



## TOWN OF WARRENTON

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**MINUTES  
PLANNING COMMISSION  
TOWN OF WARRENTON  
September 16, 2014  
7:00 PM**

The regular meeting of the Town of Warrenton Planning Commission convened on Tuesday, September 16, 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 and Ms. Sarah Sitterle, Director of Planning and Community Development. Ms. Susan Helander and Mr. Ali Zarabi were absent.

### **Approval of Minutes**

Mr. John Kip made motion to approve minutes of the August 19, 2014 meeting and Dr. Harre seconded the motion. The minutes were approved unanimously.

### **Public Hearing**

**A. Special Use Permit 14-03. 188 Main Street – Dwelling units, Two-family.** The request is per Article 304.3.3 of the Zoning Ordinance to allow use of the site for the above mentioned use, which is permissible with a Special Use Permit in the Residential R-6 district. Located on the corner of Main and Clay streets, the subject property (GPIN 6984-52-3770) is 0.4558 acres and contains the circa 1830 William H. Jennings house, a single-family dwelling, and a slave quarter, both of which contribute to the Warrenton Historic District. The Architectural Review Commission has approved Certificate of Appropriateness 14-29 for an addition connecting the dwelling and outbuilding. The Comprehensive Plan identifies the property as Medium Density Residential, which includes single-family detached residential dwellings at densities up to five dwellings per net acre. The applicants and owners are Jennette and Robert Simpson.

Ms. Sitterle addressed the Commission and informed them that this was a request for a Special Use Permit per Article 3-4.3.3 of the Zoning Ordinance to allow for a two family dwelling unit. She indicated the subject property was a corner lot located at 188 Main Street that is almost a half acre in size and contains a single family dwelling of approximately 2,900 square feet, with a substructure of 450 square feet and a garage of 280 feet. The property is located in the historic district and contains the circa 1830 William H. Jennings house. The applicant received approval from the Architectural Review Board for an addition that will create a separate dwelling off the

back of the original house. The second floor of the addition will be a part of the original house. The first floor will be attached to the outbuilding and have a separate entrance facing Clay Street. The purpose for the request was to accommodate living space for disabled family member and for a separate dwelling unit for a full-time caretaker. One of the reasons the owner did not pursue an accessory dwelling unit SUP was that the addition connects the accessory structure and the main structure and there would be no separate accessory unit capability to the building.

Staff noted that the Comprehensive Plan indicates the future conceptual land use is Medium Density Residential, which includes single family detached residential dwellings at densities up to five dwellings per acre. The proposed number of dwellings on the lot allowed with a Special Use Permit is consistent with the density of housing suggested in the Comprehensive Plan. The property is on a corner lot and the proposal includes an addition behind the main structure. There are existing landscaping and fencing behind the outbuildings as well as the back part of the lot on Clay Street. Mature landscaping and trees are located throughout and will not be affected and will provide ample screening for the addition and dwelling unit.

Staff further noted that the proposal is not anticipated to generate additional noise than what is typical for residential. The proposal is compatible to R-6 Residential District. The separate dwelling unit is planned to be a rental unit indefinitely to allow for assistance with the cost of care for family member. There is adequate accessibility to the property from both Clay and Main Streets. Parking is currently available on Main and Clay Streets. The second dwelling will have one bedroom and would minimize the impact of parking. Off street parking may be added off of Clay Street on the back of the lot at a later time.

Staff has reviewed the application in relation to the criteria and found this to be permissible through the Special Use Permit process in the Residential R-6 District and lends itself to be more appropriate than for an accessory dwelling unit. The proposed use is compatible with the historic district and residential area bordering the CBD. It will not have negative effect on the surrounding residences. The proposed use will not have a negative effect on traffic. Additional lighting will be minimal and landscaping will be improved. Staff recommends approval with the following condition.

1. A building permit application is submitted.

Dr. Harre stated the application states housing would be for a single person but the Commission is being asked to approve a two family dwelling and he asked if there was any stipulation that only one person could live there.

Ms. Sitterle stated the dwelling would have one bedroom.

Ms. Scullin stated two people can live in a one bedroom dwelling.

Ms. Scullin asked if there would be two separate families living in one dwelling unit that connect.

Ms. Sitterle stated there would be a single residence that is physically attached to the primary dwelling.

Dr. Harre asked if the current sewer and water tap was sufficient to cover both families.

Ms. Sitterle stated that there would be a separate water and sewer tap for the single dwelling.

Mr. Nevill asked if the tap capacity is the same for the single family dwelling would be the same as for a larger single family dwelling.

Ms. Sitterle stated it differs depending on the size of meter needed.

Ms. Schaeffer asked if the SUP was needed because it was not an accessory building and it is detached.

Ms. Sitterle stated that in this case, a SUP was needed because it is connected to the main structure and it is not a separate dwelling unit in an accessory structure.

Ms. Scullin asked if someone wanted to have an in-law dwelling would a SUP be required.

Ms. Sitterle stated that would depend on whether all five features were present to create a separate and independent dwelling unit:

1. Sanitation
2. Living space
3. Sleeping Area
4. Eating Area
5. Separate Entrances

Mr. Lubowsky asked what the ARB's concerns were.

Ms. Sitterle stated they asked several questions but the Board in general was in favor of the addition and connection because some day it could be removed if desired by another owner.

The Public Hearing was opened at 7:10 p.m.

Ms. Jennette Simpson addressed the Commission and stated they were going through this process in order to care for her brother who has Lou Gehrig's disease. He moved in with her and a caregiver is very important. Ms. Simpson stated they set up the separate dwelling for the caregiver but also as a future in-law suite. The slave quarter building has a lot of water issues and the work that will be done turn it in to a single family dwelling will help save the building from further deterioration. Ms. Simpson stated that presently they would like to use it as a rental.

Mr. Doug Harris, 200 Clay Street stated he and his wife strongly support Ms. Simpson's effort in trying to provide for her brother. He indicated his wife had a brother with polio as a child and was very limited and as result he and his wife are very sensitive to Ms. Simpson's needs for her brother. However, he stated he had concerns over the separate dwelling being designated separately and it being designated as two family dwelling. He expressed concerns over future owners and impact to parking and fear of changing the character of the neighborhood. He reiterated he is very supportive of Jennette providing for her brother but asked if it would be

possible to do so without designating it as two family units.

The Public Hearing was closed at 7:15 p.m.

Ms. Scullin asked Ms. Sitterle to address Mr. Harris's concern.

Ms. Sitterle stated that there were always opportunities to have a non-family member live in a dwelling. There could be up to four unrelated people living in a dwelling before issues potentially would arise with occupancy and the definition of what is considered a family. However, it is not always preferable to have someone live in your home that is not a family member and that is why the applicant is looking at this option. Also, the applicant is looking at this scenario as a way to supplement income in the future.

Ms. Scullin asked if they had not put on the addition could someone actually rent the slave quarters, once it was fixed up, as an accessory building.

Ms. Sitterle stated that to do that the applicant would have to go through the SUP process for an accessory dwelling unit.

Mr. Nevill stated that zoning allows for certain housing density for size of the lot and asked if the plan as presented locked in a build out for that lot.

Ms. Sitterle stated not necessarily because the SUP goes with the land and there may be opportunity to divide the lot provided there is adequate frontage and area for another parcel.

Ms. Scullin stated the applicant could subdivide the back of the lot to Clay Street and still be within zoning regulations.

Mr. Nevill asked if that would limit the size of the back lot subdivision.

Ms. Sitterle stated that would have to be taken into account.

Ms. Scullin stated that there is about 24,000 square feet and it is zoned R-6, with 6,000 square feet in the back and 18,000 square feet in the front.

Mr. Nevill stated he was considering protective qualities because someone down the road could subdivide the lot further. It could be allowed but it would have a more detrimental impact.

Ms. Scullin stated that the SUP does run with the property which means that after it was sold, someone could opt to use the entire structure as one house or rent the smaller accessory dwelling.

Ms. Schaeffer stated that she looks at a SUP application in two ways. Is this a special use to satisfy her current situation that is not addressed in the R-6 zoning; and moving forward, as college students return home, all affected neighbors need to be considered for alternative housing options. She noted that other jurisdictions are planning for areas that are more accessible and walk able.

Mr. Nevill stated that sunset clauses have been evaluated with SUP proposals and this would be consistent with the overall goals the Commission came up with in regards to affordable housing and conformance to the character of the town.

Ms Schaeffer stated that based on research conducted, it was found that this type of housing scenario had the least impact on rental properties and it did not impact property value.

Dr. Harre made motion to approve Special Use Permit 14-03 with the condition that staff has proposed. This motion was seconded by Mr. Kip and all voted in favor. None opposed the motion.

### **Worksession**

#### **A. Draft Comprehensive Plan Update Discussion – Demographics & Housing**

Ms. Sitterle stated that she had made some revisions to the demographics chapter based on last month's discussion and the draft she provided reflected tracked changes. She also indicated that retiree wording was revised and the retail/office space table was removed because it was outdated and stated staff did not have same function in getting updated information as was available in past. She indicated she took the outdated information out but if the Commission members felt it was something that should remain, she would put it back in.

Dr. Harre stated that when going through the Comprehensive Plan links for other jurisdictions, Front Royal outlined how they went through the entire process. He felt the purpose was to get the data that the Commission needed to make decisions as far as the goals that are currently there and come up with an overall goal for each section and then have that go to the Town Council for their review and approval. He noted that the Commission also needed to talk to Fauquier County and make sure the Town and County were consistent with the goals for the Warrenton Service District. Both jurisdictions needed to agree on the big picture.

Ms. Scullin asked if the Commission should look at the current goals and see if they need to be updated.

Ms. Schaeffer stated she agreed with both Dr. Harre and Ms. Scullin but she felt that the timetable was an issue. She felt the Commission needed to complete this task and then go to the Council and County.

Dr. Harre stated that each time the Commission has worked on the Comprehensive Plan it had been delayed. He expressed concern that the Commission was not making progress. He expressed concern over some of the data not being needed. He stated waste water management was a critical issue in terms of what can be allowed and indicated he was glad to see 2008 data included.

Ms. Sitterle stated that there is a 2010 study also available.

Dr. Harre stated that the Commission needed to know how much has been used and how close the Town is to reaching the capacity limits. He added that four year old data was not helpful.

Ms. Sitterle stated that the 2010 study was the most recent that is available to Public Works and she would talk to Bo Tucker.

Dr. Harre stated that waste water management information was needed in terms of planning for housing.

Mr. Yakir Lubowsky asked what was being done to assure integration with Fauquier County planning.

Mr. Nevill stated that joint work sessions had been suggested.

Ms. Scullin stated that the County met during the day and not in the evening.

Ms. Sitterle indicated that the County had invited the Commission to a seminar but it had to be cancelled due to scheduling conflicts.

Ms. Scullin stated that Ken Alm had indicated he would be agreeable to serving as liaison with the County on behalf of the Commission.

Mr. Nevill stated that as the Commission moved forward and the Comprehensive Plan was the guide, they were trying to make informed decisions for recommendation to the Town Council. He noted that the Commission wanted to know what the impacts were, how the overall goals were affected, and the objectives for the Town, and the vision for the future and what was desired collectively for the Town. Infrastructure needs were critical to evaluate the impacts to the threshold for water and sewer capacity. He also wondered how the area outside the Town limits was affected, such as with school enrollment. He indicated that he thought having County perspectives on issues that come before the Commission would be very helpful.

Ms. Scullin stated Commission should not burden the County on all issues, but just those that would have significant impact.

Ms. Schaeffer stated that in accordance with the Dillon Rule, it is the County's job to make the Town aware as the Service District.

Mr. Nevill stated that the service district seems to be the natural approach because a lot of it relates to the service district especially in terms of sediment control, and environmental impacts.

Mr. Yakir Lubowsky suggested a joint session with the County and Town Planning Commissioners to identify the big issues facing the town/county interface and what actions can be taken by both groups. He indicated that the groups should identify friction points and how those points can be smoothed over.

Mr. Nevill stated that goes with what was stated earlier by Dr. Harre. He had indicated that the Town and County needed to synchronize goals and make sure they were worded the same way.

Ms. Scullin stated that Greenville has a green policy but the Town does not have building green policy and it seems that should happen.

Ms. Schaeffer stated that traditionally the Comprehensive Plan should be written by the Planning Commission and the goal was to direct growth for the Town without political influence. She added that because Council members were elected for a term, officials look at things in a four year span, whereas the Commission needed to look at things in terms of 30 years. She suggested that before the governing bodies for the Town and County would be involved with the update process, the Commission should come up with data based on research and facts.

Mr. Nevill stated that the County and Town needed to agree on a unified growth trend and use that data along with the service district and transportation corridors in order to have that tie in. As a result, he noted that decisions and planning would be made on the same set of facts and assumptions.

Ms. Scullin asked Ms. Sitterle if it would be possible for a retreat to be arranged for the Commission members and the Fauquier County Planning Commission.

Ms. Sitterle stated she would start making arrangements.

Ms. Scullin stated that she would also want to invite Ken Alm to the retreat.

Mr. Nevill stated that the documents Ms. Sitterle provided to the Commission did not have the demographics chapter or a table of contents.

Ms. Schaeffer stated that the demographics are part of every Comprehensive Plan but it needs to be a separate section.

Mr. Nevill asked what was needed in the housing chapter that Commission currently does not have.

Ms. Scullin stated that in the service districts growth in Warrenton is encouraged.

Mr. Nevill stated strategic vision is needed in terms of housing and state these were the facts and present those facts to the elected officials.

Mr. Yakir Lubowsky stated that the town had very much grown out the birth of what America has been for 200 years but especially since the last 50 to 60 years after the war. The Town has concentrated on roads, where people park their cars, but perhaps it is time now to think bigger than that. If there was going to be that type of thought process in Warrenton it needs to be at the Commission level. The members are well respected and viewed as hard workers. He noted the need to have a threshold conversation as to what the future of Warrenton is going to look like.

Mr. Nevill stated that he attended the regional Commission meeting last month and one of things being discussed there was youth generation and how to get visions from the youth coming through school, such as what do you like about this area, what will it take to get you to stay here, among other questions. Jobs, quality of life and access to certain services were all things that needed to be considered. There are also facts about over abundance of square footage, overvalued homes and the job rates and if any of that was affordable for the twenty and thirty

year old residents.

Mr. Kip stated that the younger people may not want to live here; therefore the question is Warrenton and Fauquier County going to remain a bedroom enclave. This is something that needs to be addressed by the County because Warrenton does not have the physical space.

Mr. Lubowsky stated that perhaps the Town will need to provide more amenities because more people will perhaps want to live in Town and not have the large homes. Some of the county Commission members are having this same kind of conversation and perhaps now is the time to actively pursue forward.

Mr Nevill asked if there were constraints in the zoning ordinances and were there laws that could be changed.

Ms. Scullin stated that the Commission first needed to identify the goals and then write the Comprehensive Plan and zoning ordinances. She indicated that at one time there was discussion about increasing properties located on Culpeper Street, such as R-15 or something larger so they could not be subdivided in the future. If you change the zoning for a property from R-6 to R-15, then the person who purchased the property when it was zoned R-6 has lost value.

Mr. Nevill stated that retail space was an issue because developers come in and create the shopping center but it is the Town that is left with it that has a long term negative effect on the community. He wondered how the Town encourages people to make choices that do not burden the Town with a long term legacy.

Mr. Nevill indicated that the Commission needed to establish clear goals and come up with ways to implement those goals.

Ms. Scullin suggested that for homework the members look at the Town's comprehensive goals as well as Fauquier goals and explore other goals.

Ms. Schaeffer suggested that perhaps members be assigned certain sections and bring back to the Commission recommendations and take that to the County and identify ordinances that relate to demographics. Ms. Schaeffer indicated that housing was next and facilities would come up following that review. She indicated doing this assignment would not mean others could not look into the issues as well, but it would mean that one individual would be identified as the one that would research in depth and provide a report.

Ms. Scullin asked Ms. Sitterle to send out an e-mail to the members asking for volunteers to sign up for the various sections. She suggested that at the same time perhaps two to three months out, a retreat in November could be discussed with Ken Alm. Ms. Scullin suggested early to mid November as the time period.

Ms. Schaeffer stressed that the Commission needed to make sure facts are included and identify two strong goals to advocate changes that were needed. She added that this document had no legal authority and that if zoning ordinances were not changed after going through this process, then nothing has happened.

Ms. Scullin stated that the Commission needed to look at all the goals and objectives and make sure that all the goals were obtainable. She wondered how the Commission would measure goals to make sure they are obtainable.

Ms. Schaeffer asked if someone wanted to volunteer to take on housing.

Mr. Kip volunteered to review the housing chapter with Ms. Schaeffer.

Dr. Harre and Mr. Lubowsky will be working on the community facilities chapter.

Ms. Scullin and Mr. Nevill will be working on the economic resources chapter.

Ms. Scullin stated that all goals identified have to be measureable and obtainable.

### **Planning Commission Comments**

Ms. Sitterle stated that nothing had been received for an upcoming Public Hearing.

The meeting was adjourned at 8:40 PM.

Minutes transcribed by Dee Highnote