



MINUTES
PLANNING COMMISSION
TOWN OF WARRENTON
July 26, 2016 – 7:00 P.M.

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, July 26, 2016 at 7:00 PM in the Municipal Building.

Dr. Harre called the meeting to order at 7:01 PM and a quorum was determined. The following members were present: Dr. John Harre, Chair; Ms. Brandie Schaeffer, Vice-Chair; Mr. Whit Robinson, Town Attorney; Mr. Ali Zarabi; Mr. Lowell Nevill; and Ms. Anna Maas. Ms. Denise Harris, Interim Director of Planning and Community Development represented staff. Mr. John Kip, Ms. Susan Helander, and Mr. Brett Hamby were absent.

Approval of Minutes

Dr. Harre asked if anyone had changes for the June 21, 2016 minutes. Mr. Zarabi made motion to approve June 21, 2016 minutes as submitted. Mr. Nevill seconded the motion. All were in favor and the motion passed unanimously (5-0-2).

Dr. Harre welcomed Ms. Anna Maas as the newest Planning Commission member. Ms. Maas stated she was happy to serve being familiar with working from the staff side. Dr. Harre commented on Mr. Brett Hamby moving from serving as a planning commissioner to serve as Town Council representative.

Public Hearing

- **Special Use Permit 2016-01 – Accessory Dwelling above a By-Right Garage, R-6 District.** The request, per Article 3-4.3.3 of the Zoning Ordinance, is to build an accessory dwelling unit on the second floor of a by-right detached garage at 23 N. Chestnut Street. The parcel is zoned Residential R-6, and the Comprehensive Plan identifies the property as medium density residential on the future land use plan. The owners are Richard D. Wright and Susan G. Wright.

Ms. Harris presented SUP 2016-01. On February 25, 2016, the Architectural Review Board approved a Certificate of Appropriateness (COAP 16-01) for the proposed accessory dwelling unit and garage structure. The conditions of COAP 16-01 were that a building permit and special use permit were acquired, and that the windows reflect a contemporary design (e.g. no simulated divided light).

Dr. Harre asked if there were questions of staff. Mr. Nevill inquired if the accessory dwelling will add to the affordable housing goal of the Comprehensive Plan. Ms. Harris stated the SUP meets the goal of providing a mixture of housing types. Mr. Zarabi commended the ARB on their

due diligence in reviewing this application. Mr. Nevill appreciated the use of PowerPoint by the staff. Ms. Schaeffer asked if any feedback has been received from adjacent property owners or citizens in the area. Ms. Harris confirmed no feedback has been received, but noted the potential during the Public Hearing tonight.

Dr. Harre opened the Public Hearing at 7:09 PM, inviting the applicant to the podium. Mr. Wright stated he and his wife have been residents of the area for 14 years. In December 2015 they purchased the 23 N. Chestnut Street property with the objective of selling their current residence and moving into one of the two smaller apartments located on the lower level. Mr. Wright said they plan to replace the current siding on the house with white shingles to match those on the garage. They also have landscaping plans to make the property an attractive addition to the neighborhood. Rental of the three apartments will provide a source of income for Mr. and Mrs. Wright while allowing them to manage and care for the property.

Dr. Harre asked if there was anyone wanted to comment on the SUP application. No one responded and the Public Hearing closed at 7:12 PM. Dr. Harre then asked if Planning Commission members had any comments. Mr. Zarabi inquired if there was a requirement to provide a separate meter for accessory dwellings, which Ms. Harris confirmed. Ms. Schaeffer asked if there was anything in the Zoning Ordinance, which determines how many individuals can live in one house. Ms. Harris replied it was eight for boarding or group homes in R-6, which Mr. Robinson confirmed. Ms. Schaeffer wanted verification on what the Zoning Ordinance says concerning density on this one lot within the R-6 district, including how many people could reside on the property. Ms. Harris replied that the property is currently considered a three-family dwelling unit. Ms. Schaeffer wants everyone to be cognizant of the potential to set precedence on an undersized road like Chestnut Street. Ms. Schaeffer pointed out that the house next door was currently on the market.

Mr. Zarabi made a motion to recommend approval of SUP 2016-01 / PLNG 2016-07 to the Town Council with the following conditions.

1. A building permit application is submitted.
2. All accessory structures must maintain conformity with Article 9-1 of the Zoning Ordinance.
3. Lighting fixtures must be full cutoff unless they use lights that are incandescent 160 watts or less, fossil fuel, any light source of 50 watts or less, as per Article 9-8.6.2.8
4. The accessory dwelling unit shall be required to have separate connections for water and sewer as required by Sections 17-68 and 17-69 of the Warrenton Town Code.
5. The development shall be in substantial conformance with the plans submitted on June 13, 2016 and Certificate of Appropriateness 2016-01.

Ms. Schaeffer offered an amendment to the motion for an additional condition:

6. There shall be no waivers from the required setbacks and buffers at the time of site plan review.

Ms. Maas seconded the motion and the motion passed unanimously with a vote of 5-0-2. Dr. Harre noted the approval recommendation was going to the next meeting of the Town Council.

Regular Meeting

- **Town Code Amendment – Mobile Food Vendors** – Discussion of proposed amendments to Section 9-69 of the Itinerant Merchant regulations that would allow Mobile Food Vendors to locate on specified properties within certain areas 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 and Industrial District in Articles 3-4.9.2 (PSP), 3-4.12.2 (I) and Article 12 - Definitions 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. Harris reviewed text amendments to Zoning Ordinance, Town Code, and Policies and Procedures document based on June 21, 2016 PC work session.

Dr. Harre asked if anyone had any questions or comments. Hearing none, Mr. Zarabi made a motion for the Planning Commission to recommend approval to the Town Council the following six (6) items:

- a. Amending the Warrenton Town Code Section 9-69 to add, “*(d) Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit with a current certificate of inspection from the local health department, shall only be permitted in specific areas as provided within the rules and regulations administered by the Town Manager, or his designee. All other ordinances applicable to Mobile Food Vendors remain in effect and shall be enforced by the Town.*”
- b. Amending the Zoning Ordinance Article 3-4.9.2 to add, “Mobile Food Vendors, as permitted per Article 9-24.”
- c. Amending the Zoning Ordinance Article 3-4.12.2 to add, “Mobile Food Vendors, as permitted per Article 9-24.”
- d. Adoption of the Zoning Ordinance Article 9-24 – Mobile Food Vendors.
- e. Amending the Zoning Ordinance Article 12 to add, “*Mobile Food Vendor: Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit.*”
- f. Adoption of the Warrenton Mobile Food Vendor Policies and Procedures.

Mr. Nevill seconded motion. Dr. Harre asked if anyone had comments then called for a vote. The motion passed unanimously with a vote of 5-0-2.

New Business

- **Article 11** – Discussion on process and structure. Town Attorney to give a presentation on new State Code §15.2-2303.4.

On June 29, 2016 Mr. Robinson sent a letter to the Mayor, Town Council, Planning Commission, and Town Staff providing his interpretation for the Town in relation to new legislation that became law on July 1, 2016 regarding Virginia State Code §15.2-2303.4. This new law relates to how proffers are approached with residential rezoning. The law states that jurisdictions cannot suggest, demand or accept unreasonable proffers for applications accepted after July 1, 2016. It

goes on to restrict proffers to impacts specifically attributable to a proposed new residential development. Offsite proffers may only address public facilities (defined as a public transportation facility improvements, public safety facility improvements, public school facilities, or public parks). Mr. Robinson said he was available to answer any questions and urges all elected or appointed officials to only meet with applicants for residential rezonings or mixed use mixed use ones with a residential component, in the Town Hall with Town Staff present. He also requested that he be apprised of such meeting so that he may attend.

Following a short discussion between Mr. Robinson and Mr. Nevill regarding the potential for an issue in relation to available property inventory, Dr. Harre asked if there were any other comments. Ms. Harris recommends staff go back and review Article 11 of the Zoning Ordinance not only for a review of the proffer language, but also for a review in general relating to timing aspects that are included in Article 11. Ms. Schaeffer agrees there has been an ongoing problem and is necessary, but recognized the need to provide applicants with guidance on the process to include timing.

Mr. Robinson stated he would work with Ms. Harris and staff to review Article 11.

- **Planning Commission By-Laws** – Discussion on potentially updating the By-Laws.

Dr. Harre stated that the Planning Commission By-Laws were last updated in December 2013. He would like Planning Commission members to review for updates and to provide clarification on items such as 2-1 to define Planning Commission membership and voting status for Town Council member. Dr. Harre also identified a few other areas and would like input from Planning Commission members, stating this would be brought back to a future meeting instead of dealing with tonight. Mr. Robinson requested a little bit of time to address this update giving the current staffing shortage and multiple hats being worn by Ms. Harris, which Dr. Harre accepted.

Ms. Harris noted the option for Planning Commission members to obtain training and how she was working to get Mr. Mike Chandler to provide training within the local region.

Comments from the Commission

Mr. Zarabi expressed his concern about community discussions on an application for a B&B and Event Facility on Culpeper Street. He and other Planning Commission members have been contacted and approached by members of the community to express their concerns for the proposed project. Ms. Schaeffer stated that she does not think it is appropriate to discuss an application that has not yet been brought to the Planning Commission. She agrees with the concern and thinks the Planning Director needs to be made aware of these communications. Ms. Harris confirmed receipt of the application package for a rezoning and SUP, but noted the package has not yet been accepted. Only once the application has been formally accepted will it go through the formal review. Mr. Zarabi expressed his confidence in the Interim Director in reviewing the application package. He and Ms. Schaeffer agree on the need to communicate with applicants on process timing to avoid misunderstandings.

Mr. Nevill made the Commissioner aware of his upcoming Military deployment/mobilization and requests that his position on the Planning Commission not be filled during his absence. Mr. Robinson stated he is aware of this and is reviewing the issue.

Comments from the Staff

In response to previous discussions on the Wort Hog Brewery and whether or not it would be a restaurant, Mr. Robinson said he and Ms. Sunny Reynolds, Vice Mayor, recently met with its representatives. He said it was a good meeting where the brewery representatives confirmed their plan to operate as a restaurant. Staff expects to bring the proposed text amendment for Brewery Operations to an upcoming Planning Commission work session.

Ms. Harris noted the upcoming Old Town Visioning Workshop to be held at First Baptist Church, Family Life Center, 39 Alexandria Pike on Tuesday, August 2, 2016 from 7:00 – 9:00 PM. Ms. Kathy LaPlante, Senior Officer for the National Main Street Center at the National Trust for Historic Preservation will be the facilitator. All business owners and property owners, civic and church organizations and citizens are invited to participate in discussions on Old Town's future. For those who cannot attend the meeting, a survey will be posted on Virtual Town Hall.

The meeting was adjourned at 8:07 PM.

Minutes submitted by Karen Kowalski.

Minutes were approved on August 23, 2016.