



## TOWN OF WARRENTON

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### MINUTES PLANNING COMMISSION TOWN OF WARRENTON November 18, 2014 7:00 PM

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, November 18, 2014 at 7:00 PM in the Municipal Building.

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

#### **Approval of Minutes**

Minutes of the September 16, 2014 and October 21, 2014 meetings were approved unanimously.

#### **Public Hearing**

**A. Special Use Permit 08-01 – 169 Keith Street – Amendment.** Application to allow the Boys and Girls Club of Fauquier to amend the Special Use Permit for 169 Keith Street (GPIN 6984-22-7616). The request is to allow the Boys and Girls Club of Fauquier to change hours of operation to accommodate Warrenton Youth Sports Club programs including soccer, basketball and volleyball. Proposed Saturday hours are 9:00 AM to 9:00 PM and proposed Sunday hours are 9:00 AM to 6:00 PM. A 2012 amendment for a change in hours of operation has expired and the applicant is seeking to continue the sports club programs use and hours of operation. The applicant is also requesting to use the facility as a place of worship and for other clubs to hold meetings. The property owner is Boys & Girls Club of Fauquier.

Ms. Sitterle addressed the Commission and informed them that this was a revisitation of Special Use Permit 08-01 for the Boys & Girls Club located at 169 Keith Street and about a year ago there was an application submitted to amend the hours of operation to include Saturday hours from 9:00 AM to 9:00 PM and Sunday hours from 9:00 AM to 6:00 PM. As part of this amendment there were four conditions included that were tied to one year time period. The reason this is coming back to the Commission and Council is because it had expired and a full review was necessary due to the Ordinance. Council had approved the amendment with four conditions. (1) Approval was for one year subject to noise ordinance provisions and lack of complaints. (2) Off-site parking was prohibited with the exception of off-site parking on public

property. (3) No tournaments are allowed and (4) No Sunday hours allowed from May 1 to September 1.

Ms. Sitterle noted that the applicant was coming forward with a request to include the place of worship use on Sunday and the hours that were in place would be for all year long and not limited as before. This request would be amending all of the conditions.

Staff mentioned that this request was previously approved for the hours of operation and also included the use of the facility by the Warrenton Youth Sports Club. No complaints have been received regarding off-site parking or noise from the surrounding properties. The use of the building is not restricted to the Boys & Girls Club or Warrenton Youth Sports Club but does indicate that the hours of operation are to be compatible to the residential character of the surrounding neighborhood. Any additional groups the applicant would like to have use of the facility would occur after the children have left for the day. Use of the facility for place of worship on Sunday does not conflict with other uses of the facility. The applicant is not requesting any modifications to the hours of operation on Sundays but is requesting that the May to September restriction be removed to allow year round use.

Ms. Sitterle stated that the Statement of Justification submitted in 2012 indicated that the number of adults and children using the facility would not exceed 50 people, and the current justification does not indicate a change in occupancy is anticipated.

Ms. Sitterle mentioned that the proposed use of the building by other groups would have to be compatible with schedules of activities by the Boys & Girls Club primarily and the Warrenton Youth Sports Club. Use of the facility on Sunday as a place of worship would be the only activity taking place that day.

Staff mentioned that the onsite parking has been adequate to accommodate the various uses of the building and there have been no complaints about visitors parking on adjacent property.

It was staff's recommendation that the Planning Commission approve the applicant's request for a Special Use Permit with the following conditions:

1. Off-site parking is prohibited with the exception of off-site parking on public property.
2. No tournaments are allowed
3. Use of the facility on Sunday is limited for the place of worship.

Ms. Scullin asked if there had been any complaints relating to noise.

Ms. Sitterle stated staff had not received any complaints about noise or any complaints for that matter.

Mr. Nevill indicated he did not find in the applicant's letter any notation about Sunday worship activities and asked where the language was indicating activities for Sunday would only be for worship. Mr. Nevill stated he thought that was more restrictive than the application and that the facility is going to be open from 9 to 6 and they should be able to do what they want.

Ms. Schaeffer asked if a Special Use Permit was required for a place of worship.

Ms. Sitterle stated that a Special Use Permit was required.

Mr. Kip stated that when the facility was first opened as an athletic club it was done so by a Special Use Permit and the uses were restricted in the building to athletic uses. When the Boys & Girls Club acquired the building they were aware that the facility was operating under a Special Use Permit.

Ms. Scullin indicated that the sunset clause was limited to one year and before it expired they wanted to amend the original one to include Sunday use.

Mr. Nevill stated that there have been no complaints relating to Saturday uses and asked if there were any issues with mirroring Saturday on Sunday. He felt this was an artificial restriction for Sundays and saw no need for it.

The public hearing was opened at 7:10 PM.

Gail Mulliken, 116 Mosby Circle indicated she had very few complaints and generally the complaints related to activities outside of the building such as a car alarm going off and a sale that started at 7 AM on a Saturday, but there have been no incidents caused by the Boys & Girls Club.

Mr. Bill Chipman spoke on behalf of the Boys & Girls Club and indicated that in August 2008 a SUP was issued to the Boys & Girls Club. In January 2013 that was amended to include Saturday hours of 9 AM to 9 PM and Sunday from 9 AM to 6 PM May to September. This was amended in order to include the use of the facility by the Warrenton Youth Club on Saturdays and this was for one year. What was being requested to add to the January 2013 SUP was that the organization be allowed to rent the building to a church for worship to take place on Sundays. Mr. Chipman also stated that the Boys & Girls Club has been contacted by the Boy Scouts and other groups to rent the building as well. This request was to allow Sunday worship to occur year round with no restrictions and time limits. Mr. Chipman stated they are sensitive to the neighborhood and that when the Boys & Girls Club is operating there are always people there to supervise the kids. If the Planning Commission recommends to the Council to approve the application, Mr. Chipman stated that the Boys & Girls Club will have people in place to monitor the other groups that were renting the facility.

Mr. Nevill stated he recommended approval with the following conditions:

1. Off-site parking is prohibited with the exception of off-site parking on public property.
2. No tournaments are allowed
3. Use of the facility as a place of worship may also be used.

Mr. Chipman stated having the facility available on Sundays for other groups would be good because the Boys & Girls Club have already been contacted by a group asking to rent the facility on Sundays from 1 PM to 6 PM He stated they did not want to limit Sunday uses for worship only and he hoped the Commission would approve the amended condition. He stated there would

not be a parking issue.

Anita Tortorella, 114 Mosby Circle, commented that it was stated earlier that the Boys & Girls Club did not want to come back every two years and she asked if three years could be considered because things were going well at the Club. She was okay having Sunday worship year round as long as it was the same church group that is currently using the facility questioned.

Ms. Gail Mullikin, 116 Mosby Circle stated the Boys & Girls Club has been quiet and very good neighbors and they support them. She expressed concerns over Sunday hours during the summer period because it has been nice not having activities there for the last two summers because her deck backs up very close to the Boys & Girls Club. She thought that outside activities in the summer would be a distraction and would like to have no Sunday hours if possible but if not would like to request to restrict the hours but she realizes that does not work for Sunday worship activities. She expressed desire to have the building remain as the Boys & Girls Club and not have all different types of activities there. Ms. Mullikin also indicated that a tree buffer that had been promised has not been provided which was a part of the original approval.

Ms. Sitterle asked if the tree buffer was required of Boys & Girls Club or Health Club.

Ms. Mullikin indicated that it was required for Boys & Girls Club as part of the approval.

Ms. Sitterle stated she would look into the buffer situation.

Ms. Scullin asked Ms. Mullikin if she lived there when the Health Club was there.

Ms. Mullikin stated yes.

Ms. Scullin stated that all activities are to occur inside the facility.

Mr. Chipman stated that when the facility was being used by the Old Town Athletic Club they had Sunday hours and what is being requested is for church use by the Church of Warrenton which has about 15 members and all activities will stay inside and that activity would not be possible if it was limited to certain months. Sunday uses would be for worship as well as other uses but they were requesting that the restrictions of May to September not be required. The Boys & Girls Club wants to be a good neighbor and keep communication lines open.

Mr. John Kip made motion to approve Special Use Permit #08-01 with the following conditions:

1. Operating hours on Saturday are to be 9 AM to 9 PM and Sunday 9 AM to 6 PM
2. No restriction of May to September
3. Sunset Clause for 2 years to evaluate use as place of worship

Further discussion was held among Commission members and a second motion was made To approve Special Use Permit #08-0 with the following conditions:

1. Off-site parking is prohibited with the exception of off-site parking on public property.
2. No tournaments are allowed

3. A review will be made at the end of 24 months.

This motion was seconded by Ms. Helander and all voted in favor. None opposed.

Ms. Sitterle outlined the following Town Code, Subdivision Ordinance and Zoning Ordinance Amendments:

1. Town Code Amendment to Chapter 17 Water and Sewers, Article IV – Sewers to add Division 6 – Illicit Discharge regulations.

2. SOTA 14-01 Subdivision Ordinance Text Amendment. An amendment to Article 3-9 of the Subdivision Ordinance per an amendment to Section 15.2-2260 of the Virginia Code that removes the mandatory review by the Planning Commission of preliminary plat for fifty (50) or fewer lots.

3. ZOTA 1-03 Zoning ordinance Text Amendment. An amendment to Article 12 – Definitions per amendment to Section 15.2-2291 of the Virginia Code that changes the definition of Group Home to reflect that group homes shall be supervised by resident or nonresident staff persons.

4. ZOTA 14-04 Zoning Ordinance Text Amendment. An amendment to Article 2-19.2 that changes the requirement for side setbacks for fences on corner lots to be met within the front setback area.

5. ZOTA 14-05 Zoning Ordinance Text Amendment. An amendment to Article 3-4.2.4 Lot and Yard Regulations in the R-10 District that removes the maximum front setback requirement.

6. ZOTA 14-06. Zoning Ordinance Text Amendment. An amendment to Article 3-4.3.4 Lot and Yard Regulations in the R-6 District that removes the maximum front setback requirement.

7. ZOTA 14-07. Zoning Ordinance Text Amendment. An amendment to Article 11-3.11.1 Variances Authorized that removes the approaching confiscation language per a 2009 amendment to Section 15.2-2309 of the Virginia Code.

The Public Hearing was opened at 8:15 PM.

The Public Hearing was closed 8:15 PM.

Ms. Helander made a motion to approve all amendments (Letters B – H on agenda). Dr. Harre seconded the motion and all voted in favor. None opposed.

### **Worksession**

Discussion was held about the joint work session with the Fauquier County Planning Commission and all thought the session was very beneficial.

Mr. Ali Zarabi stated he saw an assembly of elected officials and multiple residents meeting on North Court across from Winchester Street and asked Ms. Sitterle if she knew the reason for the

gathering.

Ms. Sitterle stated it was a site visit for the proposed turn lane for the Winchester Chase subdivision and some neighbors showed up.

Mr. Zarabi suggested a site visit be arranged so colleagues could see what the turn lane will look like.

The meeting was adjourned at 8:20 PM

Minutes Submitted by Dee Highnote

