



MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
May 17, 2016 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission (PC) convened on Tuesday, May 17, 2016 at 7:00 PM in the Municipal Building.

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

A Quorum was present. Dr. Harre welcomed Mr. Whitson Robinson, Town Attorney who he invited to sit with the PC members at this and future meetings. Dr. Harre mentioned when he first started with the PC the Town Attorney would sit with them, but that over the years. Given the complexity of some cases, Mr. Robinson will provide legal input to ensure our recommendations to Town Council are sound.

Dr. Harre congratulated Mr. Brett Hamby on his election to Town Council for Ward 3, which will begin on July 1, 2016 and thanked him for his service to the PC. Dr. Harre asked if the Town was advertising the vacancy. Mr. Brannon Godfrey, Town Manager, was in attendance to confirm advertising of the vacancy.

Approval of Minutes

Dr. Harre asked if anyone had changes for the February 16, 2016 and March 15, 2016 minutes.

Mr. Ali Zarabi made motion to approve February 16, 2016 minutes as submitted. Mr. John Kip seconded the motion. All were in favor and the motion passed unanimously (7-0).

Mr. John Kip made a motion to approve March 15, 2016 minutes as submitted. Ms. Susan Helander seconded the motion. All were in favor and the motion passed unanimously (7-0).

Public Hearing

- **Commission Permit #01-2016: Dog Park.** – Discussion of an application to locate a Dog Park, to be operated by the Town of Warrenton, at the end of the Fifth Street Parking lot (GPIN 6984-42-3052-000) per Article 11-3.8 of the Zoning Ordinance. The dog park would be approximately .36 acre in size and would consist of fencing and gates, a water fountain, benches, and signage. Improvements for drainage are anticipated on the adjacent property owned by the Town (GPIN 6984-42-2290-000). The Future Conceptual Land Use Map in the Comprehensive Plan indicates that the property is

identified for public/semi-public (PSP) non-intensive use, which is suitable for park use. The applicant and property owner is the Town of Warrenton.

Ms. Margaret Rice, Director of Parks & Recreation, said she was here on behalf of the Recreation Committee to ask the PC to issue a 2232-Permit for a Dog Park to be located on a piece of property owned by the town and sited at the end of the Fifth Street Parking Lot. We are specifically asking for the approval of PC on the general or approximate location of the Dog Park and character of the use. The property is currently zoned PSP non-intensive and use is consistent with the Comprehensive Plan. Using the Recreation Committee's *Potential Dog Park Locations* presentation, Ms. Rice conveyed the property characteristics, both pro and con, for the Fifth Street Lot.

PC members asked questions concerning leashing, verification of dog licenses, maintenance, staffing, and incident handling at the Dog Park. Ms. Rice replied dog owners must adhere to Town Ordinances regarding controlling of dogs so basically have dogs on-leash when entering and exiting the off-leash area. Dog owners have the responsibility of ensuring dog vaccines are up-to-date and county license tags on collars, which P&R staff will be spot-checking. Anticipate a daily maintenance run for trash pickup with checking along fence-line for holes and annual maintenance of seeding or sod, and fence and sign repair as necessary. Ms. Rice plans to have existing P&R staff conduct daily maintenance, noting this location is without P&R staffing. County Animal Control would respond to any animal-incidents as they do with other parks and Town Police for any incidents involving people.

Ms. Schaeffer asked Mr. Robinson to re-convey to the PC the condition of a Commission Permit that is different from a Special Use Permit (SUP) in regard to PC considerations to evaluate this permit versus considerations for a SUP. Ms. Schaeffer wants everyone to understand the different parameters in evaluating this permit as various PC members have concerns. Mr. Robinson said communication between staff and property owners either adjacent or in close proximity about this Public Hearing went above and beyond. Ms. Rice confirmed the PC is reviewing for approval of the general character, use and location of the Dog Park rather than a specific site plan with details such as fence height, location of benches, etc. Ms. Schaeffer went on to state that because this is the result of a private agreement between the Town Council and a developer that the PC was not originally privy to, this permit is just asking PC for permission to take public space and use it for different public space without getting into details.

Mr. Nevill read the Recreation Goals from the current Comprehensive Plan, which this project meets. The CIP for this year had Academy Hill as the location for a Dog Park and this is a new location. Mr. Nevill asked if the dog park was the result of a needs survey. Ms. Rice stated the dog park began as a discussion in the Recreation Committee about three years ago without any customer surveys. While there were not any surveys, they did go through every piece of public land that might be suitable and unless someone donates land, this is our best option. Mr. Nevill questioned how this became part of the developer's proffer. Mr. Robinson explained the county had a requirement for the developer to provide a certain amount of recreation funding and with the developer wanting Town water they became aware of the Town's desire for a dog park. Mr. Robinson said the developer would also provide funding toward dog park maintenance of \$5,000 a year for five years. The Town Council did not realize there would be so much scrutiny nor did they intend to exclude the PC, which is why the PC is reviewing for a permit.

Dr. Harre opened the Public Hearing at 7:28 PM and asked if there was anyone who wished to comment on the Dog Park.

Mayor Duggan spoke in favor of the Dog Park. He thinks this is a good recreational use of the property that is next to the Greenway Trail and will help draw people to the town. He mentioned how the Wart Hog Brewery will be dog friendly much like Old Bust Head. Also provides people who bring their dogs to work the opportunity to have a place to walk their dogs.

Ms. Betsy Aiani works in town and brings her Golden-Doodle to work. She frequently visits the Vint Hill Dog Park often, but would welcome having a dog park in town since she sees so many dogs at Town events. Also thinks it would allow people to bring their dog with them to spend a day visiting the town and local businesses.

Mr. Larry Proctor agrees a dog park would be a welcome addition as he daily walks his dogs and is looking forward to using the dog park. He can also see the benefit of a dog park in the town along with Mobile Food Vendors, which is another agenda item.

Dr. Harre closed the Public Hearing at 7:33 PM and asked if there were any comments from PC members. Mr. Nevill confirmed with Ms. Rice that the hours would be dusk to dawn without any lighting. Ms. Schaeffer stated she agrees with the location of the dog park and can see the economic benefit of drawing people into Town as has happened at Vint Hill. While she supports approving the permit, she encourages the Town Council to look carefully at the details and hold good town meetings with the adjacent property owners as they move forward.

Mr. John Kip made a motion to approve Planning Commission Permit 01-2016 for Dog Park. Mr. Brett Hamby seconded the motion. All were in favor and the motion passed unanimously (7-0).

- **Town Code Amendment – Condition of Premises.** – This is an amendment to add language to Town Code Article III: Condition of Premises, §8-63: Notice to Cut Weeds. The applicant is the Town of Warrenton.

Ms. Sarah Sitterle explained how calls from residents complaining of overgrown grass/weeds are currently handled by sending a notice to property owner(s) with a 5-10 day response deadline. A second notice takes an additional 30 days, while still receiving calls from residents wanting to know why the town has not taken action. This amendment would broaden the notice from “any vacant property in town” to “any occupied or vacant developed or undeveloped property in the town, including such property upon which buildings or other improvements are located.” The amendment also expands the uses declared as a nuisance by adding “or malodorous” and “and other substances which might endanger the health, safety or welfare of other residents of the town, all of which is hereby declared a nuisance.” The owner shall be notified in writing to cut the grass, weeds and other foreign growth on such property within a reasonable time, specified in the notice. If the owner refuses to comply with the notice, the town manager may authorize the removal of such grass, weeds and other foreign growth from the property by the agents or employees of the town and the cost and expenses thereof shall be chargeable to and paid by the owner of such property. This amendment adds a time frame for repeat notices, allowing the town to: “For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice.” Approval of this amendment would basically cut the town’s response time by half by allowing the town to remove nuisances throughout the growing season with one notice for the first occurrence.

Dr. Harre opened the Public Hearing at 7:48 PM and asked if there was anyone who wished to comment on this Town Code Amendment.

Mr. Jim Daugherty, Boundary Lane resident, claims responsibility for starting this amendment to include occupied properties. He lived here 25 years ago with the historical district ending at his property line, but since moving back cannot believe the condition of properties in the historic district. As a retired Fireman, he is concerned about the potential fire hazard these overgrown properties present.

Ms. Sunny Reynolds, High Street resident, told the PC how she is familiar with the properties Mr. Daugherty spoke of and drove down Boundary Lane where she saw the property resembling a jungle with huge vines and dead trees. She believes this issue should be taken care of within the Town of Warrenton.

Councilman Jerry Wood (Ward 1) spoke about areas in Ward 1 that can be taken care of with this ordinance. He went on to state how he has been working with the attorney for over a year on this ordinance.

Dr. Harre closed the Public Hearing at 7:54 PM and asked PC members if they had any comments. Ms. Helander thinks there is a big difference between grass over 6 inches versus vines and trees. Mr. Robinson explained how time was spent determining the best way to define weeds or other growth to avoid going into court and arguing whether something was a weed or not. Ms. Helander and Mr. Robinson were in agreement with adding “welfare” to the statement of “...endangers the health or safety of other residents of the town.” Dr. Harre and Ms. Schaeffer made the suggestion of striking-out “vacant” and just stating “property” throughout the text for consistency.

Ms. Helander made a motion that the Planning Commission recommends approval of the proposed amendments to Town Code §8-63 to the Town Council with the following revisions:

- Use of “property” instead of “vacant property” or other property definitions;
- Addition of “welfare” in statement “...growth, and other substances which might endanger the health, safety or welfare of other residents of the town, all of which is hereby declared a nuisance, and...”

Mr. John Kip seconded the motion. All were in favor and the motion passed unanimously (7-0).

Dr. Harre said the next two agenda items requesting Town Code and Zoning Amendments for Mobile Food Vendors would be presented and discussed together.

- **Town Code Amendment – Mobile Food Vendors** – Discussion of proposed amendments to §9-69 (d) - Itinerant Merchants regulation that would allow mobile food vendors to locate on specified properties within the Public Semi-Public (PSP), Commercial (C) and the Central Business District (CBD) zoning districts per the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.
- **ZTA 16-01 – Mobile Food Vendors.** – Discussion of proposed amendments to the Public Semi-Public, Commercial and Central Business Districts in Articles 3-4.9.2 (PSP), 3-4.10.2 (C) and 3-4.11.2 (CBD) of the Zoning Ordinance to add mobile food vendor as a use with the condition that the site must meet the requirements of the Mobile Food Vendor Policy and Procedures document through the Town Manager’s office. The applicant is the Town of Warrenton.

Ms. Heather Stinson, Economic Development Manager, explains how Warrenton's Town Code and Zoning Ordinance currently allows mobile food vendors to operate on private property for a limited time period only. In addition, these businesses cannot obtain a business license or remit meals tax without a zoning permit. The long-term impact of allowing food trucks is reported by national research to be positive with benefits of increased sales, customers, diversity, entrepreneurship opportunities, and tax revenue. After reviewing mobile food vendor programs from several localities, the staff's goal is to create an uncomplicated program with low administrative costs and the ability to adapt as Warrenton's experience with mobile food vendors grows. The following amendments are necessary to allow mobile food vendors:

- Amend the Town Code §9-69 (d) - Itinerant Merchants to define Mobile Food Vendors;
- Amend Articles 3-4.9.2 (PSP), 3-4.10.2 (C) and 3-4.11.2 (CBD) of the Zoning Ordinance to allow mobile food vendors as allowable uses in the commercial districts, subject to the policy and procedures of a Mobile Food Vendor Program; and
- Create a Mobile Food Vendor Program, including Policy and Procedures document that is administered and may be amended by the Town Manager.

PC members asked various questions concerning operation on public versus private property, hours of operation, length of time in one location, seating and trash, overnight parking, areas other than WARF such as Parks with parking lots, certification by Health Department, and type of vehicles operating under the proposed program. Mr. Robinson explained how the WARF was a location with a clear need because of large number of people and no other food options. Flexibility to shift and adjust areas for operation would be left to the Town Manager. Furthermore, this policy would not cover participation in Special Events that already has a permit process with limitations of four events per calendar year. Several PC members expressed concerns so

Dr. Harre opened the Public Hearing at 8:46 PM and asked if there was anyone who wished to speak on the proposed amendments for Mobile Food Vendors.

Mr. Tony Tedeschi, business owner, spoke in favor of allowing Food Trucks. His business is located off Walker Drive and there are other businesses such as Greystone with 100+ employees who would benefit from Food Truck Vendors instead of driving 5.8 miles to the nearest restaurant. He had to pay for Hidden Jules as a catering company to visit his business because they are not allowed to operate otherwise. His employees loved the food, convenience, and would gladly welcome a weekly visit that would also eliminate traffic in the town. He would love to have other Food Truck Vendors visit his business weekly. Ms. Schaeffer thinks Mr. Tedeschi has a greater need than the WARF. Mr. Tedeschi responded that he and Mr. Zarabi spent many years at WARF athletic fields wishing there were food options other than a boiled hotdog or sending someone into town to purchase food.

Mr. Adam Lynch, co-owner of Hidden Jules Café and "The Rambler" Food Truck, provides service to many businesses in Northern Virginia who enjoy their food and the convenience of them coming to their location. Tysons Corner uses a lottery system to determine which three mobile food vendors will be allowed on a daily business. He has no interest in sitting in a parking lot to compete with nearby restaurants. Ms. Schaeffer asked if he had any places in town he would like to operate. He responded that Rady Park would be good in addition to the WARF. Dr. Harre suggests holding a separate meeting with mobile food vendors, Mr. Robinson, and the Town Manager to work out the details.

Ms. Rebecca Snyder, co-owner with Robert “Bo” Bryce of Sobo Mobile, provided background of how she established her organic free-range farm to supply all of the chicken, turkey and pork sold from Sobo Mobile. She built a commissary kitchen above her barn where she prepares food daily and invites visitors to her farm. The truck is equipped with a double-bay fryer that prevents her from moving her truck every hour – would need 2-4 hours in one spot. Sobo Mobile has followers who bring business to Old Bust Head and local wineries. Told how they recently served 90 people in 30 minutes at Greystone. They enjoy working as a team with fellow mobile food vendors instead of competing with each other.

Ms. Ingrid Meadows, co-owner of Black Fig Pizza Company, a mobile wood-fired pizza caterer. She explained how they use pizza oven that requires 1 hour set-up and to heat to 750° to cook pizzas by fire.

Dr. Harre closed the Public Hearing at 9:20 PM and asked PC members if they had any comments or wanted to wait for Work Session.

Ms. Helander made motion to delay ZTA 16-01 and Town Code Amendment – Mobile Food Vendors - for 30 days with recommended Work Session to revolve various issues. Ms. Schaeffer seconded motion. All were in favor and the motion passed unanimously (7-0).

- **ZTA 16-02 – Central Business District (CBD)** – Discussion of proposed amendments to add to Articles 3-4.11.2 and 3-4.11.3 of the Zoning Ordinance to add hotels, bed and breakfast, inns and tourist homes to as allowable uses in the Central Business District (CBD). The applicant is the Town of Warrenton.

Ms. Stinson said there is a need to offer would-be visitors with overnight accommodations within the CBD. Request consideration of amending Articles 3-4.11.2 and 3-4.11.3 of the Zoning Ordinance to add hotels, bed and breakfast, inns and tourist homes to as allowable uses in the CBD. As Ms. Schaeffer suggested, there is nothing precluding someone from listing their home on Air B&B without any taxation or zoning permit requirement. Amending the Zoning Ordinance would allow the Town to capture the tax revenue.

Dr. Harre opened the Public Hearing at 9:45 PM and asked if there was anyone who wished to speak on the proposed amendment to Articles 3-4.11.2 and 3-4.11.3. No one responded so Dr. Harre closed the Public Hearing at 9:45 PM and asked if there was any further discussion.

Ms. Schaeffer made a motion to approve ZTA 16-02. Ms. Helander seconded motion. All were in favor and the motion passed unanimously (7-0).

Ms. Sitterle requested consideration to shift the July meeting since it falls during the week of the planning conference and staff will be attending. The decision was made to move the July 19 meeting to July 26, all were in favor.

The meeting was adjourned at 9:50 PM.

Minutes submitted by Karen Kowalski.

Minutes were approved on June 21, 2016.