started out with assisted living, small children and now his church is in the middle.

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

Mr. Lubowsky stated that the space he was taking was a serious financial commitment and he applauded his faith.

Pastor Rawlings said the way it happened is something that they can afford and it was God making it happen and he planned to be there for a long time and be a staple of this community.

**The public hearing was closed at 8:22 pm.**

Dr. Harre asked Commission members for questions or comments. There were none.

Mr. Kip made motion to approve SUP 15-06 Church Use in the RO District be approved with staff conditions.

Ms. Helander seconded the motion.

All voted in favor, and none voted against the motion.

Dr Harre stated this would be presented to Town Council meeting with recommendation for approval at the August 18 meeting.

**Commission Comments**

Ms. Helander asked why the new auto parts store located on the by-pass had tall sign instead of a monument sign. It was her understanding only monument signs were being allowed not pole signs.

Ms. Sitterle asked if this was something that had just been put up.

Ms. Helander indicated no.

Dr, Harre stated the pole signs do not benefit the business because it is blocked by trees and monument sign would be more visible for them.

Ms. Sitterle stated she would look into it.

Mr. Kip also brought up Wilson Automotive has done nothing in the rear of their business and junk cars are in the front entrance and grass is not being cut.

Ms. Sitterle stated she had been working with the owner to get a plan and she will follow-up with

him. She indicated she has not signed off on any documents and as result; the owner has not be issued a license. Currently going through the site plan process making sure that he has appropriate spaces in the rear.

Ms. Helander stated the place was a mess and needs attention and was surprise that McDonald's has not complained.

Ms. Helander stated that she sees where Murphy's Auto Sports has moved into old Cecil Tractor location and only one foot high trees have been planted to block the twelve foot high trailers and asked if that was the only landscape screening they were required to do. The one foot trees do not block the twelve foot high trailers.

Ms. Sitterle stated there have been some interpretation issues with that and she will be looking at their permit approval.

Mr. Lubowsky stated that the owner of Cecil's Tractor stood before the Commission and promised it would be cleaned up it and would be something everyone could be proud of. Currently the business sign is on the Town right-of-way. It is an eyesore and it appears he does not care.

Ms. Sitterle indicated she was working with him on identifying and helping to see where the property line is which is further back than what was initially thought. There have been site visits showing him and marking it. There is 300 feet from the right-of-way and it is something we are working on. As for the sign, staff has had several discussions about ground signage trying to communicate what has to be a part of that sign. She indicated they were at a good place with the sign contractor but now there is a question about an electronic wall sign which is not allowed in the Industrial district. He has talked with staff and plans to propose a text amendment.

Ms Helander stated that on opening day there were two inflatables on the Town right-of-way.

Mr. Lubowsky stated that he needs to get into conformance but he understands he has friends in the County and the Chairman of the Board Of Supervisors lets him do whatever he wants but here in Town he has to follow the rules.

Ms. Helander stated that he owned a landscaping company and did not understand why he would not want to make that a beautiful spot which could be good advertisement for that segment of his company.

Mr. Lubowsky stated that he promised he would dress it up but he has not done so.

### **Staff Comments**

Ms. Sitterle indicated Orchard Ridge would be coming before the Commission next month.

Mr. Lubowsky asked if the proposal would be ready.

Ms. Sitterle indicated that was a good question, because Town just recently hired a consultant to

conduct a traffic study and it is underway and we will do the best we can.

Mr. Hamby asked if the clock was running on this proposal.

Ms. Sitterle stated it was and she was going to confirm with Mr. Robinson if it is 100 days or 120 days.

Mr. Kip stated that plan is to build it in phases and the plan is for nine buildings. He asked what would happen if unit one fills up and units two and three are built and filled what will happen if they tap out the demand for apartments. If that happens, they certainly are not going to build the remaining units. He questions how far they went with their marketing.

Mr. Lubowsky stated the proposal would accommodate 700 people and the Town is not yet at 10,000, and will require a substantial increase in the Town population for this one project.

Mr. Kip stated he thinks the first three units will probably be filled but he questions where the people will come from for the remaining six units. He indicated he did not believe there would be less demand on schools.

Mr. Lubowsky stated the developer also stated there was plenty of water which is not the case.

Mr. Kip stated it is a worthwhile project and it ties in to the comprehensive plan for providing affordable housing.

Mr. Lubowsky stated it is a large development and if you take all of their additional incremental capacity we have and put it there leaving the Town short for the three developments we want near Main Street and create walkability and mixed use projects we keep bucking the sewer issue and at the end it is a limited resource.

Mr. Kip stated it was too bad infrastructure could not be put in as it is needed.

Ms. Helander said as a company they know what they are doing and she would have thought they would have researched Warrenton before spending all the money they have spent to get here.

Mr. Hamby stated he would have asked if they would back up the public hearing because it would give everyone better answers and they are not coming forward with the traffic study and concerns everyone has expressed about Old Meetz Road and Falmouth Street. If they are not going to come forward with a traffic study prior to the August 18 Commission meeting there will still be a lot of unanswered questions.

Ms. Helander stated that before this gets off ground Madison Square development has already started has sold out. As soon as Town allows them, they will start selling across the street.

Mr. Lubowsky asked if it would be possible to have a formal inventory of affordable housing that exists in Warrenton.

Mr. Lubowsky stated that every community needs a mix and what the Planning Commission is doing is to get a handle on how much need there is and figure out number of affordable housing that currently exist in Town and see what of this project makes sense. It is a high/low mix and are able to fill two of them at what point do you have too much affordable housing. We want to revitalize Main Street but that means people who will go out two or three nights per week at the bars and restaurants and do things and that have, until recently, been the high priority of both the Planning Commission and Town Council. We need a balance and mix but we also only have so much sewer capacity. Every time we allow a development beyond a by-right we are using it and to him nine buildings and 288 apartment units is the wrong scale for Warrenton.

Mr. Hamby stated not all 288 units will be affordable housing and he was surprised he was able to get funding from VDHA and allowed to have a mix.

Mr. Lubowsky asked if applicant had provided a break down.

Mr. Hamby stated it would be 60/40. The 40 would be affordable and he will be 31,000 gallons over sewer.

Mr. Lubowsky stated the applicant cannot restrict housing just to teachers or other service categories that we all value.

Dr. Harre stated there would be no work session next week and the next scheduled Planning Commission meeting would be held August 18.

The meeting was adjourned at 8:45 pm.

Minutes Submitted By  
Dee Highnote