



MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
June 16, 2015 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, June 16, 2015 at 7:00 PM in the Municipal Building.

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

The meeting was called to order at 7:02 p.m.

1. Approval of Minutes

Mr. Kip made a motion to approve the minutes of the May 19, 2015 meeting. Ms. Schaeffer seconded the motion and the minutes were approved unanimously.

Mr. Kip made a motion to approve the minutes of the November 18, 2014 Town and Fauquier County Work session. Mr. Nevill seconded the motion and noted correction on page 8, seventh paragraph; GIPS should be changed to CIP. The minutes were approved unanimously. Ms. Helander asked for the list of participants to be provided.

2. Citizen Time

Mr. Sam Myers, Chief of the Warrenton Volunteer Fire Department, stated the Town is going through a growth period and it will have an impact on emergency services and he would like to work with the Planning Commission to put a services check box as part of the planning review process to make sure emergency services are met and to determine the next steps.

Mr. Lubowsky asked Chief Myers if the earlier meeting was beneficial.

Chief Myers stated yes.

Ms. Schaeffer stated that the Fire Department issues are not discussed that much in the CIP and asked the Chief if he would highlight things that were important to him that the Planning Commission may be able to provide assistance with.

Chief Myers indicated there are several nursing homes located within the Town that impact EMS services and if there were a significant fire there could be a high dollar loss and life loss. He stated the department has been able through the years to satisfy the requirements but new things are coming to town and they continue to support those properties, but it is causing wear and tear on equipment and personnel. He stated that it appears a lot of the services coming in are for assisted living and we want to be able to provide the required services but it will have wear and tear on equipment and personnel and keeps adding to the call load. Chief Myers stated the department is able to handle the housing needs, but some of the larger commercial properties that will require a ladder truck or one or more ambulances. The addition of these types of services keep adding up the additional EMS and we want to make sure we can prepare adequately.

Mr. Zarabi asked Chief Myers what was the cost for one EMS truck.

Chief Myers stated average cost for an ambulance is \$250,000. Fire Trucks are needed for a nursing home facility and the cost is about \$600,000. A ladder truck that is needed for a large volume fire costs in the range of \$1.2 million. Chief Myers stated that a Life Pack device cost is \$36,000 each and are used routinely for cardiac calls.

Chief Myers stated that approximately 62.5% calls were within 4.2 miles of the Town. He indicated that the Warrenton Service District is about 93 square miles which is their primary response area and they also go out county wide to provide assistance. He stated that the Town generates over half of the calls.

Mr. Nevill stated that there is a statistic that states those 55 and older take about 80% of the EMS calls.

3. Public Hearing

A. SUP 15-01. Assisted Living Facility at 345 Legion Drive.(Continuation) Application for establishment of an assisted living facility on a 4.74 acre portion of the property at 345 Legion Drive per Article 3-4.2.3 of the Zoning Ordinance. The property is zoned R-10 residential, and consists of one parcel (GPIN 6984-30-1806) that is 6.74 acres. The property contains the John D Sudduth American Legion Post 72. The Comprehensive Plan identifies the property as low-density residential and the potential site for a park. The proposed future land use map indicates the property is suitable for residential uses with density of up to 2.5 dwellings per net acre and for public and private park facilities for passive and/or active use to be developed in conjunction with residential neighborhood development. The property owner is John D. Sudduth Post No. 72 INC.

Ms. Sitterle stated there were some outstanding issues from the last meeting, one of which was the density. She stated there had been a shift devoted to the assisted living facility parcel, which went from 4.74 acres to 5.135 acres for this project that leaves 1.605 acres for the American Legion Hall and its supporting parking. This change represents a density of 23.36 units per acre on the 5.135 acre parcel designated for the facility. The limit for this type of development is 25 units per acre and the proposal now meets that limit. All other regulations of the R-10 District appear to be met. The lot coverage is capped at 65%.

Staff noted that the remnant portion of the tract is a remaining lot and must meet the ordinance regulations the same as the new lot. The new American Legion portion is seventy-five (75) feet and set back requirements are met.

Ms. Sitterle stated that a community needs assessment was submitted with the application and was prepared for Fauquier Health and Fauquier Health Foundation by Community Health Solutions in May 2014. The Executive Summary identifies service gaps for aging services. The survey respondents noted that the elderly were included as part of the vulnerable or at risk populations for the Fauquier and Rappahannock County areas. The demographic profile mentions that for the region a 22% increase in the senior population 65 years and better is projected from 2013 to 2018. The updated market study indicates that the demand calculations show that the market could support up to the number of assisted living beds and dementia assisted living that is being requested with this application.

Ms. Sitterle stated that page 13 of the Statement of Justification has revised water and sewer usage table that suggested Phase I of the 72 assisted living units would have an estimated demand of 96 gallons per day per unit which would equate to 6,936 estimated total gallons per day. The 46 dementia care units anticipated with Phase II would have an estimated 86 gallons per day per unit demand, which equates to 3,939 estimated total gallons per day. This suggests that the total estimated project demand for water and sewer would be 10,874 gallons per day.

Ms Sitterle indicated that Mr. Tucker had reviewed the revised information for water and sewer. She stated the consultant had looked at the entire American Legion property and estimated that 28 residential units based on the R-10 zoning, which is based on 200 gallons per day per unit would total 8,400 gallons per day. The previous application had estimated 11,520 gallons per day which would have had an increased demand on the utility system of about 3,120 gallons per day or 10 additional residential units. As result the capacity study results indicate that the increased demand on the water supply will be minimal.

Ms. Sitterle stated that the capacity study results for sewer indicate that at town build out the sewer system will be at 106% capacity and is concerning for future projects. However, at this point the town does not have a firm grasp of the mitigation actions required to address the additional demand via inflow and infiltration reduction or increased plant capacity costs. She stated that if this is approved by the Commission it is recommended that Town Council be advised that sewer impacts be assessed once they are quantified by staff.

As part of the storm water management the applicant noted that a number of best management practices (BMPs) and techniques will be used to manage the storm water on site and would include items such as permeable asphalt, cisterns and to make the project a LEED standard. She indicated that the Town has its own program and also has MS4 program requirements that the applicant will be required to meet and will be a part of this project. The applicant will assist the remnant American Legion Post property with retrofitting storm water management facilities on site to help alleviate conditions that are not currently controlled.

Ms. Sitterle indicated the applicant had provided a vehicular traffic survey as part of the Statement of Justification in response to the request for comparative data with the Villas at Suffield Meadows facility. It is estimated that the American Legion facility would result in an impact of 5.67 vehicle trips per hour per day during the peak hours (7-9 AM and 4-6 PM). The applicant has estimated that a by-right single family dwelling use at 10 vehicle trips per day for 19 homes would

equate to 31.67 vehicle trips per hour/day during peak hours. The proposed improvements to the entrance of Legion Drive at East Shirley Avenue has been modified after the applicant consulted with both Mr. Bo Tucker and Mr. Sam Myers to include partial median with pavers to assist with access for fire department and emergency response vehicles. In addition, a modification to the east portion of the entrance onto East Shirley Avenue will help to delineate a left and through lane and a dedicated right turn lane area. This will also assist with the ingress and egress for the Warrenton Horse Show Grounds and also provide access for Legion Drive. Ms. Sitterle stated there was concern expressed by Warrenton Horse Show Grounds representatives about maintaining as much of their entrance as possible while improving vehicle stacking and movement onto East Shirley Avenue. The applicant is also proposing to level out the entrance of Legion Drive near East Shirley Avenue to improve circulation and queuing. The circle at the terminus of Legion Drive has been adjusted to be located partially off site and the access drive to the assisted living facility has been reoriented to allow for an area that has been historically used for overflow parking for the Warrenton Horse Show Grounds.

Ms. Sitterle stated that the applicant has noted that the on-site parking is being provided at a higher amount than the Ordinance requires per a recommendation from the Suffield Meadows facility, which noted a need for at least 20 additional parking spaces above the requirements to provide for visitors. The applicant has provided additional parking spaces with this proposal to accommodate potential visitor demand. She noted that 71 spaces are required and the applicant is proposing 91 spaces and indicated there may be some setback concerns with the parking which can be adjusted or modified.

Staff Recommendations

Staff has reviewed the application in relation to the criteria listed above and finds that the submission is an acceptable use in the R-10 District. Ms. Sitterle stated that the sewer capacity will need to be discussed with the revisitation of the proposal and stated the Commission may want to make this a recommendation to Town Council. That said, the proposal appears to be sufficient per the Ordinance requirements and issues raised have been responded to by the applicant. Should the Commission feel that the proposal is ready to move forward for recommendation to Town Council; staff has the following suggested conditions.

1. Evaluation of the sewer usage is needed per the Town's most recent Water Sewer Capacity Study. Potential impacts to the Taylor Middle School pump

station and the collection system will need evaluation and impact fees assessed.

2. A site development plan is to be submitted for review and approval by the Director of Public Works and Utilities and the Planning Director and incorporate all of the requirements per the ordinance.

Dr. Harre asked members of the Commission if there were any questions for Ms. Sitterle.

Mr. Kip stated that the information provided indicates the sewer capacity is slightly over and the Town does not have a handle on what the capacity is.

Ms. Sitterle stated that was correct and that Mr. Tucker could address this.

Dr. Harre stated that Mr. Tucker's information states that 28 residential units at 300 gallons per unit but the staff reports reflect 19 units.

Ms. Sitterle stated that was correct and the 19 units were based on the parcels that would be divided for the assisted living facility but did not include the remnant piece the American Legion building currently sits on.

Dr. Harre asked why that was being included in the calculations.

Ms. Sitterle indicated it was a carryover from the prior study that included the existing American Legion site as part of that estimation. The study estimated that the American Legion site could possibly be replaced by residential units and the study did not consider the parcel being divided.

Mr. Tucker stated the study was an over estimate and it took the current use of the American Legion Building and looked at the property as an undeveloped area and the estimate of 28 units is high but it is what was in the study. Mr. Tucker stated that the benefit of doubt goes to the applicant because the 28 units has been in previous studies and is based on averages that in some cases are over estimated and some are under estimated. When the last study was done, the town wanted to make sure all properties were identified. The study that identifies this goes back to 2002.

Dr. Harre stated this is worst case scenario if the American Legion wanted to build houses on their property which they can do by-right.

Mr. Tucker stated that was correct.

Mr. Kip asked Mr. Tucker if he was comfortable with the proposal being submitted as it related to sewer output.

Mr. Tucker stated he was not comfortable with anything that goes over the estimates particularly if build out is 106% as opposed to 95% capacity reflected in previous studies. Anything that is over allocation for any property, not just this one, and they are going for higher density or more intense water and sewer usage is an issue. Mr. Tucker indicated the study only came out a couple months ago and staff is not prepared to say what is a good figure for abating a gallon of I&I for the treatment plant. He suggested that if the Commission approved this they make a recommendation staff investigate the utilities and report the findings to Town Council.

Mr. Zarabi he would feel more comfortable if this conversation had taken place before the Commission had to contemplate moving target issues and that he was unfamiliar with the current review process.

Mr. Nevill asked if there was a method in which the American Legion could transfer capacity to the parcel they are considering subdividing and possibly reduce one side and increase the other.

Mr. Tucker stated the 28 units are estimated for the entire parcel and there was nothing that could be transferred and it would require Town Council to act. He indicated there had been some discussion of transfer of development rights capacity for by-right development but to his knowledge there is no current method.

Mr. Lubowsky stated constituents had expressed to him concerns over non residential activities such as loading docks, food deliveries, etc. and the impact to the residents and he did not see anything in the staff report relating to this.

Ms. Sitterle stated that was a condition that could be added stating deliveries would occur only on certain times of the day in consideration of the surrounding neighborhood.

Ms. Schaeffer indicated that at the last meeting she needed to understand the need for over parking and wanted to know the status of it.

Ms. Sitterle stated that it was noted in her report the applicant had consulted with

Suffield Meadows and there was a recommendation for an additional 20 parking spaces. The applicant did their own assessment of different facilities and carried forward the load they would like to see. There is concern over setback encroachment that may adjust that number.

Ms. Schaeffer asked Ms. Sitterle if during her review if she addressed the encroachment issue and if there was an opportunity for inter parcel shared connection and shared spaces for loading and things of that nature as a way to reduce activity and also to have the set back requirement and create more of a inter parcel connection for better traffic flow.

Ms. Sitterle stated that goes beyond what staff could do as it relates to a waiver of conditions but there are certainly opportunities for inter parcel connections or shared dumpsters and things of that nature.

Ms. Schaeffer stated she still had difficulty understanding storm water management and how it will be handled because existing issues cannot be mitigated but she did not want to make them worse.

Mr. Tucker stated that the storm water management has a two-year to 10-year frequency. The post development run off from parking lots and all the impervious areas cannot exceed that for an undeveloped area. As part of the site development process the engineer has to do an assessment of current conditions of point of discharge from the property and quantify the volume of water based on the two to 10 year frequency and they have to install mechanisms and structures as needed to retain a slowly discharge to put the water back into the ground.

Ms. Schaeffer stated she had concerns about entitling a property and to a certain extent not being confident. She indicated she is running into this same situation in other areas where it has been necessary to pre-engineer the entire site and that she just wanted to make certain that Mr. Tucker and Mr. Myers are comfortable if the Commission moves forward with a SUP but she wants assurance there will be no waivers.

Mr. Tucker stated that there are no waivers for storm water and the applicant will be required to meet the current MS4 Community criteria. The applicant has to install structure measures for water.

Mr. Nevill stated the area is in a low spot and subject to flooding and asked if the improvements made to the ball field caused more flooding.

Mr. Tucker stated there was a slight chance because ball fields are impervious surfaces and it is a very small area and if it came in today it would have to meet the E&S Guidelines.

Mr. Nevill asked if there were other places to mitigate some of the flooding issues.

Mr. Tucker stated the Town had done projects between Gardner and Sycamore Streets. He indicated at one time at that channel it was possible to walk under the roots of the trees. The channel has been improved and the Town in conjunction with the Horse Show Grounds is replacing culverts across the stream and the only thing that can be done upstream at this time is if property was donated to the Town and a community storm structure was developed. The wooded area between the neighborhood of Brookshire and residents is swampy, trees fall and streams get clogged up.

Mr. Kip based asked Ms. Sitterle if there was a joining of efforts by the Legion as far as service areas are concerned and if there will be changes in the plan.

Ms. Sitterle stated it may and it was something that will have to be looked at from an access point.

Mr. Kip expressed concerns over service areas and indicated he raised that concern a month ago. The plan currently does not identify a dumpster area. He indicated health care facilities produce a lot of waste and a lot of deliveries occur. He suggested that one location to serve two locations would make more sense and should be considered.

Dr. Harre asked the applicant, Mr. Jim Carson with Carson/Ashley Associates if he would like to address the Commission.

Mr. Carson stated he had nothing to add to Ms. Sitterle's presentation and that he has met several times with Ms. Sitterle and Mr. Tucker and has a good understanding of the issues. He asked how the Commission perceived their benefit to the general area versus the perceived impacts to the general area. He indicated water, sewer, storm water management, parking have all been addressed and each one taken alone may be reason to object or support their application but all those things with the exception of sewer, are generally improved. Access, taxes, the community aging in place, improvements to the horse show grounds and assisting

them to maintain their place in the community and assisting the American Legion to continue their place in the community. This is a community issue as much as anything else and these two historical institutions, American Legion and the Warrenton Horse Show Ground will benefit greatly. The discussions about sewer and water are legitimate concerns and the study was done about 15 years ago and lots of property had not been developed during that time to the capacity that they were planned for and that is going to happen again. For example, if the American Legion property ever does convert to houses; it probably will not be 28 homes even though the study reflects that. The proposal would use about 3,000 gallons of water out of 2 ½ million gallons so the impact would be at the third decimal point and as Mr. Tucker indicated, earlier estimations are higher in some places and lower in others but at the end of the day we are talking about 3,000 gallons.

Dr. Harre stated he noted that 10% was taken off the numbers from the Villas because laundry will not be done on the premises.

Mr. Carson stated there would also be water saving measures that will be in place and the plan is to go for the LEED standard which takes into account storm water management, building materials, water saving measures and variety of landscaping techniques.

Dr. Harre asked where the laundry would be done.

Mr. Carson stated he did not know but he was not aware of any commercial laundry facility in the town.

Dr. Harre stated the Commission understands that the water and sewer estimations may be slightly over but the next applicant comes in and they are slightly over as well it becomes a situation that begins to snowball.

Mr. Carson stated that his pitch is the overall benefit and while sewer is one aspect but there are 10 things that should be considered and they are addressing at least 8 of them significantly and he hoped the Commission felt the same way. He stated sewer is an issue but it is mitigated through other community and financial benefits that will be brought to the Town.

Dr. Harre stated that it was unfortunate this has to be a consideration and that the Town has gotten behind the services that have been planned for and hopefully changes can be made in the future and all the future developments coming before the Commission will have to be looked at in the same way. And unfortunately

there may be some good ones that the Commission will not approve because the Town does not have those facilities.

Mr. Carson stated he had a good meeting with Mr. Tucker and believes there are opportunities for him to try and help, but understands there is an ongoing I&I effort to reduce the inflow of water. Mr. Tucker had stated he would try to quantify the cost and Mr. Carson stated he was interested in participating in that discussion. At the end of the day 3,000 gallons of water is 10 taps and he wants to do his part.

Ms. Schaeffer stated that at the last meeting she suggested Mr. Carson or staff meet with the Economic Director and asked if anyone met her. Mr. Carson and Ms. Sitterle indicated they did not. Ms. Schaeffer stated including the Town's Economic Director was an important component that needed to be included. She stated the Chief of the Fire Department spoke but there was no mention in the staff report that school seats are being reduced and the county is very concerned about that issue. There are potentially 28 homes with approximately two to three children that become other offsets in way of taxes and mitigation on schools that are important. As we move forward with applications, we move to Economic Development as a way to understand the full impact to our community overall not just on certain components.

Mr. Carson indicated that the 30-day time period did not allow sufficient time to address all the issues.

Public Comment

Mr. Paul Baker Commander of Post 72 of the American Legion was in attendance and Dr. Harre read a letter Mr. Barker had sent to him stating his support of the proposed American Legion Assisted Living facility.

Clyde Davenport – 7242 Chestnut Court. Mr. Davenport serves as the finance officer for Post 72. He recapped some of the benefits the facility would have not only for the American Legion Post 72 but also for the community. He stated the Post had been in existence is 1919, on site since 1948 and current building was built in 1975 and is in need of refurbishing and the post was looking at ways to develop residual income for the post and give back to the community. Post considered building houses there but that would have been a onetime sale of property and one time funds for the post. Post wanted to come up with a project that would benefit the veterans aging in place as well as benefit some of the projects the Post has. In recent years, the Post has had to reduce the number of

scholarships and reduce the number of boys and girls sent to Boys & Girls State. If this project is improved we will be able to increase the community involvement. We like partnerships that have been developed which is all local and it is a win win for the Post, Community and the Town. He also noted that the project will also increase benefit for veterans.

Mr. Sam Baker, 115 Brookshire Drive, stated at first he was not thrilled about this proposed development because he would prefer hearing the sound of the baseball bats but the irony is that if this facility existed today, his grandfather would be there. He stated he appreciated the discussion about the storm water management and the questions about the noise and asked that the Commission and Town Council to consider these issues.

Mr. Mike Freeman, current Commander of American Legion Post 72. Mr. Freeman stated he has lived in the community for 37 years and plans on staying here and hoped he would not need this type of facility but he would like to know that it is available. As Commander for the past three years, it has been very distressing because the Post does not have financial ability to help the community as much as it would like to and as stated by Mr. Davenport this is a win-win situation for everyone involved.

Mr. James Rankin stated he had lived in Fauquier County all of his life and his Dad left the county in 1917 for World War I and was awarded the Silver Star. Mr. Rankin stated he was a Korean War Veteran and in 1966 started his business in Warrenton. He stated he was in full support of the Legion and in helping the community. He stated he was born here and wanted to stay here but urged all issued be addressed and done right. Mr. Rankin stated he was Post Commander for three years and was there when the current building was built and dealt with Ms. Arrington in order to get the water and sewer lines through to the property because the Town Manager would not commit to it. He stated he fully supported this project.

Mr. Ken McNeil, 7101 Baldwin Ridge Road, stated he had lived in the county since 1986 and has been involved in community activities involving youths. He has served as Assistant Scout Master for Troop 600, substitute teacher at Southeast Alternative School for at risk youths and various other community activities including serving as paramedic volunteer. He stated the Legion has been active in looking out for the youths of Fauquier County and this project will allow the Legion to continue and encouraged the Commission to consider the request in a positive way.

Mr. Roger Baker, CEO Fauquier Health stated he was not here to speak about the site plan but about his organization's relationship with the project. He indicated that he was approached about eight months ago by the developer hired by the American Legion Post 72 and was informed that they did not have any management expertise in a facility such as this. Fauquier Health built Suffield Meadows about 5 years ago and is smaller than what is being proposed. He stated they encountered the same water and sewer issues with the County in terms of usage. If this project is approved, Fauquier Health will manage the facility through a management agreement with the Post. He indentified Ms. Mary Smith as the individual who headed the Suffield Meadows project five years ago and Ms. Sarah Pearson, who is the Administrator at Suffield Meadows. Mr. Baker stated his organization has the management expertise to provide for this type of facility and the idea is to keep the proposed facility local and having Fauquier Health involved will provide center energy for the assisted living facility, nursing home and the hospital as well.

Mr. Nevill asked Mr. Baker about the community needs assessment.

Mr. Baker stated that the assessment study was sponsored by the Fauquier Health Foundation for an outside entity to conduct the study.

Mr. Nevill stated that on page 14 of the study details vulnerable and at risk populations and it mentions the elderly. One of the biggest needs identified in the study is for Fauquier and Rappahannock County low income elderly and noticed in the applicant's proposal the various rents for facilities such as this \$4,450 per month and \$6,600 for the memory care facility which is well above the low income threshold. The study shows this is a community need but there appears to be a discrepancy.

Mr. Baker stated assisted living facilities are costly to develop, run and manage. He indicated that the prices for Suffield are higher than what is being proposed for the Legion facility. He indicated the Suffield Alzheimer unit filled up rapidly and there is a waiting list. He stated he had no control over the costs and that the idea for the facility is to have a lower price point than Suffield Meadows. Fauquier County is fairly affluent and not everyone will be able to afford living there; however, there is a population of federal retirees with long term health care insurance that would be able to afford this type of facility. He indicated that this type of facility probably will not meet the needs of the low income elderly in the community.

Medicare in the State of Virginia does not pay for assisted living. The Fauquier County Department of Social Services pays \$500 per month, but unless the cost is subsidized by grants or by the Fauquier Health Foundation, residents would not otherwise have assistance for the costs. Fauquier Health and the area Office on Aging is working on a plan to help mitigate some of the low income issues.

Mr. Lubowsky stated having Fauquier Hospital involved in this provides some level of comfort because they are the principal health care providers for the community. He asked Mr. Baker how confident he was that a deal could be put together with the recent new management arrangement with a third party, which is Life Point.

Mr. Baker stated he was confident an agreement will be developed. He stated an official deal had not been finalized but draft documents of a proposed agreement had been developed. The initial hurdle was convincing Life Point this was something good for the community and they allowed us to make the decision to come up with a management and development agreements for this facility. Mr. Baker indicated they are not investors in the project and will only be involved in the management of the facility.

Mr. John Sinclair stated he has lived in the Scott District behind the Fire Department since 1942. He has been a member of Post 72 for 36 years and has seen a lot of changes in this county and at the Post. As mentioned earlier, some of the Post scholarships programs and community projects have been stopped because of financial constraints. He stated this project will help both the community and the post. Mr. Sinclair stated he was the one responsible for having a baseball field at the Post and for the past 15 years has coordinated American Legion Baseball and even though he is a big baseball fan he feels this facility is needed to help both the Legion and community.

Mr. John Sedam and his mother live at 354 Wilson Street behind the Warrenton Horse Show Grounds. He expressed concerns about noise. He stated living behind the Warrenton Horse Show Grounds is loud and he has made complaints about loud music late at night. Sirens, dump trucks, delivery trucks, property values are his concerns. He stated he likes the baseball field and did not want a construction zone in his back yard and wanted to keep the property value the way they are currently.

Mary Reed, 320 Culpeper Street, representing Warrenton Horse Show. She stated

they have been in discussions with the developer and their concerns are the traffic issues. She indicated they like the design of the front entrance but she stressed the need for the Town Engineers to look at what is going on because it is going to make travelling to Green Street difficult. Not knowing what the full impact is for trailers coming in and out and it is not fair to come up with an idea if it is not going to work. Hearing from the Fire Chief and the number of emergency trips they will be making will only add to the traffic. The traffic issue and entrance needs to be looked at and resolved.

Sarah Pearson, Administrator for Suffield Meadows stated she wanted to address the dumpster and delivery issues. Suffield Meadows is a 72 bed community and there are two food deliveries every week and their dumpsters are emptied two times a week Monday through Friday, not on the weekends and they do not come in any earlier than 8 am. In one year period, EMS has been dispatched there 40 times. There are approximately 42 parking spaces and it is not enough spaces. We have more visitors, therapists, massage therapists and residents' companions that come in and out daily and at least 20 more spaces could be used.

Ms. Schaeffer asked how the number of parking spaces was calculated.

Ms. Pearson stated she did not know.

Ms. Schaeffer stated her concern was that the number of spaces will be calculated on square footage instead of the number of beds and employees. She recommended that the American Legion Assisted Living Facility standard be followed which goes by the number of beds and employees which has been found to be more accurate but most jurisdictions have been doing it like commercial based on square footage.

Gretchen Yahn, member of the Development Team, stated the team had been working on this for several months before submitting for the special use permit and for the past month have been addressing issues relating to adjacent neighbors. She identified garden area and buffer zone where there would be no type of commercial egress, ingress or dumpsters located in those areas. She identified buffer zone that have more set back than required that will be used for a garden. She stated people living in assisted living facilities want to be a part of nature and have an area where they can walk and feel safe. She identified an area that has been incorporated for the Warrenton Horse Show Grounds that will benefit them with respect to equestrian cool down paths and other things. She stressed the desire to be a part of the community and also be respectful to the community. She stressed that they are

striving for a LEED standard for the entire facility. In respect to storm water management she met with Mr. Tucker and she identified an area of the project that will be cleaned up. She has requested that Mr. Tucker to look at a culvert in the back to make sure it is not clogged up. She met with EMS relating to ease for egress and ingress and placement of hydro. The Horse Show Grounds revisions have been made as result of last meeting, to give overflow parking. She stated that she provided an overlay of what currently exists for the Horse Show Grounds and added space in regards to turning east onto Shirley and keeping what they had with respect to coming from the west, which is a un-encumbered pad site.

Ms. Yahn added that there is a slight slope coming up to that intersection at Legion Drive and it is difficult for horse trailers and it puts a lot of stress on fire trucks and that is a mandate we will be pushing forward to ease that position further up Shirley Avenue for visibility and liability coming in and out of the facility. We have been looking at all issues and with respect to noise and EMS and there is a need for a better understanding of Assisted Living Facility and Skilled Nursing Facility. Assisted Living Facility residents are mobile and are monitored by nurses and there are not that many EMS calls for these types of facilities. Residents of Skilled Nursing Facilities are in their last phase of life and there are more EMS calls. Local needs have been considered for the next decade based on the study to make sure we still have demand and feel this location will provide a comprehensive place for Fauquier County to age in place and are striving to keep it local. She stated everyone involved is local and are committed to the betterment of not only the Horse Show Grounds but also to the neighbors. The by-right use of single family dwellings, which has not been mentioned, includes 10 vehicle trips per day per residence and the amount of traffic in and out of here would be less than one third that of a normal by-right subdivision. This was also in the study and is based on VDOT standards. She asked for a vote of approval by the Commission.

Dr. Harre stated that it sounded like Legion Drive will be re-engineered and asked if a waiver for the street was still being requested.

Ms. Yahn stated yes.

Mr. Kip asked if a divider was being proposed.

Ms. Yahn stated no, that what is being proposed is to ease the grade of the entrance and provide parking pavers and median strip on the low road which is more of an esthetic feature but it will not change their utilization.

Mr. Kip stated there had been earlier discussion about raising the level of both the horse show entrance and the Legion entrance below the street level.

Ms. Yahn stated that was correct and indicated that was Mr. Tucker's major comment relating to the grade of the front entrance. She indicated the proposal will level off the entrance and give it more of a landing and larger area.

Ms. Charlotte Sedam stated her son just spoke and asked why 120 beds were being considered. She asked why not 90 beds. She suggested simplifying the project by making it two stories instead of three, cut the number of parking spaces and cut the number of clattering trucks that would be going in and out of there. She asked that it be simplified so she could keep her neighborhood the way it is and did not want to see a three story building. She stated she would not be able to afford to live there and would have to remain in her home. She asked if the Commission had looked at the FEMA flood map which shows this property as being in the flood area.

The Public Hearing was closed 8:28 p.m.

Mr. Nevill stated that page 5 of the staff analysis shows 5,700 gallons per day use estimated for the by-right 19 units and is the maximum capacity in the study referenced by Mr. Tucker. Subtracting the by-right (5,700 gallons per day) usage from the estimated 10,874 gallons per day gives 5,174 gallons per day increase, which is a substantial increase on an existing stressed system with no specific plan for remediation. That increase would be equivalent to an increase of 17.25 homes above the by-right, so we are talking about possibly approving something that would increase the capacity demand above and beyond what is envisioned in the Comprehensive Plan and what was projected in the inventory, which has to do with fairness and allocation of limited resources to all property owners within the town.

Mr. Nevill indicated that the Comprehensive Plan identified this property as low density residential and a potential site for a park. Something else the Commission is about to do is look at the Comprehensive Plan and Council has dedicated resources to look at that in a comprehensive manner and we have just had a report from a consultant that addresses and highlights limitations for water and sewer capacity. We have two things pending, allocation of limited resources and a vision as to how we want to grow as a town and determining if the right zoning is in the right places and the growth and evolution of the town since it was last viewed. It appears the Commission is in a position to combine things together in a strategic manner that has to do with issues that the Commission is often asked to make exceptions such as a request like this. As far as community need, he recommended

that a non-profit be considered and he expressed appreciation for the work of the Legion. He indicated the Warrenton Volunteer Fire Department is a public service that taxpayers contribute to through their taxes. The fact that the Warrenton Volunteer Fire Company became more financially solvent due to their real estate transaction is a benefit for everyone in town. The American Legion does provide a great community service but the Volunteer Fire Department at Moffett Manor is a different situation because it is an essential service that all taxpayers have to support.

Mr. Nevill added that in addressing community needs are things that compel the Commission to look beyond what is envisioned in the Comprehensive Plan and makes us deviate from that plan because the identified needs appear to be vulnerable risks and deficient of services for the lower income population. In looking at an earlier assessment, 46%, or 30 to 35 residents of the area are served by Suffield Meadows at a rate above the lower income community need. If we had the same percentage (46%) applied to the proposed 120 bed facility, it would only give approximately 55 beds that would address the community needs at a relatively expensive rate and not address the most acute community needs. The Commission needs to look at the costs and benefits because it seems we are not getting as much of the identified community needs. To be true guardians of the Comprehensive Plan and true to the vision that was adopted by Council, they need to be custodians of the limited public utilities.

Mr. Hamby asked the consultant what would happen if the American Legion and Fauquier Health did not make a deal.

Mr. Carson stated there are other companies available but they have only talked to Fauquier Health and there is every expectation that an agreement will be reached. Ownership of the property is the American Legion and the Developer.

Ms. Schaeffer indicated she and Mr. Nevill took a tour of the site together and she had given this a lot of consideration and thought. She indicated sewer and water are important resources that can be balanced but there are several other community things that need to be provided and one of those is the ability to have an age in place facility. The market study does not say that there are waiting lists and that it is difficult to get in and while she understands the low income factor, she stated that Fauquier County is one of the wealthiest in the Commonwealth of Virginia which makes it difficult to provide support for affordable housing programs because of that factor. In order for that to come about it will have to be made available through a public/private partnership which is what was done with the Fire

Department but it is a community need, outside of providing sewer and water, because there is a need to provide a place for our residents. She indicated she had studied this proposal extensively over the past week, and is sensitive to citizens' concerns as it relates to property value and things of that nature and also Mr. Nevill's concerns of the Comprehensive Plan. In the past when developing Suffield Meadows, it was thought it was best for residents to be located outside of Town in a more rural setting away from everything. What we have found is that is a bigger burden in terms of services and commuting and things of that nature. We have found we need to provide a place for residents where they are used to their community, sounds, getting to places and have easy access to amenities. She stated the Comprehensive Plan has not been updated in 14 years and has not been looked at closely for quite some time as our residents age in place. She urged the Commission to look at this as a good location because of its close proximity to the hospital and fire department and having easier access to these services. This does not outweigh other concerns such as transportation and storm water management but from her perspective, there are several things that should be considered based on citizen concerns with height and to architecturally make it look more like a residential home and put in additional trees. She felt the topography was very favorable for the additional height but if there was something that could be done to offset the additional visual impact and make it look more residentially compatible it should be considered. However the current zoning of the townhomes could perhaps be at the same height and she expressed a desire for the consultant to find a way to mitigate the visual impact concerns.

Ms. Schaeffer indicated noise was another concern she had which was addressed at the last public hearing as it related to the Horse Show Grounds. One of the main concerns that the Association for Assisted Living advocates for is how to deal with noise. The Association states that silence can sometimes be a problem but loud obtrusive noises that are not regular are also a problem. As we move forward we need to make sure the noise issue is addressed adequately.

Ms. Schaeffer stated that overall she felt this was a good location for the community based on the proximity to the hospital and the fire department. If we are able to offset some of those mitigations and are able to move forward with good storm water management and transportation improvements she felt this would be a service to the community despite the other factors that may be detrimental.

Mr. Kip stated he had no issues with Mr. Carson's statement about community issues because there is a community aging issue. He stated he agreed with Ms.

Schaeffer but his only one concern he had was he did not want the restrictions to have an impact on a possible good decision. He stressed this was a wonderful opportunity for the Legion and for the community residents to be able to stay in town. The report on the aging of the county was interesting and he supports Ms. Schaeffer's comments and feels that the positives outweigh the negatives and we should move on.

Ms. Helander stated there are some negatives but a tremendous amount of positives and it is unfortunate but not everyone will be happy. She indicated she would support the project if there could be more discussions on issues such as trash dumpsters, deliveries, and employee parking. She noted that if these facilities are placed in an area where it is not an issue for the residents, then this will become a win for everyone. This is a wonderful opportunity for the American Legion and she thanked them for coming to the Commission with this proposal because it will be good for the town residents, however she stated the preference is 55 and better as opposed to 55 and older.

Mr. Zarabi stated that a project like this will bring a lot of good benefits to the community in terms of the skilled work force that will be providing services to this community in terms of nursing and administrators, as well as providing increased employment opportunity. It will also provide better health care opportunities and will improve the quality of life for all of the community. The only area of concern he expressed is staying within the confines that the public utilities call for. In the past, the Commission has not been judicious about one project over another and there have been precedents set allowing numerous SUPs and rezoning applications that increase the demand for these precious public utilities without adequate plans on the Commission's behalf for the town and community on how to mitigate it. He stated he was in absolute support of the Legion to continue their wonderful mission in the community. Fauquier Health has established itself for wonderful health care. In terms of beds and reducing that capacity to be more in line with the sewer treatment at 106% build out is an issue and as guardians of these precious resources, he suggested another delay so the numbers can be reworked. There is no question there is a need for this type of facility but he felt there is a need to look at the resources and stay true to the community and making certain services are available to all.

Mr. Lubowsky stated that there appeared to be an inclination to support the project and he was not discouraging that but everyone has talked about mitigation. Ms. Helander had a list, Ms. Schaeffer expressed her concerns and certain issues and Mr. Nevill has raised needs to be addressed. The Horse Show people still have

concerns. As result, he recommended that the Commission serve as the planners and not send this proposal to the Town Council until more work is done and it is ready. Members of the Town Council are not planners and look to the Commission to be the planners. If the Commission thinks it is ready, he asked that they please provide explanation as to why they think it is ready. The analysis done by the Commission is different than that of the Town Council and the concerns expressed by the Commission are less political. He stated he was not trying to discourage the Commission but only wanted the Commission to send it to the Council when it is ready to go.

Dr. Harre stated that he agreed with everyone and that there are both pros and cons with this proposal and if we plan to go forward with it will have to be either denied because the sewer capacity being requested cannot be met or submit it to Town Council who ultimately will be the one that will have to answer the problem as to how soon the sewer problem can be resolved and whether it can be approved now based on what will happen in the near future. He added that unfortunately we do not have that information. Dr. Harre suggested tabling the proposal for another 30 days because there were too many questions to be answered.

Whit Robinson, Town Attorney, stated he wanted to make sure there was sufficient time to allow for another 30 days. At last month's meeting it was the applicant who agreed to waiver for 30 days. After discussion with Ms. Sitterle it was determined there was 60 days remaining.

Ms. Schaeffer stated there were issues that will not be resolved by the Commission in the next 30 to 60 days such as lack of sewer and water. Transportation issues are something the Commission will not be able to resolve. The current intersection will be improved but the traffic generation numbers by-right versus the proposed the streets will never be fully lined up and have the needed right-of-way because there was no plan for it. The concerns the Commission has are going back to how the Town Council will feel about these things moving forward. The Commission has gone on record requesting the Council support for a planning consultant who can look closer at the Comprehensive Plan and more adequately make recommendations for approval or denial. She stated that at this point she is not sure what the Commission can resolve in the next 30 days and asked if there were certain items he wanted the Commission to address that have not already been addressed.

Mr. Zarabi stated his frustration is he wanted to do good for the community and agreed there were issues that cannot be resolved but he did not know what the

process was for accepting applications. It is frustrating to have planners, engineers and consultants. If the scale of the project is mutual in terms of its impact on public utility resources and transportation the Commission has to make tough decisions.

Mr. Lubowsky stated he understood that the bigger issues could not be resolved in the next 30 to 60 days but the smaller issues, such as the height, appearance, consolidation of infrastructure were items that have been discussed. He urged the Commission not to send it to the Town Council expecting that body to consider how to consolidate infrastructure, location of the loading docks, and other items.

Ms. Schaeffer stated that those issues were all site plan related and could be a condition of the plan.

Mr. Kip asked if this facility was reduced to 90 beds, would all of these discussions be going on.

Ms. Schaeffer indicated this came as a result of the town not requiring a fiscal impact analysis as a way to understand if the project is feasible at certain levels. She stated she did not understand how the consultant came to that number but she did not think Suffield Meadows was a good comparison because it is assisted living, independent living and age restricted and was a different component.

Mr. Nevill stated lowering it to 90 beds would be a 25% reduction.

Ms. Schaeffer stated that Mr. Tucker stated the current facility has 2.5 million gallons and she asked where the town was.

Dr. Harre stated town is at 87% and State mandates that 95% is maximum.

Mr. Tucker stated that the study looked at all potential build out commitments in and out of town from 2020 to 2030 with build out at 2% growth then the capacity is exceeded. In the next five to six years, at the current growth, the town will hit the trigger for DEQ. The last two years have been extremely wet and one of the recommendations of the study is in the next three to four years the Town initiate a program to abate 200,000 to 300,000 gallons a day which would add additional capacity. He stated that was an objective and not an exact science but that the plant is at 80% today and doing very well. Depending on 2% growth the total build out will not occur until 2030.

Ms. Schaeffer asked Mr. Tucker if the proposed usage of 5,000 gallons a day is a

concern to him.

Mr. Tucker stated that every gallon is a concern unless it can be abated, however in the short term it is not a show stopper but he is concerned with other projects coming down the road and portions of land to be rezoned.

Ms. Schaeffer asked Mr. Tucker if there was any abatement at this point the Commission could condition.

Mr. Tucker stated he is working with the consultant to determine the cost to expand a gallon at the treatment plant if it is doable and the generic cost to abate a gallon of I&I.

Mr. Nevill stated that for the record the current waste water treatment plant cannot expand.

Mr. Tucker stated the real limiting factor on the waste water treatment plant is the pounds of nutrients that go into the stream which is a fixed number with DEQ. To increase the plant capacity would mean no additional pounds can be dumped into the stream.

Mr. Nevill indicated for this project the capacity increase being considered for the waste water treatment plan is mitigation, intrusion and infiltration. He asked if there was an estimate on how much capacity lost due to I&I.

Mr. Tucker stated the study came up with the worst case being a million gallons a day in extreme wet weather.

Mr. Nevill asked if that was storm water.

Mr. Tucker indicated it was ground water.

Mr. Nevill stated this was being treated in the waste water treatment plant.

Mr. Tucker stated only during the worst case not every day.

Dr. Harre asked if there were any other recommendations or comments from the Commission members.

Ms. Schaeffer suggested looking at the conditions and having a discussion to see if

there was anything that had not been addressed and would benefit with having more time.

Dr. Harre stated that the only way to meet the sewer capacity is to have a reduction in the size of the facility and he did not know if that is something the applicant would want the additional time to discuss with Ms. Sitterle.

Mr. Nevill stated that a reduction to 90 beds would still exceed the estimated by-right home capacity by 2,554 gallons per day and would be a significant change.

Dr. Harre stated that the Commission can not approve something that exceeds what is zoned for the land.

Mr. Nevill stated that was why he asked about transfer of development rights or transfer of capacity rights because every gallon matters and it is also about other land and property owner's rights and he did not want make decisions now that will decrease the Commission ability to work with future applicants. The Commission starts taking away options for others when we start making exceptions when we are so close to these limitation factors.

Mr. Nevill noted that Mr. Tucker's June 16, 2015 memorandum to Ms. Sitterle stated that at this point the town did not have a firm grasp of the mitigation actions required to address the additional demand via inflow and infiltration reduction or increased plant capacity costs. This leads to the staff recommendation of "evaluation of the anticipated sewer usage is needed per the Town's most recent Water Sewer Capacity Study. Potential impacts to the Taylor Middle School pump station and the collection system will need evaluation and impact fees assessed."

Ms. Schaeffer stated that impact fees are not allowed by the State of Virginia.

Mr. Nevill asked how the town mitigates.

Ms. Schaeffer stated that when reviewing the CIP she brought to the attention of the Commission that something needed to be put in the CIP that will counter in turn as mitigation and now we are up against a wall.

Mr. Nevill stated if there is no method to connect to alternatives or suggestions and no way to specify on the balance sheet how we will balance that overage then the capability will not be available in the next 30 days. Mr. Nevill stated the Commission is at a position of virtual moratorium.

Ms. Schaeffer stated there are a series of services the town is required to provide one of these is sewer and water and one is the ability for the residents to age in place. She stated she did not think the Commission should become too focused and understood it is a big deal. However, in looking at single family homes versus this as a comparison she stated she felt she was providing a far better public service to the residents with an aging in place option over 23 single family homes. She stated she was trying to weigh the pros and cons of all the community benefits and completely understands the sewer and water issues as being a problem and believes it will continue to be a problem. She indicated that it sets a precedent as the Commission moves forward and wondered how would the Town allow and handle developments above sewer capacity. It is a difficult decision. She stated she was fine with tabling it for another 30 days if there is something that can be addressed with the applicant. But indicated she did not believe the Commission would ever get to a point where the project would be at the level of residential homes and countered eliminating the residential homes because of impact to the schools and that traffic impact has been reduced.

Mr. Lubowsky asked Ms. Sitterle if this were to go forward to the Town Council does the American Legion have residual development right.

Ms. Schaeffer stated yes.

Mr. Lubowsky asked if those rights could be extinguished.

Ms. Shaeffer stated that is not in the ordinance and as result it cannot be done. Also the SUP boundary is not covering the American Legion property and as a result, they do not have legal authority to regulate it because it is subdivided.

Mr. Lubowsky stated others have written the rules on the box top and the Commission is trying to play the game and be intelligent about it but when faced with a situation where the rules do not permit the Commission to do the marginal helpful things, it may need to be considered that no is the answer. He stated he agreed with everything that had been said, but if the Commission is boxed into a corner and there are questions as to whether to punish ourselves in the corner or get out of the corner and that is the decision for the Commission.

Ms. Schaeffer stated she disagreed and believed it was a Town Council decision. The situation the Commission is in is that members are to evaluate it on the factors, ordinances, laws, regulations, zoning and impacts but the associated situation as to

whether we kick the money in to improve our system or other alternatives is really issues that have to be made by Town Council. If we deny every application based on sewer and water the Commission may as well stop here. If it is not by-right it will not be approved.

Mr. Lubowsky stated that mitigation and limitations are within the purview of the Commission.

Ms. Schaeffer stated the Commission had looked at those issues and as a result the consultant has included low flow fixtures, which is a reduction of 10%, and they have agreed to offsite laundry services. If there is something else that needs to be considered that the applicant can do within the next 30 days she is in favor of that discussion. However, she again stressed that the Commission has addressed mitigation with the applicant and they have agreed to the items mentioned.

Ms. Yahn asked if the proposal was tabled for another 30 days and they met with Mr. Tucker and are able to come up a quasi scenario of implementing types of offset resolution is that something that would work as a way to get this resolved.

Ms. Schaeffer stated this was a SUP and not a rezoning and associated conditions to offset impacts is something that could be addressed with Mr. Tucker and staff within the next 30 days.

Mr. Lubowsky stated the applicant is saying an additional 30 days was okay.

Ms. Yahn stressed she did not have the answers and was not certain that offset resolutions and implementing change will be possible.

Mr. Zarabi stated he holds no one more responsible than this Commission and thinks Mr. Tucker had provided the information and five or ten earlier applications and the Commission had requested these types of mitigation efforts and the Commission would possibly be at a different point but unfortunately the burden is on this application to try and reduce the impact as much as possible and he was encouraged to hear her offer of looking into this further. Knowing the predicament the town resources are in, there is a risk of denial by the appointed body and that every measure is taken and there are no guarantees for approval but every measure is looked at in detail as a way to reduce the impact as much as possible. At that point then the Commission can say everything has been exhausted, but if there are still issues that may possible to be worked out then the right decision is to give the applicant and Mr. Tucker time to explore those opportunities.

Ms. Yahn asked if the proposal was tabled for another 30 days would there be another public hearing.

Dr. Harre stated the public hearing is closed.

Mr. Tucker stated it was not realistic to work with a developer and within 30 days find 30,000 gallons of I&I. He stressed he did not want to set a precedent for future applicants, but if a project is worthy of everything except water and sewer and cost can be quantified and applied to what is over and above what is allocated in the study is the more likely way to go. He indicated that would take a little bit of time working with the consultant in the next 30 to 60 days. He suggested perhaps the Commission approve this and require as a contingent this be addressed at the Town Council level.

Mr. Nevill stated he was confused and asked Mr. Tucker if this was something he could do in the next 30 to 60 day time period.

Mr. Tucker stated that an industry study and an evaluation of the plant would be needed.

Ms. Schaeffer stated she thought Mr. Tucker was comfortable with the condition that is written which addresses abatement.

Mr. Tucker stated he is more concerned about an application that goes forward that has increased demand and how it is addressed systematically based on a gallon per gallon basis and establishing a cost. This is something the Town Council has to initiate.

Dr. Harre asked Ms. Yahn if 120 beds were necessary and could it be reduced.

Ms. Yahn stated there is a demand for this number of units in terms of assisted living but also for dementia care and the proposal is attempting to address needs for the next 10 to 15 years. She indicated more units were needed than the villas and the intent of the proposal was to have one solution for the Town at one location instead of various locations.

Mr. Carson indicated that there was no magic with the 120 number but there is a demand.

Motion

Mr. Nevil made a motion to deny SUP 15-01 because the Town does not have mitigation actions and until we have a method to mitigate that is tied to the study and projected studies; it is irresponsible for the Commission to grant any additional stresses to the system.

Ms. Yahn asked if the standard was the study that identifies 28 single family dwellings or was it the by-right scenario, which identifies 19 single family homes.

Mr. Nevill stated that is to be determined.

Ms. Yahn stated she was still unclear as to what the standard was.

Mr. Nevill stated it was the capacity demand that exceeds the by-right use.

Mr. Zarabi seconded the motion.

Vote for the motion was 3 in favor and 4 opposed. The motion was not carried.

Mr. Kip made a motion to approve SUP 15-01 with the staff recommendations as identified as item number 5 and 7.

Item 5 – Evaluation of the anticipated sewer usage is needed per the Town’s most recent Water Sewer Capacity Study. Potential impacts to the Taylor Middle School pump station and the collection system will need evaluation and impact fees assessed.

Item 7 – A site development plan is to be submitted for review and approval by the Director of Public Works and Utilities and the Planning Director.

Mr. Hamby seconded the motion.

Vote for the motion was 5 in favor (Harre, Helander, Kip, Schaeffer, Hamby) and 2 opposed (Nevill, Zarabi). The motion passed.

Dr. Harre stated the SUP 15-01 will go forward to the Town Council with the staff report for their approval.

WORKSESSION

Orchard Ridge Multi-Family Development – Presentation of a multipart application including a Rezoning, Comprehensive Plan Amendment and Special Use Permit to name a few for a proposed multi-family development on a portion of the property at 615 Falmouth Street.

Mr. Merle Fallon stated that one of the things he had hoped to have for the presentation were some questions from referral agencies and from some of the Commission members that could be addressed and discussed in detail. He indicated he had spoken to Ms. Sitterle and not all of the information had been received by her and she was unable to get it to him. As result, he indicated he would be requesting another work session before the public hearing so those questions could be addressed.

He indicated this was a rezoning of industrial land to multi family. For planning purposes, the industrial land is planned to require 700 gallons of water per day per acre and for 17 acres that yields approximately 12,000 gallons by-right capacity. However, the truth of the matter is that it depends on the use of the industrial land. If a cleaning plant were put in, which is allowed by-right in the industrial zone; it may be 3,000 to 4,000 gallons per acre being consumed which is a number for planning purposes but may not be the real number for the land. Mr. Fallon stated the apartments will have water sense fixtures and will be built in a green manner that conserves water use. It is estimated that approximately 90 to 92 gallons of water will be consumed per unit per day which equates to 25,000 gallons per day which is about double of what the by-right uses are.

So the question comes, as to what the applicant has done to deal with that situation. He stated that the draft proffer statement includes \$100,000 for pump station expansion for the town to either increase storage capacity by having an over flow tank or use the money for I&I for this area. Mr. Tucker has stated he did not know what the cost would be to abate a gallon of I&I. Mr. Fallon stated he could get that figure for Mr. Tucker.

Mr. Fallon stated when he was working on another project outside of town, he was seeking sewer from the town and spent \$300,000 on an I&I study for the town of Warrenton and identified over 90,000 gallons of I&I that could be abated with that study. Mr. Fallon stated that he has been informed by Mr. Tucker that most of that has been abated. Mr. Fallon stated his study was copy righted and told the town

they could not use it unless they gave them a sewer which the town refused to do. The study has been given to Mr. Hendrix for him to review with Mr. Tucker and there may still be some I&I that can be abated. Preparations have been made to abate the 12,000 gallons in the plan.

Mr. Fallon indicated that at the last work session there were questions regarding the number of school children that will likely be in this project. According to the NAHB study on multifamily housing state by state as to what the average number of school children in multifamily apartments and the figure for Virginia is 32 students living in this proposed 288 apartment complex. Mr. Fallon noted this is not a heavy child area and stated he had spoken to Mr. Granger, Center District Supervisor about this and he did not feel this was a major impact on the school system. In fact the school system has a projected declining enrollment but the problem is that the schools in town are full and schools further out are only half full. In the future, re-districting and re-zoning will occur regardless if this project happens or not.

Mr. Fallon introduced his engineer and indicated that any questions the Commission may have regarding traffic and storm water could be addressed by him.

Mr. Fallon stated that the town's storm water is not hooked up to the town's sanitary sewer system and what is coming in is storm water. Approximately 1.3 million gallons of water is produced per day and only 1.2 million gallons of water is being treated per day. On average about 1.5 million gallons is being treated and of that amount, 200,000 gallons is I&I. The way this happens is the treatment plant drops low during dry periods and then the I&I jumps up and when averaged, the 200,000 gallons is above what is being produced. In the month of May 2006, a heavy rain occurred and Mr. Fallon reflected on a graph of how much was treated at the sewer treatment plant which reflected 5.5 million gallons in one day, which is I&I. Mr. Fallon stated that could be abated and fixed. Mr. Fallon stated Mr. Tucker was correct in stating that there will be no more sewer capacity than the 2.5 million gallons that currently exists and is the limit. The Environmental Protection Agency has told all the States that no more discharge plants will be approved into the USA waters but Mr. Fallon stated he felt this could be addressed in the confines of the town in respect to the sewer.

Mr. Fallon stated that water is not as limited as sewer is and indicated wells could be drilled. Currently the town is permitted to treat three million (3,000,000) gallons of water per day but only 1.3 million gallons per day is being treated and as a

result, the town has a lot of legal capacity to treat. The 3,000,000 gallons of water per day that is licensed to be treated can be increased. As result, Mr. Fallon urged the Commission members not get so concerned about availability of water and sewer. Mr. Fallon stated the town has approximately 250 acres of industrial zoned land and approximately 150 acres is vacant because there is no demand for industrial zoned land and to presume that the build out will occur in 2023 is a long shot.

Mr. Tucker stated there have been two or three over flows at the pump station and a manhole over flow several times but that has been corrected and the town has not violated any clause.

Ms. Helander stated she understood that Mr. Fallon had met with neighboring communities.

Mr. Fallon stated they did meet with neighbors and that Mr. Wojcik assisted in getting notices out to the residents living on Old Meetze Road. Contact was made to the management company for the development that is there and an open meeting was held that everyone was invited to attend. He stated attendance was low but pertinent information was raised, which will be addressed in their proffers.

Mr. Fallon stated one of the concerns expressed related to traffic on Falmouth Street. Based on a traffic study that has been done approximately 28 additional vehicles will be added on Falmouth Street at the peak AM hour, which is about one vehicle every two minutes and 29 additional vehicles at the peak PM hour. The total for the AM is 181 vehicles and total for PM hour is 182 which equates to a 20% traffic increase and is about three vehicles per minute and as result will not have a major debilitating impact on Falmouth Street. Also it will depend on the extension of the spine road on Walker Drive when it is constructed a lot of the traffic will come in that direction.

Ms. Helander asked how many units were at the Highland Common complex.

Mr. Fallon stated 92 units. He indicated Highland Common was looked at in terms of their rental rate and parking spaces and that information is in the packet provided to the Commission members.

Mr. Nevill asked if Industrial Road was private or public.

Mr. Fallon stated it was public.

Mr. Nevill asked if there would be any way to connect through that road.

Mr. Fallon identified there were buildings on it and no way to provide a connection.

He stated that when Wal-Mart was developed a condition was imposed that required them to do two things. (1) Provide \$120,000 for a traffic signal at the Shirley Avenue location and (2) \$60,000 was designated for street improvements in the immediate area. Mr. Fallon stated it was his understanding that the town has not used any of that money. If the town goes to VDOT with our traffic study that states this signal is warranted right now, the \$180,000 can be turned into \$360,000 the traffic signal will cost approximately \$300,000. Mr. Fallon stated his position is this is paid for and available. He stated he did not have the money to pay for that signal and did not plan to include it as a proffer. Mr. Fallon stated that if the town does not use the \$60,000 within the next two years it goes back to Wal-Mart.

Mr. Nevill asked what the mechanism will be for home owners that do not have water and sewer and would they be extended water and sewer if they wanted it?

Mr. Fallon stated it would be put into their proffers if the town gives them the right-of-way and permission. The water line is at the intersection near a hydrant and that will have to be relocated on the other side of the road. That cannot be done unless easements are granted or the town allows for the road to be torn up and put it in the road. Mr. Fallon stated that he believed those houses were higher and the sewer line could come from that direction through their property and down. Mr. Fallon stated that it did not need to be done for this property, but if the Town would give them credit towards the sewer taps that are going to be purchased anyway that work will be done when doing the work for their property. Mr. Fallon noted this is a Capital Improvement Project (CIP) identified in the document four to five years out. Mr. Fallon stated he is willing to work with the neighbors for both water and sewer.

Ms. Schaeffer asked about intersection rating and for clarification on the traffic study.

Mr. Fallon's engineer directed the Commission to page 19 of the study which provided a summary of where they are today and in 2017 which is the projected build out of the project and where we will be in 2023, six years past the completion of the project. He indicated the summary identified the queuing time and delays

and levels of service for each intersection. He directed them to page 17, which identified existing conditions with today's figures which were determined by counting.

Ms. Schaeffer stated that none of the intersections identified in the study were failing.

The engineer stated that was correct. He stated that the study shows the Wal-Mart intersection was graded a D because of the need for the traffic signal. The following three intersections, East Lee and Falmouth Streets, Falmouth & Old Meetz Road, and Falmouth and outer sites areas are in the A/B range. Page 34 of the study is the total build out of the site and includes additional background traffic and includes Warrenton Crossing.

Ms. Schaeffer asked what was included in the background traffic.

The engineer stated a scoping meeting was held with VDOT and the town and a one percent growth rate compounded yearly for three years and continued to compound the next six years after build out, plus it also included current approved developments Warrenton Crossing (135 units) and Madison Townhouses located across the street.

It was noted by the engineer that on pages 34 and 35 the study shows that in 2017 level of services going from C to B.

Mr. Fallon stated the grading does not imply that F is failing and D is poor, the grades related to stacking time, delay time, how much time is spent at an intersection waiting for traffic.

Mr. Nevill asked if there was a comparable D and F intersection currently exists in town.

The engineer stated he could not identify specific intersection because he was not that familiar with them but indicated that a D relates to a 25 second delay and F is greater than a 50 second delay.

Mr. Nevill stated he thought Walker Drive and East Lee Street intersections are a D.

Ms. Schaeffer stated that she thought some of the concern is the stacking as it

relates to the Greenway because it is a heavily used pedestrian walkway.

Mr. Nevill asked for clarification of page 9 of the Market Study, section 2, roman numeral IX, (9) relating to the mix and projections of the 60% AMI target for rental rates and the number of units that are considered as affordable housing.

Mr. Fallon stated this Market study was done in conformance with Virginia Housing Department Authority guidelines (VADH) which refers to phase one as 160 units but the plan is not to phase this project but to build as the units fill up.

Mr. Nevill stated that the study reflects that phase one will include 80 units which are at or below 60% AMI and asked if that was for the entire project.

Mr. Fallon answered no that it would be fifty to fifty.

Mr. Nevill stated that fifty percent across the board for one, two or three bedrooms and the rest will be 120.

Mr. Fallon stated that Orchard Development owns the management company that will operate the property and those management policies could be put in as suggested conditions for affordable housing. This is a special permit for affordable housing and the Commission gets to impose the conditions he does not make the proffer. But he will suggest conditions that will work for them on how this will be managed which assures that the units stay the way they should and also follow the town ordinances which has certain notifications requirements such as notifying town planning office, and other local people to try and fill it up with local residents before it is advertised. We verify income, conduct background checks, eligibility and references.

Mr. Nevill asked if there would be any aesthetic differences.

Mr. Fallon stated no.

Mr. Nevill asked if the fifty to fifty mix of units would be monitored through the tax credit that is offered through the State agency.

Mr. Fallon stated yes though an audit done each year.

Mr. Nevill stated both the town and county Comprehensive Plans recognize demographics and real estate values here in Fauquier County do not necessarily

favor our workforce for housing options. The affordable housing goals in the Comprehensive Plan are tied to both residents and employers. He wondered if there was any way that can be tied to show that not only workforce housing is being provided for employees of Prince William County.

Ms. Schaeffer stated it is an objective of the Comprehensive Plan but the only way to achieve it is through special programs set up by the local government, which has been done in Prince William and Fairfax counties but not Fauquier County and anything above advertising locally would be a violation of Fair Housing laws.

Mr. Nevill stated he understood but was suggesting that if Mr. Fallon has come up with a particular formula and it has been successful in operating other units in Virginia to consider it for this.

Mr. Fallon stated they would attempt to locate the person with Department of Social Services that may be able to assist them with this; however, they frequently are not willing to share information.

Mr. Fallon asked about the next scheduled work session.

Dr. Harre stated the next work session will address Poet's Walk and it would be held on Tuesday, June 23, 2015.

Mr. Zarabi, Ms. Schaeffer and Mr. Hamby stated they would not be available to attend the July 21, 2015 meeting. Mr. Nevill stated he had military training that week and he was not certain if he would be able to attend the meeting. Dr. Harre stated if it was not possible to have a quorum the meeting may have to be postponed and Mr. Fallon would be informed.

Planning Commission Comments

Mr. Nevill stated that on June 24th from 1 pm to 4 pm the Regional Commission meeting will be held. No one was available to attend. Mr. Nevill stated he would send regrets.

Dr. Harre express appreciation to Ms. Sitterle for providing meeting information in PDF format and asked if there was a cutoff date for applicants to make submissions.

Ms. Sitterle stated that Town policy is to make it work and that is what she has

been doing for the past eight years.

Ms. Helander stated that it was unfair to staff to be expected to deliver packages at 7:30 PM in the evening because of late submissions and something should be done because it is not fair to the Commission members or to staff.

Mr. Zarabi stated he wanted to personally apologize to Ms. Sitterle for any misunderstandings during deliberations and that his intent was to try make it clear to the community that we take the work we do seriously and it is never intended make her feel uncomfortable and thanked her for the time and effort she puts into her work.

Dr. Harre seconded Mr. Zarabi's statement and said there is a lot more coming forward recently which is putting a burden on both the staff and the Commission. With the amount of information that is being submitted more time is needed for the members to process it and we need to tell applicants that their submissions must be in by a certain deadline.

Ms. Helander asked how to address the submission issue and is that something that could be implemented. Applications for the Architectural Review Board have to be submitted by a certain time and could not the same process be used for the submissions to the Planning Commission.

Ms. Sitterle stated that in this situation the applicant met with her on Thursday and they were asked to provide the supporting information as soon as possible and it was received late Friday afternoon.

The meeting was adjourned at 10:35 PM.

Minutes submitted by Dee Highnote