



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ AGENDA ~

Shelley M. Kozlowski, Clerk of Council
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Wednesday, January 3, 2018

7:00 PM

Council Chambers

I. Call to Order

II. Pledge of Allegiance

III. Moment of Silence

IV. Minutes Approval

1. Planning Commission - Regular Meeting - Dec 18, 2017 7:00 PM

V. Citizens' Time

VI. Public Hearings

1. ZTA#2017-001 - 14845, 14851, 14871 Washington Street Rezoning Application
2. Letter from Linda Childress
3. Rezoning
4. ZTA#2017-002 - 14841 Washington Street and 6802 Saint Paul Drive Rezoning Application
5. ZTA#2017-003 - a Dog's Day Out Zoning Text Amendment Application

VII. New Business

1. Rezoning Staff Report: Comparison of Zoning Districts
2. ZTA#2017-001 Rezoning Application
3. ZTA#2017-002 Rezoning Application
4. A Dog's Day Out Informational Report
5. ZTA#2017-003 Zoning Text Amendment Application

VIII. Old Business

1. Planning Commission Liaison Appointment

IX. Town Planner Update

X. Town Council Update

XI. Architectural Review Board Update

XII. Adjournment

XIII. Communications

- A. Citizen Input



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ MINUTES ~

Shelley M. Kozlowski, Clerk of Council
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Monday, December 18, 2017

7:00 PM

Council Chambers

A Regular Meeting of the Planning Commission of the Town of Haymarket, VA, was held this evening in the Board Room, commencing at 7:00 PM.

Chairman Matt Caudle called the meeting to order.

I. Call to Order

Chairman Matt Caudle: Present, Commissioner James Carroll: Present, Commissioner Maureen Carroll: Present, Commissioner Cathy Pasanello: Absent, Commissioner Madhusudan Panthi: Present, Councilman Steve Shannon: Present.

II. Pledge of Allegiance

III. Moment of Silence

Chairman Caudle asked that the victims of the Amtrak derailment be remembered during the moment of silence.

IV. Minutes Approval

1. Planning Commission - Regular Meeting - Nov 1, 2017 7:00 PM

Commissioner M.Carroll asked that the incorrect spelling of the word "carrying" be corrected to "caring".

| | |
|------------------|---|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | Steve Shannon, Councilman |
| SECONDER: | James Carroll, Commissioner |
| AYES: | Caudle, Carroll, Carroll, Panthi, Shannon |
| ABSENT: | Cathy Pasanello |

V. Citizens' Time

No Citizens' comments.

VI. New Business

1. Planning Commission Appointment to the Architectural Review Board

The Planning Commission unanimously decided to table until January 3, 2018 meeting.

VII. Old Business

1. A Dog's Day Out, Previous Meetings Informational Report

After reviewing the Town Planner's Informational Report, Commissioner J. Carroll asked Ms. Lockhart if there was anything that she found prior to the July 2016 date stated on the report. Ms. Lockhart stated that she started her search in July due to the rezoning date but that she would look further back and present her findings before the next Planning Commission meeting. Commissioner J. Carroll asked the applicants, who were present at the meeting, if they recalled the first time they presented at this Commission. Andrea Payne, 6680 Fayette Street, stated that it was probably April 2016.

A brief discussion ensued between the Commission and applicants concerning the number of dogs staying overnight as well as the resident who will be living in the upstairs apartment.

Chairman Caudle concluded by reminding the Commission that the public hearing for A Dog's Day Out will be held at the regular Planning Commission meeting on January 3, 2018.

Minutes Acceptance: Minutes of Dec 18, 2017 7:00 PM (Minutes Approval)

VIII. Town Council Update

Councilman Shannon reported that at the last Town Council regular meeting they discussed the issue with the Haymarket Police Department and Prince William County being on the same computer system. He further stated that the issue was resolved.

IX. Architectural Review Board

Town Planner, Emily Lockhart, stated that the Architectural Review Board had a recent work session to discuss Gateway Signs. She also stated that there were some typical home improvement applications.

Commissioner M. Carroll asked if it would be possible to have Ms. Lockhart be the Architectural Review Board Liaison since they currently do not have one. Ms. Lockhart stated that she would check in the guidelines and get back to them.

X. Town Planner Update

Ms. Lockhart reported that she has received two "1 Mile Review" applications. The first is the Home Depot at the James Madison Market Place on the other side of Walmart. The other is the Woodborn Preserve subdivision off Thoroughfare Road. She further stated that the only concern that she foresees is possible increased traffic on Jefferson Street to Old Carolina. She invited the Commission to review the plans if they were interested.

Councilman Shannon stated that the Park and Ride on the other side of the divergent diamond by Heathcote Blvd. will be completed by the fall.

Commissioner M. Carroll asked Ms. Lockhart if there were any updates concerning the Fairgrounds. Ms. Lockhart stated that staff had met with the developers a few weeks prior and will be meeting with them again on Wednesday, December 20th. She further stated that the developers will be presenting to the Town Council at the next meeting. She concluded by inviting the Commission to the meeting.

Members of the Commission shared concerns with the light pole down in front of the Museum, the pedestrian crosswalk in front of Chick-fil-A, some broken bricks on the sidewalk as well as the lack of a right turning lane heading west on Route 55 before Catharpin Road.

Commissioner M. Carroll asked if the staff could put signs up concerning public hearings for those who do not use the internet. Ms. Lockhart responded that the staff will be putting signs up for the upcoming public hearings this week. She further stated that the public hearings have been posted in the newspaper per our ordinance and that all of the abutting/adjacent property owners were notified via certified mail.

Ms. Lockhart reported that in 2018 the Comprehensive Plan will be updated.

Commissioner Panthi asked if there were any updates concerning the sidewalks after the bridge on Old Carolina Road. Councilman Shannon suggested to Ms. Lockhart that she speak with the County to see if it is feasible for them to fund it.

XI. Adjournment

1. Motion to Adjourn

| | |
|------------------|---|
| RESULT: | ADOPTED [UNANIMOUS] |
| MOVER: | James Carroll, Commissioner |
| SECONDER: | Steve Shannon, Councilman |
| AYES: | Caudle, Carroll, Carroll, Panthi, Shannon |
| ABSENT: | Cathy Pasanello |

Submitted:

Approved:

Shelley Kozlowski, Clerk of the Council

Matt Caudle, Chairman

Minutes Acceptance: Minutes of Dec 18, 2017 7:00 PM (Minutes Approval)



**NOTICE
TOWN OF HAYMARKET PUBLIC HEARINGS
TOWN OF HAYMARKET- TOWN HALL
COUNCIL CHAMBERS, FIRST FLOOR
15000 WASHINGTON STREET, ST. 100**

Wednesday, January 3, 2018 - 7:00 P.M.

Notice is hereby given that the Town of Haymarket Planning Commission will conduct a public hearing on the following items. All interested parties are encouraged to present their views at these hearings.

REZONING APPLICATION

ZTA#2017-001, Zoning Map Amendment

To consider a rezoning application filed for 14845 Washington Street: GPIN 7297-99-6949. 14851 Washington Street: GPIN 7297-99-7346, and 14871 Washington Street: GPIN 7297-99-6053. The proposed rezoning would allow for commercial development under the B-1 Town Center Zoning District, which provides primarily for retail shopping and personal services to be developed either as a unit or in individual parcels oriented to attracting pedestrian shoppers, tourism and local convenience. The existing zoning is Residential-1, which is composed of quiet, low-density single family homes plus certain additional uses such as public facilities that serve the residents of the district. The future land use map in the Town's Comprehensive Plan designates the parcels as Transitional Commercial Land Use. The parcels are approximately 0.7774 acres. Full text of the Town Zoning Code can be found at <http://www.townofhaymarket.org/index.php/government/ordinance>.

This meeting is being held at 15000 Washington Street, St. 100, in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Clerk of Council at the above address or by telephone at 703/753-2600. Persons needing interpreter services for the deaf must notify the Clerk of the Council no later than December 27, 2017.

A copy of the staff report will be available in the Town Hall after 3:00 p.m. on Monday, December 11th, 2017.

For additional information, contact the Town Planner, Emily Lockhart at 703/753-2600 or elockhart@townofhaymarket.org.

Shelley Kozlowski

From: Linda Childress <lchildre@comcast.net>
Sent: Wednesday, January 03, 2018 4:11 PM
To: Shelley Kozlowski
Subject: PC Public Hearing January 3, 2018

I have an appointment and can not attend tonight's meeting I'm sending this to Town Hall to be included. Any comments.

PLEASE PASS TO CHAIR OF THE PC and include in the record.

I, Linda Childress, submit that I DO NOT SUPPORT THE REZONING.

- The impact to the main street (Route 55/Washington Street) traffic impact.
- The lot sizes do not support commercial parking allowance
- The amount of empty commercial space not currently being utilized
- The water issues with it being on wells should be considered
- The direct impact to the residence of Madison Court

The fact that the previous attempt was sent back to the drawing board and the owners were allowed to continue advertising the proper as commercial seems out of the scope. The appearance is that the town is acting for the good of one owner versus the residents of the town. The fact the Mayor's family is directly involved with the real estate company handling the property is in question.

We have an election coming up in the Spring and since this carries such an impact for the town and the residents we the residents should be allowed to vote the issue.

Sincerely

Linda Childress

Attachment: Linda Childress Planning Commission letter 1-3-18 (3475 : Letter from Linda Childress)



**NOTICE
TOWN OF HAYMARKET PUBLIC HEARINGS
TOWN OF HAYMARKET- TOWN HALL
COUNCIL CHAMBERS, FIRST FLOOR
15000 WASHINGTON STREET, ST. 100**

Wednesday, January 3, 2018 - 7:00 P.M.

Notice is hereby given that the Town of Haymarket Planning Commission will conduct a public hearing on the following items. All interested parties are encouraged to present their views at these hearings.

REZONING APPLICATION

ZTA#2017-002, Zoning Map Amendment

To consider a rezoning application filed for 14841 Washington Street: GPIN 7297-99-7943 and 6802 Saint Paul Drive: GPIN 7297-99-7336. The proposed rezoning would allow for commercial development under the B-1 Town Center Zoning District, which provides primarily for retail shopping and personal services to be developed either as a unit or in individual parcels oriented to attracting pedestrian shoppers, tourism and local convenience. The existing zoning is R-1, Residential-1, which is composed of quiet, low-density single family homes plus certain additional uses such as public facilities that serve the residents of the district. The future land use map in the Town's Comprehensive Plan designates the parcels as Transitional Commercial Land Use pursuant to the Town's Comprehensive Land Use Plan and Map. The parcels are approximately 0.5774 acres, the application contains a proffer to maintain the historic structure on the property. This property is located on the corner of Washington Street and Saint Paul Drive. Full text of the Town Zoning Code can be found at <http://www.townofhaymarket.org/index.php/government/ordinance>.

This meeting is being held at 15000 Washington Street, St. 100, in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Clerk of Council at the above address or by telephone at 703/753-2600. Persons needing interpreter services for the deaf must notify the Clerk of the Council no later than December 27, 2017.

A copy of the staff report will be available in the Town Hall after 3:00 p.m. on Monday, December 11th, 2017.

For additional information, contact the Town Planner, Emily Lockhart at 703/753-2600 or elockhart@townofhaymarket.org.



**NOTICE OF PUBLIC HEARING OF THE
PLANNING COMMISSION
TOWN HALL – 15000 WASHINGTON STREET
TOWN OF HAYMARKET**

JANUARY 3, 2018 – 7:00 PM

Notice is hereby given that the Haymarket Town Planning Commission will conduct a Public Hearing on the following item:

Application for zoning text amendments to Chapter 58 of the Town Code ZTA#2017-003

The proposed zoning text amendment will add, as by-right uses in the B-1 zoning district, dog day care center and accessory apartment. The zoning text amendment will also define those uses. Accessory apartments will be limited to the second floor, and allowed only as an ancillary use to business use in the B-1 zoning district. Full text of the current Town Zoning Code can be found at <http://www.townofhaymarket.org/index.php/government/ordinance>.

This meeting is being held at 15000 Washington Street, St. 100, in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility of the facility should contact the Clerk of Council at the above address or by telephone at 703/753-2600. Persons needing interpreter services for the deaf must notify the Clerk of the Council no later than December 27, 2017. The proposed amendments are available for review on the Town's website at www.townofhaymarket.org. The proposed ordinance amendments can also be viewed by contacting the Clerk of the Council at (703) 753-2600, Monday through Friday from 8:00 a.m. to 4:30 p.m.

The Council of the Town of Haymarket, Virginia



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Planning Commission
FROM: Emily Lockhart, Town Planner and Zoning Administrator
DATE: December 28, 2017
SUBJECT: Rezoning Staff Report

Summary:

Acie Watts Jr. is submitting an application to rezone approximately 0.5774 acres from the Residential R-1 zoning district to the Town Center District B-1 zoning district. The parcels are located on the corner of Washington Street and Saint Paul Drive. Across the street 14850 Washington Street and 14860 Washington Street are both zoned Town Center District B-1 zoning district. The applicant and his family recognize the historic value of the structure that currently sits on the property and have submitted a written statement to proffer to the historic home. The applicant intends to sell the property.

The Rafferty's are submitting an application to rezone approximately 0.7774 acres from the Residential R-1 zoning district to the Town Center District B-1 zoning district. The parcels are located along Washington Street, side by side 14845, 14851, and 14871 Washington Street. Across the street 14850 Washington Street and 14860 Washington Street are both zoned Town Center District B-1 zoning district. The applicant intends to sell the properties.

If the parcels were to be rezoned the Town Staff, Planning Commission, Town Council, and Architectural Review Board still has purview over the restrictions and requirements set forth by the Zoning Ordinance to further protect the Town, abutting properties and the general welfare of the Town residents.

Matters to be Considered in Reviewing Proposed Amendments:

- (1) Existing use and character of the area;
- (2) Suitability of the property for various uses;
- (3) Trends of growth or change;
- (4) Current and future requirements of the Town as to land for various purposes as determined by population and economic studies and other studies;
- (5) Transportation requirements of the community and the Town's requirements for parks, playgrounds, recreation areas, other public services, or the conservation of natural resources and preservation of floodplains; and
- (6) Conservation of properties and their values and the encouragement of most appropriate use of land throughout the Town.

Current Zoning is Residential 1:

Sec. 58-7.2 - Use regulations. In residential district R-1, the following uses are permitted **by-right**:

Residential

Accessory apartment

Family health care structure, temporary

Group home

Guest room

Single family detached

Commercial

Business, short-term rental (STRB)

Family day home

Home occupation, Class A

Civic

Religious assembly

Miscellaneous

Amateur radio antenna

Garage, private

Greenhouse

Recreation facility, private

Utility service minor

Sec. 58-7.3 - Special uses.

The following uses may be permitted in the R-1 district with a **special use permit**:

Residential

Cottage

Civic

Civic use

Educational facility, primary/secondary

Recreation facility, public

Commercial

Bed and breakfast

Life care facility

Miscellaneous

Parking facility

Utility service, major

Requested Rezoning:

The applicants are requesting Town Center District, B-1 rezoning. An overview of the Zoning Ordinance can be found below outlining the purpose of the Town Center District, permitted by-right uses, special uses, and regulations for the B-1 district.

The Town Center District, B-1, provides primarily for retail shopping and personal services to be developed either as a unit or in individual parcels oriented to attracting pedestrian shoppers, tourism and local convenience. Recognizing the economic value of the existing historical area, it shall further be the intent of the district to encourage the retention and rehabilitation of structures and uses in the district that have historic and/or architectural significance. The range, size, hours of operation, lighting, signs and other developmental aspects of permitted uses may be limited in order to enhance the general character and historic nature of the district.

Sec. 58-10.2 - Use regulations. The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment

Guest room

Civic

Civic use

Club

Cultural services

Educational facility, primary/secondary

Recreation facility, public

Shelter

Commercial

Bed and breakfast

Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)

Business, short-term rental (STRB)

Business support service

Communications service

Consumer repair service

Day care center

Farmer's market

Financial institution

Hotel

Office, general

Personal improvement services

Personal services

Restaurant, general

Restaurant, mobile

Restaurant, small

Store, general

Store, grocery

Store, liquor

Store, neighborhood convenience

Studio, fine arts

Veterinary hospital/clinic

Miscellaneous

Utility service, minor

Sec. 58-10.3 - Special uses.

The following uses may be permitted in the B-1 district with a **special use permit**:

Residential

Multi-family dwelling

Townhouse

Civic

Educational facility, college/university

Emergency shelter

Public assembly

Recycling center

Refuse collection site

Religious assembly

Commercial

Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)

Business or trade school

Custom manufacturing

Funeral home

Office, medical

Restaurant, fast food

Miscellaneous

Outdoor gathering

Parking facility

Zoning Ordinance Restrictions in the Business 1 District:

If a rezoning were to occur for these parcels any tenant looking to start a new business must obtain a zoning permit, business license and certificate of appropriateness for any exterior modifications. These permits and applications are subject to the requirements outlined in the Zoning and Subdivision Ordinance. See below for a brief summary of requirements in the B-1 District.

Parking: All new uses on the property are subject to the minimum parking requirements which can be found in Sec. 58-6.1 - *Minimum off-street parking and loading* of the Zoning and Subdivision Ordinance

Exterior Modifications: Architectural Review Board must give approval for all exterior modifications to include appropriateness of erection, reconstruction, alteration, restoration or demolition of a building or structure, for more details see Article XIV. – Old and Historic Haymarket District Overlay

General Site Regulations:

Sec. 58-10.4 – *Occupancy regulations*.

The number of unrelated individuals permitted to occupy a single-family residential dwelling unit is

limited to a maximum of three (3) in the B-1 district.

Sec. 58-10.5 - Area regulations.

There are no area regulations in the B-1 district, except for permitted uses utilizing individual sewage disposal systems; the required area for any such use shall be set by the local health official.

Sec. 58-10.6 - Setback and yard regulations.

(a) Front. Structures in the B-1 district may be located to within five feet of any street right-of-way.

(b) Side. Side yards shall have the same regulations as front yards when abutting a street right-of-way.

There are no side yard regulations when abutting adjoining similar commercial uses. There shall be a side yard of 25 feet or more when abutting a residential district.

(c) Rear. Rear yards shall have the same regulations as side yards.

Sec. 58-10.7 - Height regulations.

Permitted uses in the B-1 district may be erected up to 50 feet in height from grade: building not more than four stories above grade. Chimneys, flues, cooling towers, flagpoles, radio or communication towers,

or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls may be permitted per the building code above the height of the building on which the walls rest.

Sec. 58-10.8 - Coverage regulations.

Maximum buildable lot coverage in the B-1 district shall not exceed 85 percent of the total lot area

Special Use Permit Process:

If the properties are sold as commercial and the new tenant wishes to apply for a special use permit the process to obtain the permit is as follows:

Sec. 58-1.7 - Special uses.

(a) The purpose of the special use procedure is to provide for certain uses which, by their nature, can have an undue impact upon or be incompatible with other uses of land within a certain zoning district and therefore require the exercise of planning judgment. An application for a special use permit may be made by a property owner, for his property, for any use which is listed as a special use in the zoning district in which his property is located. A duly authorized agent for an owner may make application, provided a legally sufficient power of attorney, as approved by the Town Attorney, has been executed.

(b) The Council, under the provisions of this section, shall evaluate the impact and compatibility of each such use, and shall specify such condition and restrictions as will assure the use being compatible with the area in which it is to be located, or where that cannot be accomplished, shall deny the use as not in accord with adopted plans and policies or as being incompatible with the existing uses permitted by right in the area.

(c) In consideration of an application filed with the zoning administrator, the Town Council, after public hearings conducted by the Planning Commission and the Town Council, may authorize the special

use of those uses that are expressly listed as special uses in a certain zoning district or elsewhere within the ordinance; however, no such special use procedure shall be required for a use allowed as a permitted use in such district.

(d) A special use shall be approved if its design, location, construction, method of operation, special characteristics and other aspects satisfy the following standards:

(1) The proposed use at the stipulated location shall be in accordance with the official policies of an adopted comprehensive plan, and with any specific element of such plan.

(2) The proposed use shall be in accordance with the general purpose and intent of the applicable zoning district requirements.

(3) The proposed use shall not adversely affect the use or values of surrounding properties and structures.

(4) The proposed use shall not adversely affect the health, safety or general welfare of persons residing or working in the neighborhood.

(5) Pedestrian and vehicular traffic generated by the proposed use shall not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

(6) Utility, drainage, parking, loading and other necessary facilities provided to serve the proposed use shall be adequate.

(e) Affordable Housing. Wherein the applicant proposes affordable housing, the conditions in connection with the residential special use permit shall be consistent with the objective of providing affordable housing. The Council shall consider the impact of the conditions upon the affordability of the housing when imposing conditions on residential projects specifying material and methods of construction or specific design features.

Staff Summary:

This report provides a comparison of the current zoning district and the proposed zoning district, the restrictions and regulations in the proposed zoning district and the general process for a special use permit. This information is given as a reminder of the by-right uses, special uses, regulations and the processes.

- Check Appropriate Item(s):
- ☒ Amendment to Zoning Map
 - ☐ Zoning Text Amendment
 - ☐ Special Use
 - ☐ Variance
 - ☐ Appeal of Administrative Decision

Office Use Only:

Date Received: 2-6-17
Application Number: 0 ZTA# 2017-0
Fees Received: 0 \$ 3,000

Part 1 – to be completed by **ALL** applicants

1-A Identification of Property – For zoning text amendments, this is the property in which the applicant has an interest, which will be affected by the text change. For all other applications, it is the land, which is covered by the application.

- 1) Number and Street: 14851, 14845, 14871 Washington St.
- 2) Present Zoning: R1 3) Acres: approx 0.7774 acres
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

1-B Property – (Omit for zoning text amendments)

- 1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached); if NONE, so state: _____
- 2) a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning District Map before?
☐ YES ☐ NO
b) Date: _____ c) Former Application No. _____
d) What was the disposition of the case? _____
e) Former Applicant Name: _____
Former Address: _____
Former Phone: _____

1-C Identification of Applicant – All applicants must have standing (an interest in property that will be directly affected by requested action)

- 1) Applicant Information:
Name: William Rafferty
Address: 7571 Falkland Drive, Gainesville, VA 20155
Phone Number: 703-380-0665
- 2) Agent Information (if any):
Name: _____
Address: _____
Phone Number: _____
Brafferty@styleroofing.com
- 3) Owners of all property included in this application (omit for zoning text change):
Name: Maria Rafferty
Address: 7571 Falkland Drive, Gainesville, VA
Phone Number: 703-909-3067
Name: _____
Address: _____
Phone Number: _____
raffertyclan@netzero.com

- Name: _____
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____
- 4) If applicant is a Land Trust or Partnership or if the subject property is owned or controlled by a Land Trust or Partnership, List name and interest of **ALL** Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.
 Trustee/Partner Name: _____
 Address: _____
 Phone Number: _____ Interest: _____

 Beneficiary/Partner Name: _____
 Address: _____
 Phone Number: _____ Interest: _____

 Beneficiary/Partner Name: _____
 Address: _____
 Phone Number: _____ Interest: _____
- 5) Does the applicant have a proprietary interest in the land or land improvements? ☐ YES ☐ NO (In the case of a zoning text amendment, this means at least one parcel of land is subject to the text change)
 If YES, state interest and attach documentation: _____

 If NO, state what interest otherwise qualifies the applicant to apply: _____
- 6) Names of the owners of improvement(s) on the property in this application if different from above: (Omit for zoning text amendment)
 Name: _____
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____
- 7) If the applicant is a corporation, attach the evidence that the person submitting the application on behalf of the corporation is authorized to do so.
 See Authorization letter dated _____.

Part 2 – Complete **ONLY** portion(s) of Pages 3, 4 & 5 pertaining to your case. (as checked at top of Page 1)

2-A Rezoning – (Amendment to the zoning district map) – Applications for Amendments to the Zoning District Map are heard by the Planning Commission which makes a positive or negative recommendation to the Town Council. Only the Town Council has authority to grant or deny amendments to the Zoning District Map.

- 1) a) Existing Zoning: R-1 b) Proposed Zoning: B-1
c) Existing Use: Residential
d) Proposed Use: Business
- 2) a) The following are submitted with this application:
☐ Preliminary Site Plan ☐ Rendering or Perspective ☐ Other
b) Are there any land use intensity (LUI) requirements? ☐ YES ☒ NO
c) Attach brief justifying this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. ~~(Staff will assist.)~~ Attached to Application

2-B Zoning Text Amendment – Applications for amendments to the zoning text are heard by the Planning Commission, which makes a recommendation to the Town Council. Only the Town Council has the authority to change the zoning text, which is done by passing an amendment to the Town Code.

- 1) What section(s) of the Town Code is proposed to be amended? _____
- 2) What is the nature of the proposed change? _____
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 4) Attach a written statement, which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

2-C Special Use Request – Special Use requests are heard by the Planning Commission, which makes a positive or negative recommendation to the Town Council. Only the Town Council has the authority to grant or deny a Special Use.

- 1) Are development plans submitted with this application? (Staff member will explain.) ☐ YES ☐ NO
- 2) Parking Requirements:
a) Proposed number of parking spaces to be provided: _____
b) Number of parking spaces required by Town Code: _____
c) Attach tabulation of total land area and percentage thereof designated for various uses
d) Are there any land use intensity (LUI) requirements? ☐ YES ☐ NO
If YES, attach data.
- 3) Estimated cost of proposed Special Use project:
a) Land: \$_____ Improvements: \$_____
b) Estimated completion date: _____
- 4) Submit a brief justifying the reasons for this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-D Variance Request – Variances are granted or denied by the Zoning Board of Appeals (ZBA). Reversal of ZBA decisions may be secured only through the judicial system.

- 1) a) All information required may be shown on one sheet if appropriate.
b) Check characteristic(s) of the property preventing it from being used in accordance with the terms of the Town Code (Zoning Ordinance):
☐ Too Narrow ☐ Elevation ☐ Soil

- ☐ Too Small ☐ Slope ☐ Subsurface
- ☐ Too Shallow ☐ Shape ☐ Other (Attach specifics)
- c) Attach a description and/or drawings of the item(s) checked, giving dimensions were appropriate.
- 2) Attach requirements for the appropriate zoning district from which relief is sought as described in the Town Code.
- 3) Attach a brief explanation how the above site zoning conditions prevent any reasonable use of the land under the terms of the Town Code (Zoning Ordinance).
- 4) a) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having proprietary interest in the land after the zoning article or applicable part thereof became law? ☐ YES ☐ NO
b) If NO, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variance).

- c) Are the conditions on the property the result of other man-made changes (such as relocation of a road or highway, etc.)? ☐ YES ☐ NO
- d) If YES, attach descriptions and maps where appropriate.
- e) Do the above-described conditions of hardship for which this request for variance is filed apply only to this property? If YES, attach an explanation. ☐ YES ☐ NO
- 5) Which of the following modifications will allow a reasonable use of the land?
☐ Change in the setback requirements ☐ change in lot coverage requirements
☐ Change in height requirements ☐ change in area requirements
☐ Other (attach description)
- 6) a) Attach description of proposed use.
b) Is proposed use permitted in the zoning district? ☐ YES ☐ NO
c) Will the granting of a variance in the form requested be in harmony with the general purpose and intent of the zoning article and district statement of intent and not be injurious to the neighborhood or detrimental to the public welfare? ☐ YES ☐ NO
d) Attach a brief elaborating on this last point.

2-E Appeal of Administrative Decision – Administrative decisions are reviewed by the Zoning Board of Appeals (ZBA). Such administrative decisions may be reversed or sustained by the ZBA. Reversal of ZBA decision may be secured only through the judicial system.

- 1) Date of administrative decision leading to this appeal: _____
- 2) Attach a brief, which specifically states the decision the administrative official made, the reasons given for the decision and specifically what you are herewith appealing. Elaborate on the reasons for this request, and why the Zoning Board of Appeals in your opinion should overrule the administrative official's decision.

Part 3 – To be completed by ALL applicants

AFFIDAVIT – This part of the application must be notarized. Do not sign until in the presence of a Notary Public.

- 1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:

a) Signature of **applicant**:

b) Signature of **agent** (if any):

c) Date: NOVEMBER 14, 2017

Notary Seal

- 2) a) Signed and sworn before me this: NOVEMBER 14, 2017

b) Signature of **Notary**:



Roberto C Gonzalez
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7593227
My Commission Expires
12/31/2018

* Note: the property #'s of 14851 + 14845 may be reversed.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Planning Commission
FROM: Emily Lockhart, Town Planner
DATE: December 28, 2017
SUBJECT: 14845, 14851, and 14871 Washington Street Rezoning Application

APPLICATION SUMMARY:

The Rafferty's are submitting an application to rezone approximately 0.7774 acres from the Residential R-1 zoning district to the Town Center District B-1 zoning district. The parcels are located along Washington Street, side by side 14845, 14851, and 14871 Washington Street. Across the street 14850 Washington Street and 14860 Washington Street are both zoned Town Center District B-1 zoning district. The applicant intends to sell the properties.

When considering rezoning applications, the Planning Commission and Town Council must review the applications in accordance with Sec. 58-3.9 of the Zoning Ordinance as stated below.

"Sec. 58-3.9 - Matters to be considered in reviewing proposed amendments. Proposed amendments shall be considered with reasonable consideration for the:

- (1) Existing use and character of the area;
- (2) Suitability of the property for various uses;
- (3) Trends of growth or change;
- (4) Current and future requirements of the Town as to land for various purposes as determined by population and economic studies and other studies;
- (5) Transportation requirements of the community and the Town's requirements for parks, playgrounds, recreation areas, other public services, or the conservation of natural resources and preservation of floodplains; and
- (6) Conservation of properties and their values and the encouragement of most appropriate use of land throughout the Town.

These considerations shall include but are not limited to comprehensive plans or their parts, capital improvement programs, relation of development to roads and construction programs, and the proximity of the development to utilities and public facilities."

The subject property is designated by the Comprehensive Plan as transitional commercial; as shown in the revised Planned Land Use Map dated January 4, 2016. The Comprehensive Plan's guidance regarding the development of these planned areas is as follows (excerpt from Chapter 3.4, Land Use Plan).

“Continued scattered commercial development in the Town, with resultant problems such as parking, traffic congestion and noise, should be discouraged. To accommodate future commercial development the plan recommends that major commercial growth be limited to those areas designated as the Town Center and the Planned Interchange Park. These areas are located primarily along Washington Street which should be promoted as the Town’s “main street”. Consideration should be given to the addition of a transitional commercial district zone along Washington Street east of the Town Center to create a more cohesive mix of low intensity commercial uses either in existing historic structures or new structures consistent with styles that reflect a post-Civil War era.

Transitional Commercial – The plan calls for low-intensity commercial uses to serve as a distinct transition between low and moderate density residential areas and high-intensity commercial uses within the neighborhood/Town Center and Planned Interchange Park. Conversions of existing residential structures to commercial uses are encouraged and should continue the open, small town atmosphere and sense of place. New structures or additions to existing structures should be permitted under the guidance of the Architectural Review Board and should take into account the impact of parking, lighting, and screening requirements of commercial uses when adjacent to planned residential areas...”

The applicant is asking for Town Center B-1 Zoning District. By-Right uses will include:

Sec. 58-10.2 - Use regulations. The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment

Guest room

Civic

Civic use

Club

Cultural services

Educational facility, primary/secondary

Recreation facility, public

Shelter

Commercial

Bed and breakfast

Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)

Business, short-term rental (STRB)

Business support service

Communications service

Consumer repair service

Day care center

Farmer’s market

Financial institution

Hotel

Office, general

Personal improvement services

Personal services

Restaurant, general

Restaurant, mobile

Restaurant, small

Store, general

Store, grocery

Store, liquor

Store, neighborhood convenience

Studio, fine arts

Veterinary hospital/clinic

Miscellaneous

Utility service, minor

STAFF RECOMMENDATION:

Staff has suggested to the applicant that a proffer statement excluding certain business uses from the B-1 Zoning District may aid in providing a buffer transition between Town Center B-1 zoning district and the neighboring R-1 zone.

Staff supports the proposed rezoning application based on the above criteria and recommends that the Planning Commission forward the application to the Town Council with a recommendation of approval.

DRAFT MOTION:

"I make a motion to move rezoning application, ZTA#2017-001 to Amend the Zoning Map for 14845, 14851, and 14871 Washington Street forward to the Town Council with a recommendation of approval."

Or An alternate motion.

- Check Appropriate Item(s):
- ☒ Amendment to Zoning Map
 - ☐ Zoning Text Amendment
 - ☐ Special Use
 - ☐ Variance
 - ☐ Appeal of Administrative Decision

Office Use Only:

Date Received: 11/06/2017
 Application Number: ZTA#2017-002
 Fees Received: \$3,000

Part 1 – to be completed by **ALL** applicants

1-A Identification of Property – For zoning text amendments, this is the property in which the applicant has an interest, which will be affected by the text change. For all other applications, it is the land, which is covered by the application.

- 1) Number and Street: 14841 Washington St. & 6802 Saint Paul Dri
- 2) Present Zoning: Residential 1 3) Acres: 0.5774 acres
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.
GPIN 7297-99-7943 ; GPIN 7297-99-7336

1-B Property – (Omit for zoning text amendments)

- 1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached); if NONE, so state: _____
- 2) a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning District Map before?
☐ YES ☐ NO
 b) Date: _____ c) Former Application No. _____
 d) What was the disposition of the case? _____
 e) Former Applicant Name: _____
 Former Address: _____
 Former Phone: _____

1-C Identification of Applicant – All applicants must have standing (an interest in property that will be directly affected by requested action)

- 1) Applicant Information:
 Name: ACIE M WALK
 Address: 14841 WASHINGTON ST
 Phone Number: 503 485 7717
- 2) Agent Information (if any):
 Name: _____
 Address: _____
 Phone Number: _____
- 3) Owners of all property included in this application (omit for zoning text change):
 Name: _____
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____

Attachment: ZTA#2017-002 Rezoning Application (AGI-2018-2 : ZTA#2017-002 Rezoning Application)

- Name:* _____
Address: _____
Phone Number: _____
- Name:* _____
Address: _____
Phone Number: _____
- 4) If applicant is a Land Trust or Partnership or if the subject property is owned or controlled by a Land Trust or Partnership, List name and interest of **ALL** Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.
Trustee/Partner Name: _____
Address: _____
Phone Number: _____ *Interest:* _____
- Beneficiary/Partner Name:* _____
Address: _____
Phone Number: _____ *Interest:* _____
- Beneficiary/Partner Name:* _____
Address: _____
Phone Number: _____ *Interest:* _____
- 5) Does the applicant have a proprietary interest in the land or land improvements? ☐ YES ☐ NO (In the case of a zoning text amendment, this means at least one parcel of land is subject to the text change)
 If YES, state interest and attach documentation: _____
 If NO, state what interest otherwise qualifies the applicant to apply: _____
- 6) Names of the owners of improvement(s) on the property in this application if different from above: (Omit for zoning text amendment)
Name: _____
Address: _____
Phone Number: _____
Name: _____
Address: _____
Phone Number: _____
Name: _____
Address: _____
Phone Number: _____
- 7) If the applicant is a corporation, attach the evidence that the person submitting the application on behalf of the corporation is authorized to do so.
 See Authorization letter dated _____.

Part 2 – Complete ONLY portion(s) of Pages 3, 4 & 5 pertaining to your case. (as checked at top of Page 1)

2-A Rezoning – (Amendment to the zoning district map) – Applications for Amendments to the Zoning District Map are heard by the Planning Commission which makes a positive or negative recommendation to the Town Council. Only the Town Council has authority to grant or deny amendments to the Zoning District Map.

- 1) a) Existing Zoning: R-1 b) Proposed Zoning: B-1
 c) Existing Use: Residential
 d) Proposed Use: Commercial
- 2) a) The following are submitted with this application:
☐ Preliminary Site Plan ☐ Rendering or Perspective ☐ Other
 b) Are there any land use intensity (LUI) requirements? ☐ YES ☐ NO
 c) Attach brief justifying this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.) Narrative Attached

2-B Zoning Text Amendment – Applications for amendments to the zoning text are heard by the Planning Commission, which makes a recommendation to the Town Council. Only the Town Council has the authority to change the zoning text, which is done by passing an amendment to the Town Code.

- 1) What section(s) of the Town Code is proposed to be amended? _____
- 2) What is the nature of the proposed change? _____
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 4) Attach a written statement, which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

2-C Special Use Request – Special Use requests are heard by the Planning Commission, which makes a positive or negative recommendation to the Town Council. Only the Town Council has the authority to grant or deny a Special Use.

- 1) Are development plans submitted with this application? (Staff member will explain.) ☐ YES ☐ NO
- 2) Parking Requirements:
 a) Proposed number of parking spaces to be provided: _____
 b) Number of parking spaces required by Town Code: _____
 c) Attach tabulation of total land area and percentage thereof designated for various uses
 d) Are there any land use intensity (LUI) requirements? ☐ YES ☐ NO
 If YES, attach data.
- 3) Estimated cost of proposed Special Use project:
 a) Land: \$_____ Improvements: \$_____
- b) Estimated completion date: _____
- 4) Submit a brief justifying the reasons for this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-D Variance Request – Variances are granted or denied by the Zoning Board of Appeals (ZBA). Reversal of ZBA decisions may be secured only through the judicial system.

- 1) a) All information required may be shown on one sheet if appropriate.
 b) Check characteristic(s) of the property preventing it from being used in accordance with the terms of the Town Code (Zoning Ordinance):
☐ Too Narrow ☐ Elevation ☐ Soil

- ☐ Too Small ☐ Slope ☐ Subsurface
- ☐ Too Shallow ☐ Shape ☐ Other (Attach specifics)
- c) Attach a description and/or drawings of the item(s) checked, giving dimensions were appropriate.
- 2) Attach requirements for the appropriate zoning district from which relief is sought as described in the Town Code.
- 3) Attach a brief explanation how the above site zoning conditions prevent any reasonable use of the land under the terms of the Town Code (Zoning Ordinance).
- 4) a) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having proprietary interest in the land after the zoning article or applicable part thereof became law? ☐ YES ☐ NO
b) If NO, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variance).

- c) Are the conditions on the property the result of other man-made changes (such as relocation of a road or highway, etc.)? ☐ YES ☐ NO
- d) If YES, attach descriptions and maps where appropriate.
- e) Do the above-described conditions of hardship for which this request for variance is filed apply only to this property? If YES, attach an explanation. ☐ YES ☐ NO
- 5) Which of the following modifications will allow a reasonable use of the land?
☐ Change in the setback requirements ☐ change in lot coverage requirements
☐ Change in height requirements ☐ change in area requirements
☐ Other (attach description)
- 6) a) Attach description of proposed use.
b) Is proposed use permitted in the zoning district? ☐ YES ☐ NO
c) Will the granting of a variance in the form requested be in harmony with the general purpose and intent of the zoning article and district statement of intent and not be injurious to the neighborhood or detrimental to the public welfare? ☐ YES ☐ NO
d) Attach a brief elaborating on this last point.

2-E Appeal of Administrative Decision – Administrative decisions are reviewed by the Zoning Board of Appeals (ZBA). Such administrative decisions may be reversed or sustained by the ZBA. Reversal of ZBA decision may be secured only through the judicial system.

- 1) Date of administrative decision leading to this appeal: _____
- 2) Attach a brief, which specifically states the decision the administrative official made, the reasons given for the decision and specifically what you are herewith appealing. Elaborate on the reasons for this request, and why the Zoning Board of Appeals in your opinion should overrule the administrative official's decision.

Part 3 – To be completed by ALL applicants

AFFIDAVIT – This part of the application must be notarized. Do not sign until in the presence of a Notary Public.

- 1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:

a) Signature of **applicant**: *David M. Watts*

b) Signature of **agent** (if any): _____

c) Date: _____ *Notary Seal*

- 2) a) Signed and sworn before me this: *December 13, 2017*

b) Signature of **Notary**: *[Signature]*



Roberto C. Gonzalez
NOTARY PUBLIC
 Commonwealth of Virginia
 Reg. #7593227
 My Commission Expires
12/31/18

Proffer Statement

7.3.a

~~that would exclude certain uses from the B-1 zoning designation.~~

Too Whom it may concern:

~~the~~ We would like to keep the house Under article B1 district by-right. Under Section 58-10.2. This is a historical house and we would like to ~~day~~ keep it that way. Lets a big part of Haymarket and if tore down there will be nothing left of Haymarket.

Thank you,
The Watts family



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Planning Commission
FROM: Emily Lockhart, Town Planner
DATE: December 28, 2017
SUBJECT: 14841 Washington Street and 6802 Saint Paul Drive Rezoning Application

APPLICATION SUMMARY:

Acie Watts Jr. is submitting an application to rezone approximately 0.5774 acres from the Residential R-1 zoning district to the Town Center District B-1 zoning district. The parcels are located on the corner of Washington Street and Saint Paul Drive. Across the street 14850 Washington Street and 14860 Washington Street are both zoned Town Center District B-1 zoning district. The applicant intends to sell the property.

When considering rezoning applications, the Planning Commission and Town Council must review the applications in accordance with Sec. 58-3.9 of the Zoning Ordinance as stated below.

“Sec. 58-3.9 - Matters to be considered in reviewing proposed amendments. Proposed amendments shall be considered with reasonable consideration for the:

- (1) Existing use and character of the area;
- (2) Suitability of the property for various uses;
- (3) Trends of growth or change;
- (4) Current and future requirements of the Town as to land for various purposes as determined by population and economic studies and other studies;
- (5) Transportation requirements of the community and the Town's requirements for parks, playgrounds, recreation areas, other public services, or the conservation of natural resources and preservation of floodplains; and
- (6) Conservation of properties and their values and the encouragement of most appropriate use of land throughout the Town.

These considerations shall include but are not limited to comprehensive plans or their parts, capital improvement programs, relation of development to roads and construction programs, and the proximity of the development to utilities and public facilities.”

The subject property is designated by the Comprehensive Plan as transitional commercial; as shown in the revised Planned Land Use Map dated January 4, 2016 (See Attached map for details). The Comprehensive

Plan's guidance regarding the development of these planned areas is as follows (excerpt from Chapter 3.4, Land Use Plan).

“Continued scattered commercial development in the Town, with resultant problems such as parking, traffic congestion and noise, should be discouraged. To accommodate future commercial development the plan recommends that major commercial growth be limited to those areas designated as the Town Center and the Planned Interchange Park. These areas are located primarily along Washington Street which should be promoted as the Town’s “main street”. Consideration should be given to the addition of a transitional commercial district zone along Washington Street east of the Town Center to create a more cohesive mix of low intensity commercial uses either in existing historic structures or new structures consistent with styles that reflect a post-Civil War era.

Transitional Commercial – The plan calls for low-intensity commercial uses to serve as a distinct transition between low and moderate density residential areas and high-intensity commercial uses within the neighborhood/Town Center and Planned Interchange Park. Conversions of existing residential structures to commercial uses are encouraged and should continue the open, small town atmosphere and sense of place. New structures or additions to existing structures should be permitted under the guidance of the Architectural Review Board and should take into account the impact of parking, lighting, and screening requirements of commercial uses when adjacent to planned residential areas...”

The applicant is asking for Town Center B-1 Zoning District. By-Right uses will include:

Sec. 58-10.2 - Use regulations. The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment

Guest room

Civic

Civic use

Club

Cultural services

Educational facility, primary/secondary

Recreation facility, public

Shelter

Commercial

Bed and breakfast

Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)

Business, short-term rental (STRB)

Business support service

Communications service

Consumer repair service

Day care center

Farmer’s market

Financial institution

Hotel
Office, general
Personal improvement services
Personal services
Restaurant, general
Restaurant, mobile
Restaurant, small
Store, general
Store, grocery
Store, liquor
Store, neighborhood convenience
Studio, fine arts
Veterinary hospital/clinic
Miscellaneous
Utility service, minor

STAFF RECOMMENDATION:

Staff has suggested to the applicant that a proffer statement excluding certain business uses from the B-1 Zoning District may aid in providing a buffer transition between Town Center B-1 zoning district and the neighboring R-1 zone.

Staff supports the proposed rezoning application based on the above criteria and recommends that the Planning Commission forward the application to the Town Council with a recommendation of approval.

DRAFT MOTION:

"I make a motion to move rezoning application, ZTA#2017-002 to Amend the Zoning Map for 14841 Washington Street and 6802 Saint Paul Drive forward to the Town Council with a recommendation of approval."

Or An alternate motion.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Planning Commission
FROM: Emily Lockhart, Town Planner
DATE: December 28, 2017
SUBJECT: A Dog's Day Out

Summary: Commissioner J. Carroll asked for a report on any meetings that A Dog's Day Out attended prior to August 2016.

Jim and Andrea Payne attended the April 6, 2016 meeting to introduce themselves and their business plan. Attached after this memo are the minutes from the April 2016 meeting. Below is a more detailed version of the discussion.

Beginning at minute 3:45-

Jim Payne discusses reasoning for moving to the area and importance of having a place to board a dog, have grooming services, and daycare. Found a place that they absolutely love; A Dog's Day Out.

Andrea Payne discusses that they bought into the A Dog's Day Out Franchise and are now franchise owners. Discusses that they have found a lot on Fayette Street and are in a 90-day feasibility study to work on a rezoning application from R-1 to B-1 for a dog beauty salon.

Caudle: Can you tell us a little bit about the business?

Andrea: We will have doggy daycare, half-day daycare, full-day daycare, boarding, grooming services. Hope to have training and a pet taxi service.

M Carroll: Number of dogs at any given time?

Andrea: 20-30 small dogs in an area, 40-50 large dogs in an area, building will be 6,000 sf. Also, will have a night-watch person who will live there to care for the dogs overnight, there will be an apartment for this person to live in.

M Carroll: Grounds for walking the dogs?

Attachment: April 2016 Memo (3404 : A Dog's Day Out Informational Report)

Jim: Will look at a covered porch so that the dogs can have fresh air when they need it. Andrea: would love to have an outside area for the dogs

M Carroll: Are there any homes adjacent or abutting the property?

Andrea: Yes, there is a home right next door, Giuseppe's on the other side and a few homes across the street.

M Carroll: Will there be veterinary services?

Andrea: No, there will not be any veterinary services, may partner with someone later

J Carroll: Can you give me an idea of the distance between the home you mentioned and the area in which the dogs are able to roam freely?

Andrea: The area will be fenced in and the dogs will not be able to freely roam.

Andrea: Offers an opportunity for a tour of the Ashburn facility, discusses the noise abatement options. Discusses that all the ADDO facilities are not all the same.

Jim and Andrea: Discuss the availability of these services in the area. Their business plan is different because there is someone there 365 days a year/24 hours a day.

End of A Dog's Day Out Discussion.



TOWN OF HAYMARKET PLANNING COMMISSION

REGULAR MEETING ~ MINUTES ~

Matt Caudle, Councilman
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Wednesday, April 6, 2016

7:00 PM

Council Chambers

A Regular Meeting of the Planning Commission of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Chairman Matt Caudle called the meeting to order.

1. Call to Order

Chairman Matt Caudle: Present, James Carroll: Present, Maureen Carroll: Present, Commissioner Connor Leake: Absent, Commissioner Cathy Pasanello: Present.

2. Pledge of Allegiance

3. Moment of Silence

4. Minutes Approval

a. Planning Commission - Regular Meeting - Mar 15, 2016 7:00 PM

Reminder we did decide that the Planning Commission will meet the first Wednesday of every month.

| | |
|------------------|--|
| RESULT: | ACCEPTED [UNANIMOUS] |
| MOVER: | James Carroll |
| SECONDER: | Cathy Pasanello, Commissioner |
| AYES: | Matt Caudle, James Carroll, Maureen Carroll, Cathy Pasanello |
| ABSENT: | Connor Leake |

5. Citizens Time

Jim and Andrea Payne are here to talk about their proposed business in the Town.

They have been looking in the town for a year for a business location. Needed to border a dog at one time and found a good place. But were looking for the same service in Haymarket and couldn't find any. A year ago they bought a Dogs Day Out as a Franchisee. Looked at about a half dozen places in the Town. Likes the small town feel and wants to be a part of this community. Found a property at 6880 Fayette street. Are currently in a contract in with them. Asked for 90 day study period to get rezoning thru. Currently R1. Will be putting in paperwork within a week for rezoning from R1 to B1 for dog beauty salon. Talked with the Zoning Administrator for guidance. Tonight we just wanted to introduce ourselves and hopes everything goes thru for them.

What does the business do?

It is a Doggie daycare. Will include boarding, grooming, beauty salon, training, and pet taxi service. Dogs will go thru an evaluation process to make sure they get along with others. Also Kennel services.

How many dogs at one time? Range of numbers?

Could range from 20 to 50 with small and large dogs. The facility is about 6000 square feet. There will also be a night watchman. Will live there and take care of the dogs overnight.

Grounds for walking? What area devoted to the yard?

Attachment: 2016-04-06 Minutes from April 2016 (3404 : A Dog's Day Out Informational Report)

Most of the times dogs will be inside. If it triggers a change of use will see. Maybe a covered porch. There is enough acre of property if outside area needed.

Are there homes around it?

Yes a few homes. The Fairgrounds and Giuseppe's is behind it. There will be a barrier with parking lots. 10' buffer.

Will there be Vet service? No will possibly partner with one in the future.

This will be built from the ground up. Open 365/24. Most other places are not like that.

Madhusudan Panthi: 15000 Gossom Manor place. This is his first time here. Would like to know what the plans for around here. Would like to volunteer and help out in the Town. Asks if there are any plans to put sidewalks down Fayette street. Schneider explains not right now but maybe in the future. We are a walking town and slowly coming up to speed.

6. Announcements

No announcements.

7. ARB & Town Council Update

ARB: Leake was absent, nothing to report.

Town Council: May 2nd is the next and final SCC Hearing at Battlefield High School for the Dominion power lines at 7:00pm. Highly recommend those who can go to speak.

Also, we're making progress on the Harrover property. Not at liberty to go into detail.

Schneider shares that Chick-fil-a going up. Foundation is down and moving along. Houses on Bleight Drive going along quickly too.

Mrs. Carroll asks if the Town is selling the Harrover property building?

Will take place within the next week to 10 days. Making progress.

8. New Business

a. 6861 Jockey Club Lane - Special Use Permit

Caudle motions to schedule a Joint Public Hearing with Town Council on their April 25, 2016 meeting at 7:00pm.

Mrs. Carroll seconds.

Ayes: 4

Nays: 0

b. Preliminary Site Plan - Haymarket Town Center

The Town Council prior to this came up with a Town Master Plan.

There are stormwater issues on the property. The plan will have more efficient with parking and adds formal green space. Will provide a turn lane on Jefferson Street. Also a sidewalk on Jefferson Street to match.

A seat wall on the corner behind the grass. A stage flush to ground for a Christmas tree possibly or a band etc.

No curb and gutter. Will get rid of the asphalt on the side of the Old Post Office. Move traffic around the site.

The challenge is there are 5 lots here. Will need to be consolidated. There are landscaping standards. There is supposed to be a 25' buffer between the resident behind us. There is a fence there now. We can provide a buffer yard.

Mrs. Carroll asks why does this plan allow for so many parking spaces? It's too much. We're giving up green space for parking spaces.

Trying to meet requirements for parking. A Retail business will be going behind us. This plan this was least parking intensive.

Commissioners would like to see the entire Town Center Master Plan. Will send to PC members.

Once it is approved it will go out to bid for construction. Priority is the Police Dept. Elevations are going to ARB this month. Working our way thru ARB and come back to Town Council.

Will come back with guidance from the Town Attorney to deal with the buffer yard and landscaping reduction.

Looking forward to the Planning Commissioners guidance. What would you like to see amended and changed. Get feedback from you.

| | |
|------------------|--|
| RESULT: | TABLED [UNANIMOUS] |
| MOVER: | Matt Caudle, Chairman |
| SECONDER: | Cathy Pasanello, Commissioner |
| AYES: | Matt Caudle, James Carroll, Maureen Carroll, Cathy Pasanello |
| ABSENT: | Connor Leake |

9. Old Business

a. Zoning Ordinance Re-Write

Right now we are in a wait and see mode. Asks that Commissioners take it, look at it, come back with suggestions and comments. The consultants will then return.

b. Sign Ordinance Update

Wrapping this up. Town Attorney has to make some revisions.

10. Town Planner Update

There is plans for a Lidl Grocery store to come in at the Fairgrounds. This may move quickly.

Payne Lane development may start soon. Council adopted a blight ordinance. This is in hopes to motivate others to fix and update their buildings. We want people to start cleaning up their places.

There is construction right now going for the Diverging Diamond. This will move a lot of traffic once it's complete.

11. Adjournment

Mr. Carroll motions to adjourn the meeting.

Mrs. Carroll seconds.

Ayes: 4

Meeting adjourned.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Planning Commission
FROM: Emily Lockhart, Town Planner
DATE: November 16, 2017
SUBJECT: A Dog's Day Out, 6680 Fayette Street

Summary of the A Dog's Day Out video recordings:

July 5 & 6, 2016 Meeting Summary

- Andrea "doggy day care or dog grooming services"
- ADDO defined as Cage free dog daycare, boarding and certified grooming
- Andrea discusses the variety of issues and concerns raised by the Town residents the night before
- Noise Ordinance Sec 18-36 Noise from animals – Applicant offers to mitigate the noise via indoor sound installation. Outdoors the applicants would be in compliance with the excessive barking ordinance and remove any dog from the outdoor facility if they are barking/misbehaving
- 44:17 Andrea mentions the apartment for someone who will be a resident, full time in the facility for overnight
- 44:30 Andrea talks about customers being able to leave their dogs for overnight when they go on vacation -- "we call those kennel dogs"
- Matt Caudle – do these other ADDO facilities have outdoor walks? Andrea – Yes 1 other facility located in Alexandria, VA. She says all others are located in warehouse districts
- James Carroll asks if any others are located in the residential areas, Andrea says no all others are located in building parks or warehouse districts
- Maximum capacity 100 dogs a day
- Two services: grooming and half day of daycare, half day daycare, full day daycare, boarding for the night when the customers cannot pick their dog up or they are out of town
- Andrea says not more than 50 dogs outside at a time, if dogs excessive bark they will be taken inside
- Matt Caudle asks what is determined to be "excessive" barking. Excessive can mean different things to different people.
- Busy times are the Holidays, residents outside during the Holidays create concerns for loud barking.

August 2016 Meeting Summary

- PC assembled at 6:00 pm to do a site visit and address traffic concerns. Site visit was not recorded as it was in the field.
- Old Business:
 - The site visit was discussed in depth regarding the traffic concerns.
 - Connor Leake (19:50) looking at I-1 the uses for veterinary clinic and kennels are zoned industrial
 - Marchant mentions Healthy Paws located in the B-1 zoning districts, he states that the clinic provides kenneling services, but adds that kenneling is not the primary service offered. He also states that the “dog beauty salon” was the most closely aligned use in the zoning ordinance to meet the intended use of the building. Doggy Daycare is an upcoming term...the way the applicant has defined their business dog beauty salon is the most closely related use.
 - Traffic and Noise the two major concerns
 - Maureen Carrol: changing the zoning 2 steps to B-1 is a concern, need to do our due diligence
 - Other concerns addressed: Allergens, Views from adjacent properties, Walkers with children/other dogs, parking. Decided other concerns can be mitigated for.
 - Steve Shannon: No more than 15 dogs at a time outside
 - Marchant: Ultimately the burden is on Marchant to make the determination whether it meets the ordinance or not, Marchant finds that the use most closely aligns with the dog parlor use.
 - Connor Leake: The dogs do stay there overnight if they want? If three or more dogs are staying there overnight...
 - Marchant: Kennel service is viewed as an accessory use.
 - Connor Leake: The use still has the overnight accessory use.
 - Marchant: We have set a precedent in Town by allowing the Healthy Paws veterinary clinic to have kenneling services. That is why the determination was made.
 - Connor Leake: Rebuttal – That business sits on main street
 - Steve Shannon: How many are you prepared to keep overnight at anyone one time.
 - Andrea: Could keep 75 dogs overnight if needed to, that would happen maybe 2 weeks a year. Checked with the county, there is no limitation.
 - Maureen Carroll: Visited the Ashburn location, no dogs outside, in the industrial area however, shocked at how quiet it was
 - Marchant: Part of the zoning ordinance rewrite was accommodating this use. If there is an issue with not having the accessory kennel use specifically defined this can be provided as part of the recommendation to the Town Council
 - Matt Caudle: Noise issue is the outside component
 - Matt Caudle: If you came back with no dogs outside could you run your business?

- Andrea: two areas outside for dogs; 1 was a dog park, large fenced in area along backside of property, and covered area for dogs to have fresh air. NOW only asking for covered area.
- Noise Abatement outside: hanging noise panels absorb the barking and other noises, weather resistant
- Steve Shannon: If you have a dog constantly barking outside would you bring the dog back inside? Andrea: Would bring the dog inside the facility, specific room for time outs.
- Marchant: Narrowing the discussion to issues of outdoor noise.
- Matt Caudle: How many other ADDO facilities are in the area? Andrea: 5 Matt Caudle: Can they provide projections for the peak times? Andrea: I can see that in the financials Matt Caudle: Would like to see projections for peak times, find it helpful for traffic component Andrea: Peak times spring break, July, winter
- Steve Shannon: asks for Peak Times for average day
- Planning Commission agrees to reconvene

August 31, 2016

- Brian Garcia: Citizens' Time – in favor of the property and business use
- Chief Noble: No enforceable action to quiet barking dogs at this time (08-2016)
- Steve Shannon: Addresses traffic, noise and other concerns
- Cathy Pasanello: Complements the efforts the Payne's have put into the process
- Marchant (read by Matt Caudle): Offers the following; traffic counts cannot be done by current equipment, amend the application to request TC zoning, requires amendment to TC definition, designation as dog beauty salon – as zoning administrator Marchant has made the determination that the uses most closely align with the dog beauty salon use. Suggests that the PC recommendation includes conclusions and/or references to the commitments outlined in the application materials
- Motion: I make a motion to forward the ADDOs rezoning application to the Town Council for approval with said comments from Zoning Administrator. Pasanello, Caudle, Carroll, Carroll, Shannon – all vote yes

Town Council Meeting October 3, 2016

- John Cole concerned that the zone is transitional commercial, applicant requesting B-1
- Mayor David Leake: Asks would a kennel be allowed? Marchant: Not by the definition as we currently define it. Leake: What is the difference if a pet were to stay overnight vs. kennel. Marchant: Made a judgement call as a Zoning Administrator this is more an operation as a personal service use, may be limited instances of boarding more a service use as defined by a dog parlor. Does not have any breeding, or sale. Does not require a kennel permit. More closely aligned with dog parlor
- John Cole: Dogs that stay overnight are indoors
- Mayor: More similar to a vet clinic?

- Marchant: Provides a comparison to daycare.
- Would that use ever be monitored or inspected? Marchant: Zoning enforcement done in response to complaints
- Joe Pasanello: Concern about the windows.
- Andrea: We do not have a fill plan of the structure at this point, we only have a conceptual design. Windows will be as soundproof as we can get
- Joe Pasanello: Outdoor play area on the Giuseppe's side of the property, no dogs allowed outside between the hours of 5:00pm and 9:00am Andrea nods head in agreeance
- Joe Pasanello: How many employees will you have working at the facility?
- Andrea: depending on the season, times during the calendar year will require more employees, between 7 and 12
- Joe Pasanello: Shuttle pickup?
- Andrea: Other locations do a dog taxi service if the dog is already a client, based on the traffic in our area some customers cannot make it by the time we close at 7 pm. That service will be offered however more like a small school bus. Personal vehicles used at first
- Joe Pasanello: Expectations on deliveries
- Andrea: Types of deliveries we will receive are dog food and cleaning supplies probably on a monthly basis
- Chris Morris: What happens when one of these other neighbors wants to change their use?
- Mayor: Yes, for example if Brian Garcia would like to rezone his property
- Marchant: Apply the same evaluation, what are the self-imposed limits on the land, what is the condition of the traffic and road at the time, what is the character of the area. If you're concerned in terms of precedence having these limitations run with the land will require a similar evaluation for other properties in the future. Expects that the Planning Commission and Town Council would take into account the same process
- Chris Morris: Does not put the Council in a good position if we set that bad precedence from the get go, it is our responsibility to protect ourselves.
- Marchant: it is up to the council to take into account what has been done in the process and determine if it is sufficient
- Mayor: Would like to ask the attorney
- Additional Discussions of the process, precedence and future applications continues.
- Rezoning Application Approved

March 1, 2017

- Preliminary Site Plan submitted for ADDO
- Town Planner and Engineer recommend an approval with conditions
- Preliminary Site Plan approved with conditions; comments need to be addressed, buffer modification requested for approval later, all ARB requirements are met
- Motion passes, preliminary site plan is approved

May 10, 2017

- ADDO Buffer Modification Request

July 5, 2017

- Final Site Plan approved

October 4, 2017

- Emily Lockhart updates the Planning Commission on A Dog's Day Out, discusses the zoning use issues.

November 1, 2017

- Payne's discuss their disappointment with Staff that they were not made aware of the meeting last month
- Express that they have been honest the entire time and the story has not changed since the beginning of the process.
- Planning Commission asks Planner to prepare a report documenting that past meetings

As documented above the applicants have expressed the details of the plan in depth since July 2016.

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Check Appropriate Item(s):

- ☐ Amendment to Zoning Map
☒ Zoning Text Amendment
☐ Special Use
☐ Variance
☐ Appeal of Administrative Decision

TOWN OF HAYMARKET
Office Use Only:

Date Received: Dec 08, 2017
 Application Number: ZTA2017-003
 Fees Received: \$2,500.00

Part 1 – to be completed by **ALL** applicants

1-A Identification of Property – For zoning text amendments, this is the property in which the applicant has an interest, which will be affected by the text change. For all other applications, it is the land, which is covered by the application.

- 1) Number and Street: 6680 Jayette St
 2) Present Zoning: B-1 3) Acres: .098
 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

1-B Property – (Omit for zoning text amendments)

- 1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached); if NONE, so state: _____
 2) a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning District Map before?
☐ YES ☐ NO
 b) Date: _____ c) Former Application No. _____
 d) What was the disposition of the case? _____
 e) Former Applicant Name: _____
 Former Address: _____
 Former Phone: _____

1-C Identification of Applicant – All applicants must have standing (an interest in property that will be directly affected by requested action)

- 1) Applicant Information:
 Name: A Dog's Day Out Haymarket
 Address: 6680 Jayette Street
 Phone Number: 703 929 6333
 2) Agent Information (if any):
 Name: _____
 Address: _____
 Phone Number: _____
 3) Owners of all property included in this application (omit for zoning text change):
 Name: ~~Amelia Hagenbach~~
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____

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Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 4) If applicant is a Land Trust or Partnership or if the subject property is owned or controlled by a Land Trust or Partnership, List name and interest of **ALL** Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.

Trustee/Partner Name: _____

Address: _____

Phone Number: _____ Interest: _____

Beneficiary/Partner Name: _____

Address: _____

Phone Number: _____ Interest: _____

Beneficiary/Partner Name: _____

Address: _____

Phone Number: _____ Interest: _____

- 5) Does the applicant have a proprietary interest in the land or land improvements? ☒ YES ☐ NO (In the case of a zoning text amendment, this means at least one parcel of land is subject to the text change)

If YES, state interest and attach documentation: Owners of 6680
Jayette Street

If NO, state what interest otherwise qualifies the applicant to apply: _____

- 6) Names of the owners of improvement(s) on the property in this application if different from above: (Omit for zoning text amendment)

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 7) If the applicant is a corporation, attach the evidence that the person submitting the application on behalf of the corporation is authorized to do so.

See Authorization letter dated 12/7/17

Part 2 – Complete **ONLY** portion(s) of Pages 3, 4 & 5 pertaining to your case. (as checked at top of Page 1)

2-A Rezoning – (Amendment to the zoning district map) – Applications for Amendments to the Zoning District Map are heard by the Planning Commission which makes a positive or negative recommendation to the Town Council. Only the Town Council has authority to grant or deny amendments to the Zoning District Map.

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- 1) a) Existing Zoning: _____ b) Proposed Zoning: _____
 c) Existing Use: _____
 d) Proposed Use: _____
- 2) a) The following are submitted with this application:
☐ Preliminary Site Plan ☐ Rendering or Perspective ☐ Other
 b) Are there any land use intensity (LUI) requirements? ☐ YES ☐ NO
 c) Attach brief justifying this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-B Zoning Text Amendment – Applications for amendments to the zoning text are heard by the Planning Commission, which makes a recommendation to the Town Council. Only the Town Council has the authority to change the zoning text, which is done by passing an amendment to the Town Code.

- 1) What section(s) of the Town Code is proposed to be amended? Sections 58-1.5, Section 58-10.2
- 2) What is the nature of the proposed change? Accessory apartment in B-1, Addition of Dog Day Care Center
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 4) Attach a written statement, which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

2-C Special Use Request – Special Use requests are heard by the Planning Commission, which makes a positive or negative recommendation to the Town Council. Only the Town Council has the authority to grant or deny a Special Use.

- 1) Are development plans submitted with this application? (Staff member will explain.) ☐ YES ☐ NO
- 2) Parking Requirements:
 a) Proposed number of parking spaces to be provided: _____
 b) Number of parking spaces required by Town Code: _____
 c) Attach tabulation of total land area and percentage thereof designated for various uses
 d) Are there any land use intensity (LUI) requirements? ☐ YES ☐ NO
 If YES, attach data.
- 3) Estimated cost of proposed Special Use project:
 a) Land: \$ _____ Improvements: \$ _____
 b) Estimated completion date: _____
- 4) Submit a brief justifying the reasons for this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-D Variance Request – Variances are granted or denied by the Zoning Board of Appeals (ZBA). Reversal of ZBA decisions may be secured only through the judicial system.

- 1) a) All information required may be shown on one sheet if appropriate.
 b) Check characteristic(s) of the property preventing it from being used in accordance with the terms of the Town Code (Zoning Ordinance):
☐ Too Narrow ☐ Elevation ☐ Soil

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- ☐ Too Small ☐ Slope ☐ Subsurface
☐ Too Shallow ☐ Shape ☐ Other (Attach specifics)
- c) Attach a description and/or drawings of the item(s) checked, giving dimensions were appropriate.
- 2) Attach requirements for the appropriate zoning district from which relief is sought as described in the Town Code.
- 3) Attach a brief explanation how the above site zoning conditions prevent any reasonable use of the land under the terms of the Town Code (Zoning Ordinance).
- 4) a) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having proprietary interest in the land after the zoning article or applicable part thereof became law? ☐ YES ☐ NO
 b) If NO, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variance).
-
- c) Are the conditions on the property the result of other man-made changes (such as relocation of a road or highway, etc.)? ☐ YES ☐ NO
 d) If YES, attach descriptions and maps where appropriate.
 e) Do the above-described conditions of hardship for which this request for variance is filed apply only to this property? If YES, attach an explanation. ☐ YES ☐ NO
- 5) Which of the following modifications will allow a reasonable use of the land?
☐ Change in the setback requirements ☐ change in lot coverage requirements
☐ Change in height requirements ☐ change in area requirements
☐ Other (attach description)
- 6) a) Attach description of proposed use.
 b) Is proposed use permitted in the zoning district? ☐ YES ☐ NO
 c) Will the granting of a variance in the form requested be in harmony with the general purpose and intent of the zoning article and district statement of intent and not be injurious to the neighborhood or detrimental to the public welfare? ☐ YES ☐ NO
 d) Attach a brief elaborating on this last point.

2-E Appeal of Administrative Decision – Administrative decisions are reviewed by the Zoning Board of Appeals (ZBA). Such administrative decisions may be reversed or sustained by the ZBA. Reversal of ZBA decision may be secured only through the judicial system.

- 1) Date of administrative decision leading to this appeal: _____
- 2) Attach a brief, which specifically states the decision the administrative official made, the reasons given for the decision and specifically what you are herewith appealing. Elaborate on the reasons for this request, and why the Zoning Board of Appeals in your opinion should overrule the administrative official's decision.

Part 3 – To be completed by ALL applicants

AFFIDAVIT – This part of the application must be notarized. Do not sign until in the presence of a Notary Public.

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7.5.a

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- 1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:

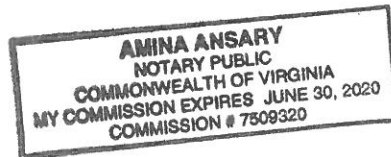
a) Signature of **applicant**: James R. [Signature]

b) Signature of **agent** (if any): _____

c) Date: _____ *Notary Seal*

- 2) a) Signed and sworn before me this: 12/08/2017

b) Signature of **Notary**: [Signature]



Attachment: ZTA2017-003, ADDO Application (AGI-2018-3 : ZTA#2017-003 Zoning Text Amendment Application)

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TOWN OF HAYMARKET

Authorizing Resolution of ADDO Haymarket, Inc.

This Authorizing Resolution is made this 7th day of December, 2017 by the undersigned, Secretary of ADDO Haymarket, Inc. (hereafter, the "Company").

BE IS RESOLVED that James Payne, who is the President of the Company, is authorized to execute all documents necessary or required to execution on Application for Zoning Text Amendment including, but not limited to the documentation provided by the Town of Haymarket.

BE IT FURTHER RESOLVED, all actions taken by James Payne as President of the Company, in furtherance of the Application for Zoning Text Amendment, prior to the date of hereof are hereby ratified, confirmed and approved.

WITNESS the following signatures and seals as of the day and year first above written:

ADDO Haymarket, Inc.

By: Andrea B. Payne

Andrea B. Payne

Its: Secretary

Attachment: ZTA2017-003, ADDO Application (AGI-2018-3 : ZTA#2017-003 Zoning Text Amendment Application)

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7.5.a

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TOWN OF HAYMARKET

Tax Map Number: 7298-80-6954
Grantees' Address: 15073 Valhalla Court
Haymarket, VA 20169
Consideration: \$400,000
Assessed Value: \$95,800
Title Insurance Underwriter:
Fidelity National Title Insurance Company

Prepared by:
Timothy M. Purnell, VSB#40870
Purnell, McKennett & Menke, PC
P.O. Box 530
Manassas, VA 20108
Return to:

Deed

THIS DEED, made and entered into this 13th day of March, 2017, by and between MELISSA P. OTWELL, sole surviving heir of RUSSELL V. OTWELL, who departed this life on November 4, 2015, hereinafter referred to as GRANTOR; and ADDO HAYMARKET, INC., a Virginia Corporation, hereinafter referred to as GRANTEE;

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell and convey with SPECIAL WARRANTY OF TITLE, unto the GRANTEE, all that certain lot or parcel of land, together with improvements thereon, being situate in Prince William County, Commonwealth of Virginia, and more particularly described as follows:

Beginning at a pipe found in the westerly right-of-way line of Fayette Street and 215 feet from the northern right-of-way line Washington Street (State Route 55), a corner to JB III, LLC and the southwest corner of the herein described parcel, thence with the northern line of JB III, LLC and Russo N. 49 degrees 29'15" W. 328.44 feet to an iron pipe found in the line of Smith & Peete Trustees a corner to Russo, thence with the line of Smith & Peete Trustees N. 36 degrees 49'17" E. 128.58 to an iron pipe found being a corner to Bailey; thence with the line of Bailey and a portion of an existing fence line S. 49 degrees 54'51" E. 328.41 feet to an iron pipe set in the western right-of-way line of Fayette Street, thence with said right-of-way line along Fayette Street S. 36 degrees 53'07" W. 131.40 feet to the point of beginning containing 42,612 square feet or 0.9782 acre of land.

AND BEING the same property conveyed to Russell V. Otwell by deed dated October 11, 2005, recorded as Instrument Number 200510120175959, among the

PAGE 1 OF 2

201703130019487

Prince William County, VA
03/13/2017 03:28 PM Pgs: 2
R. S. FitzSimmonds III, Clerk
Grantor Tax: \$400.00

BOX 16

Return to: Stonewall Title Escrow, Inc.
9300 Grant Avenue, Suite 102
Manassas, Virginia 20110
703-330-8047 ST26105CTS

Attachment: ZTA2017-003, ADDO Application (AGI-2018-3 : ZTA#2017-003 Zoning Text Amendment Application)

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aforementioned land records, and having the street address of 6680 Fayette Street, Haymarket, Virginia 20169.

AND FURTHER BEING the same property which became the sole property of Melissa Otwell upon the death of her husband, Russell V. Otwell on November 4, 2015, whose Will was recorded in Instrument Number 201512160102795, among the land records of Prince William County, Virginia.

This conveyance is made subject to the covenants, conditions, restrictions, easements and rights of way of record.

WITNESS the following signatures and seals:


MELISSA P. OTWELL

Commonwealth of Virginia,
City of Manassas, to-wit:

I, the undersigned, Notary Public in and for the jurisdiction aforesaid, do hereby certify that MELISSA P. OTWELL, whose name is signed to the foregoing Deed, personally appeared before me and acknowledged the same. Given under my hand and seal this 13th day of March, 2017.

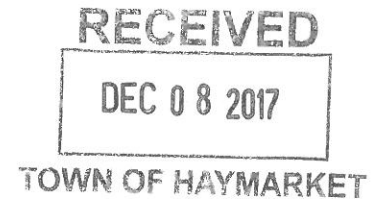

Notary Public

My Commission Expires: April 30, 2020
(SEAL)



19 November 2017

Emily Lockhart, Town Planner
Town of Haymarket
15000 Washington Street, Suite 100
Haymarket, VA 20169



Dear Ms. Lockhart,

Thank you for meeting with us on Friday, November 17th. As discussed, we would like to propose the following text change amendments to the Town Ordinance that were overlooked during the recent approval. We have highlighted the changes to the text below. Please let us know if you have any questions.

The first proposed change references the apartment in the B1 Commercial Zone:

Sec. 58-1.5 - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply. Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" is permissive.

Accessory apartment –A separate, independent dwelling unit located on the same property as the primary dwelling unit or a portion of a structure designed as a dwelling unit, and ancillary to the principal use of the structure subject is to one or many of the following:

- a. A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or,
- b. A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit located above a detached accessory unit; that shall be no more than one half the size of the finished square footage of the primary dwelling unit located on the subject property. Occupancy of such accessory apartments shall be limited to no more than one family (as defined) or up to three persons (as permitted by code), and shall not be rented in less than six month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined); or,
- c. A dwelling unit as ancillary use on the second floor of structures designed for other commercial uses; not more than 40 percent of the gross floor area of any structure may be devoted to apartment use.

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The second proposed change is for the addition of Dog day care center to the Personal Services Town Center B-1 and the B-1 By right uses –

Sec. 58-1.5 - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply. Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" is permissive.

Dog day care center – A facility operating with the primary purpose of providing dog day care and grooming with ancillary services of overnight boarding and/or training. The facility will limit the number of dogs to 85 that can be cared for overnight. The facility must have incorporated sound proofing technologies/building materials that provides a NRC (Noise Reduction Coefficient) rating of .80 or better.

Personal services – Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; dog day care centers; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

Sec. 58-10.2 - Use regulations.

The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment
Guest room

Civic

Civic use
Club
Cultural services
Educational facility, primary/secondary
Recreation facility, public
Shelter

Commercial

Bed and breakfast
Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)
Business, short-term rental (STRB)
Business support service
Communications service
Consumer repair service
Day care center
Dog Day care center
Farmer's market
Financial institution



Hotel
Office, general
Personal improvement services
Personal services
Restaurant, general
Restaurant, mobile
Restaurant, small
Store, general
Store, grocery
Store, liquor
Store, neighborhood convenience
Studio, fine arts
Veterinary hospital/clinic

Miscellaneous

Utility service, minor

Respectfully,

Jim & Andrea Payne
A Dog's Day Out Haymarket

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2-B Zoning Text Amendment

4) Attach a written statement, which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied.

The proposed change to the Accessory apartment is actually already being utilized in the Town of Haymarket in other commercial zones. The spirit of the ordinance existed in the previous version of the zoning ordinance and was an oversight in not being included in the current version. In reference to the property owned by ADDO Haymarket, Inc. the accessory apartment is to be utilized in support of the business function as a care taker. The business operations plan includes the apartment on the 2nd floor to be occupied by a full time resident. The resident will have duties in conjunction with the overnight operations taking place inside the building within the facility and other duties as assigned.

The positive impact to the community is that someone will be at the facility overnight. This ensures the dogs well-being is monitored in case of an emergency. This is a positive differentiation of how A Dog's Day Out manages their business versus other Dog Day Care Centers. There is no known negative impact to the community.

The proposed addition of Dog Day Care Center would allow for the addition of ancillary overnight boarding services that were not defined in Dog Beauty Parlor definition. The justification is that in the B-1 Zoning District there is a precedent of VCA Healthy Paws Medical Center offering day care, overnight boarding and extended boarding. These are services for clients that are outside of veterinary needs. There are no complaints about these services within the B-1 District.

Upon receipt of the loan settlement for the construction efforts, A Dog's Day Out Haymarket provided The Town of Haymarket the bond letters required and we were informed at that time there was an issue identified in the ordinance that conflicted with our ability to have dogs boarded overnight. This kennel ordinance has a portion of its definition that describes where 3 or more dogs are kept overnight for a fee. The kennel ordinance is currently defined in the Industrial Zone District.

Given there has been significant staffing turnover within the Town staff supporting these functions, there has been gaps in continuity to communicate our use in the Dog Beauty Parlor. The current Town Planner, Emily Lockhart recommended that we propose a zoning text amendment that would support an insertion of Dog Day Care into the Personal Services category.

Additional justification is that the reference to overnight boarding was made at the onset of A Dog's Day Out Haymarket application for rezoning to B-1 in the category of Dog Beauty Parlor by then Town Planner & Zoning Administrator, Marchant Schneider, in July 2016. On August 31st, Matt Caudle read into record Marchant Schneider's letter as he was held up in traffic and unable to attend. One item in his letter stated the following: ***Designation as Dog Beauty Salon. I have made the determination as zoning administrator that the unique characteristics of the proposed business qualifies this designation.*** We had discussed during the rezoning process on multiple occasions all services provided by our business were communicated and can be found on Town of Haymarket recorded videos.

DEC 08 2017

Attached is a list of those videos with timestamps for the record. A Dog's Day Out Haymarket received approval in October of 2016 from the Town Council to rezone to B-1. The months followed with multiple meetings to support Preliminary Site Plan, Architecture Review Board Meetings for the building design and Final Site Plan were all approved in the Winter/Spring/Summer of 2017.

The positive impacts for the community are not only for area residents to have a clean, safe, trustworthy facility to bring their dogs within the Town of Haymarket but will attract nearby residents into town to purchase other goods and services that will support other Haymarket small businesses. A Dog's Day Out will bring approximately 12 new jobs to the Town. A brand new attractive building will be erected in a current vacant lot that is a substantial financial commitment to the town. This would be a win for the Town as well who given new development would attract additional small businesses to continue to revitalize the town. There are no known negative impacts. Should this not be approved, A Dog's Day Out would not be able to continue moving forward.

As many of the Planning Commissioners have stated, we have gone above and beyond in order to accommodate Town suggestions on our business moving forward. We have spent a great deal of money that was not initially budgeted to make this business work within the Town requirements. We respectfully request your approval on the Zoning Text Amendment attached and look forward to discussing at the December 18, 2017 Planning Commission Meeting and January 3, 2018 Public Hearing.

Video recording information

July 5th 2016 Joint Meeting TC/PC

14.42-Marchant-Rezone

16.40-Marchant-dog day care

18.00-Andrea-talks about boarding overnight

20.29-Conner Leak talks about Drop off time

26.33-Kathy Pasanello Talks about Doggie Day Care

27.00-Kathy Pasanello ask question about 24hr coverage

27.03-Andrea talks about apartment and overnight

27.19-Maureen Carrol-Ask about all hours pick up time

28.27-Marchant talks about boarding and Vet clinic and residential to the rear

30.05-Steve Shannon says he would like to use facility (Traffic, Parking, sidewalks) are of concern to him at this time.

31.50-Steve Shannon applauds the type of business

July 6th 2016 PC



44.09-Andrea talks about apartment and overnight
 44.32-Andrea talks about overnight dogs
 48.30-Steve Shannon talks about circular driveway
 50.09-Andrea Talks about Services (Boarding Overnight)
 56.36-Matt Caudle likes plan personally
 59.52-Steve Shannon- loves idea of our business
 1.14-Matt Caudle talks about Healthy PAWS
 1.14:47-Marchant talks about noise from Healthy Paws
 1.14:42 James Carrol ask Marchant about Noise from Healthy Paws to his residence
 1.16.57-Steve Shannon-Talks about no dogs past 7pm
 1.18:34-Carols went to Ashburn Facility

Aug 31st 2016 PC

2.28-Brian Garcia Speaks in favor of ADDO
 8.10-Chief Nobel talks and says he cannot speak negatively on traffic impact
 14.24-Steve Shannon talks about noise and thinks noise/traffic not a problem
 16.15-Steve Shannon says "He would use that place"
 17.30-Maureen/James Carrol visited ADDO Ashburn and experienced no noise issues
 18.52-James Carrol says "We have done Yeoman's like work"
 21.15-Matt Caudle read Marchant Letter recommending ADDO to be moved forwarded
 23.40-Matt Caudle says Applicants have done everything we have ask them to do
 25.00 Vote taken by PC
 25.37-Motion passes
 25:48 Matt Caudle says He hopes to board a dog or get a groom there sometime



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Town Council
FROM: Emily Lockhart, Town Planner
DATE: December 28, 2017
SUBJECT: 6680 Fayette Street, Zoning Text Amendment Application, ZTA2017-003

APPLICATION SUMMARY:

Andrea and Jim Payne are submitting a zoning text amendment application. The applicants are requesting a modification to the definition of accessory apartment, to include an apartment on the second story of a commercial building that is ancillary to the principal use. Additionally, the applicants are requesting the for "dog day care center" to be added to the zoning ordinance definitions and by-right uses in the Town Center B-1 District.

STAFF RECOMMENDATION:

Staff supports the proposed zoning text amendment for the accessory apartment definition to include accessory apartments on the second floor of commercial structures and ancillary to the principal use. This type of mixed-use development was previously permitted in the zoning ordinance and currently is listed as a by-right use in the Town Center B-1 district. In the updated zoning ordinance, the definition of accessory apartment restricts the use to residential homes. The text amendment would change the definition to include the ancillary use in the B-1 district.

Staff recommends that the Planning Commission and Town Council consider the zoning text amendment for a dog day care center and take into consideration the noise abatement options, number of permitted dogs outside at any given time day or night, number of permitted dogs in the facility overnight for boarding purposes and hours of operation and drop off.

Staff recommends that the Planning Commission forward ZTA#2017-003, Application to Amend the Zoning and Subdivision Ordinance forward to the Town Council with recommendation of approval.

DRAFT MOTION:

"I move the Planning Commission refer zoning text amendment application, ZTA#2017-003 to Amend the Zoning and Subdivision Ordinance forward to the Town Council with a recommendation of approval."

Or An alternate motion.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Planning Commission
FROM: Emily Lockhart, Town Planner
DATE: December 14, 2017
SUBJECT: Planning Commission Appointment to the Architectural Review Board

Sample Motion: *I move the Planning Commission appoint –insert Commissioner’s name-- to the Architectural Review Board as the Liaison from the Planning Commission”*

Or Alternate Motion

Attachment: Appointment to ARB (AGI-2018-4 : Planning Commission Liaison Appointment)