



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ AGENDA ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, August 5, 2013

7:00 PM

Council Chambers

1. Call to Order

2. Pledge of Allegiance

3. Public Hearings

- A. Rezoning Application - 14550 John Marshall Highway
- B. Use of limited professional offices in the R-1 District at 14550 John Marshall Highway, GPIN #7397-19-1734
- C. Zoning Text Amendments: 58.1, 58.258, and 58.260
- D. Special Use Permit - Saint Paul's Church Sign
- E. Use of 14710 & 14740 Washington Street

4. Citizen's Time

5. Minutes Acceptance

- A. Mayor & Council - Special Meeting - Jun 27, 2013 7:00 PM
- B. Mayor & Council - Regular Meeting - Jul 1, 2013 7:00 PM

6. Department Reports

- A. Police Report - Chief James Roop
- B. Treasurer's Report - Staff
- C. Engineer's Report - Holly Montague, Town Engineer
- D. Town Manager's Report - Brian Henshaw, Town Manager
- E. Planner's Report
- F. Building Official's Report Dan Lyons, Soil Consultants, Inc.

7. Agenda Items

- A. Rezoning 14550 John Marshall Highway Marchant Schneider
- B. Special Use Permit - 14550 John Marshall Highway Marchant Schneider, Town Planner
- C. Zoning Text Amendments
- D. Special Use Permit - Saint Paul's Church Sign
- E. Use of 14710 & 14740 Washington Street
- F. Washington Street Enhancement Project Holly Montague
- G. Day of Service - Brian Henshaw, Town Manager
- H. Plan Review Services - Fire Prevention Brian Henshaw, Town Manager
- I. Assisted Listening Devices - Denise Hall
- J. Haymarket Quilters Request to Council
- K. Alexandra's Keep Site Plan REV #3
- L. Zoning Permits - Town Property
- M. Parcel A-1, LLC Occupancy Request

8. Closed Session

- 1. Closed Session
- 2. Certification of the Closed Session

9. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare
- C. Katherine Harnest

D. Mary Lou Scarbrough
E. Milt Kenworthy
F. James Tobias
G. David Leake - Public Safety Committee; Business Committee; Volunteer Award

10. Adjournment



TOWN OF HAYMARKET TOWN COUNCIL

SPECIAL MEETING ~ MINUTES ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Thursday, June 27, 2013

7:00 PM

Council Chambers

A Special Meeting of the Mayor & Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:00 PM

Mayor David Leake called the meeting to order.

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

4. Public Hearings

Presentation - Marchant Schneider

The Town Planner, Marchant Schneider is providing a power point presentation this evening. The presentation provides an overview of both the Boundary Line Adjustment and the Rezoning of 14550 John Marshall Highway, the two public hearings this evening.

1. Boundary Line Adjustment - North Eastern limits of Town at 14550 John Marshall Highway

Mayor Leake calls for anyone wishing to speak on the Boundary Line Adjustment matter to please come forward.

Courtney Morrison - School Board, Saint Paul's
She is here tonight to support the application

Jennifer Patrick - Piedmont resident - Teacher at Saint Paul's
She is excited that Saint Paul's may be able to offer education up to grade 5. She thinks this is good for the community. She has known Dr. Landry for about six years and know he is very excited about this project.

Jennifer Nelson - Registrar at Saint Pauls
She has been very excited to watch the growth at Saint Paul's and is looking forward to this expansion

Kimberly Barker - Haymarket resident
Her daughter has attended Saint Paul's for the past four years. She is also part of the school board at Saint Paul's and thinks this will be a wonderful thing.

Kris Powers - Teacher at Saint Paul's
She is so excited about this move because they are running out of space at their current location. This move will let the school continue to grow.

Roberta - QBE Real Estate Agent
She uses this community for everything. She thinks this is a great project. She is excited about the tenants they have asked to come in.

Name not given

She feels this is an awesome opportunity for Saint Paul's School. She has worked with board members. This will be a venue for the entire community.

Minutes Acceptance: Minutes of Jun 27, 2013 7:00 PM (Minutes Acceptance)

Sylvia - Haymarket Resident

She just went to work after 18 years as a teacher at Saint Paul's. She loves living and working in the same community.

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Katherine Harnest, Councilwoman
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

2. Zoning Map Amendment - 14550 John Marshall Highway

RESULT:	CLOSED [UNANIMOUS]
MOVER:	Milt Kenworthy, Councilman
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Planning Commission Public Hearing

The Planning Commission calls their public hearing and special meeting to order. Chair Weir invites anyone wishing to speak on the matter to please come forward.

Chair Weir carries the public hearing over to July 8, 2013, regular meeting of the Planning Commission

5. Agenda Items

A. Boundary Line Adjustment

B. Zoning Map Amendment - 14550 John Marshall Highway

Motion to forward the rezoning application for 14550 John Marshall Highway, filed by QBE Global, LLC to the Planning Commission for their review and recommendation

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

C. Fiscal Year 2014 Budget

WHEREAS, Section 15.2-2503 of the 1950 Code of Virginia, as amended, provides that the governing body of the Town shall prepare and approve an annual budget; and

WHEREAS, said budget shall be prepared and approved for informative and fiscal planning purposes only; and

WHEREAS, this budget contains a complete itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowings for the ensuing fiscal year; and

WHEREAS, a copy of the budget was published as required by the provisions 15.2-2506 of the State Code, and the public hearing as required was held on June 20, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Haymarket, Virginia does hereby approve the Fiscal Year 2014 Budget in the amount of \$4,305,430

Minutes Acceptance: Minutes of Jun 27, 2013 7:00 PM (Minutes Acceptance)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jay Tobias, Vice Mayor
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

6. Motion to Adjourn

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Rebecca Bare, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

Minutes Acceptance: Minutes of Jun 27, 2013 7:00 PM (Minutes Acceptance)



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, July 1, 2013

7:00 PM

Council Chambers

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

Mayor David Leake called the meeting to order.

1. Call to Order

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

2. Pledge of Allegiance

3. Citizen's Time

Pam Stutz - 6720 Jefferson Street

She is here in support of the food pantry lease, it is her understanding that it may be discussed. They have provided a service in this Town for a long time. They have the support of the community including the Town Council and she thanks them for that. They are asking for an extension on their lease. She would like everyone to know that this is a volunteer organization, no one gets paid. Everything raised is from donation. They started out helping 35 families, now they are helping 375 families. That equates to 1,200 people per week. She would appreciate everyone remembering tonight that they are truly a non-profit organization. It would be very difficult for them to afford any rent. They are requesting a 3-5 year extension. They have plans to have educational programs. She appreciates the Council consideration this evening.

John Lombardo - Owns property know as Parcel A-1, next to the Rose property

As the adjacent property owner, he loves the idea of a gymnastics studio next to him. He is concerned about the amount of dust generated from a gravel parking lot.

Martha Cutsinger

She is here about the Bull Run Gymnastics Academy. She is here on behalf of all the other moms to beg to do whatever needs to be done to support the opening of the gym. She would love to keep her business in Haymarket; she currently travels to Manassas, Ashburn, & Fairfax

Shawn Herd -14427 Chalfont Drive

He is here this evening to speak in favor of the gymnastics studio. He has two gymnast daughters. Being able to have facilities here in Haymarket and not have those long commutes with top notch coaching is much needed.

Mike Palifco - Warrenton

He was approached by Ms. Henry to potentially coach men's gymnastics. He is a men's gymnastics coach. He has intimate knowledge that the success of a gymnastics business depends on the fall schedule. He thinks this is a great population for gymnastics to thrive in.

4. Minutes Acceptance

A. Mayor & Council - Regular Meeting - May 6, 2013 7:00 PM

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Mary-Lou Scarbrough, Councilwoman
SECONDER: Milt Kenworthy, Councilman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Mayor & Council - Regular Meeting - Jun 3, 2013 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Mary-Lou Scarbrough, Councilwoman
SECONDER: Milt Kenworthy, Councilman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

C. Mayor & Council - Special Meeting - Jun 20, 2013 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Mary-Lou Scarbrough, Councilwoman
SECONDER: Milt Kenworthy, Councilman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

D. Mayor & Council - Work Session - Jun 25, 2013 3:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: Mary-Lou Scarbrough, Councilwoman
SECONDER: Milt Kenworthy, Councilman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

5. Department Reports

A. Treasurer's Report - Staff

Tobias talks about an update to the Old Post Office. With some change orders, we are over the originally approved budget by about \$12,000.

B. Police Report - Chief James Roop

Deputy Chief Greg Breeden

C. Town Engineer Report - Holly Montague

D. Town Planner Report - Marchant Schneider

E. Building Official's Report - Soil Consultants

F. Town Manager's Report - Brian Henshaw

Defer Fire Marshal matter to August agenda

6. Agenda Items

A. Town Seal

WHEREAS, The Town of Haymarket is a municipal corporation duly organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, The Town Council of the Town of Haymarket has deemed it in the public interest of the Town to adopt a seal; and

WHEREAS, The Town Council has determined that the seal should represent the historical significance of the Town's Museum as well as displaying the year the Town was established by the Virginia General Assembly

WHEREAS, The Official Town Seal shall be used in connection with all documents, records, publications and other business transactions of the Town;

NOW THEREFORE, BE IT RESOLVED:

That the following Seal is hereby established as the Official Town Seal of the Town of Haymarket, Virginia

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Jefferson Street Functional Reclassification**RESOLUTION 20130701-2**

**RESOLUTION OF THE HAYMARKET TOWN COUNCIL TO REQUEST THE VIRGINIA
DEPARTMENT OF TRANSPORTATION TO RECLASSIFY OLD CAROLINA
ROAD/JEFFERSON STREET FROM A LOCAL/UNCLASSIFIED ROAD TO A COLLECTOR
ROAD IN THE STATE'S FUNCTIONAL CLASSIFICATION SYSTEM -GAINESVILLE
MAGISTERIAL DISTRICT**

WHEREAS, Old Carolina Road/Jefferson Street (Route 703) is identified as an overburdened north-south route potentially serving as a reliever road for Route 15 in the Town of Haymarket Comprehensive Plan; and

WHEREAS, Old Carolina Road/Jefferson Street (Route 703) is currently classified as a local/unclassified road in the Virginia Department of Transportation (VDOT) Function Classification System; and

WHEREAS, Old Carolina Road/Jefferson Street (Route 703) connects two primary roads and functions as a collector; and

WHEREAS, the VDOT Northern Virginia District staff has recommended that the Town request the changing of the functionality of Old Carolina Road/Jefferson Street (Route 703) from local/unclassified to collectors; and

WHEREAS, if the Town of Haymarket Town Council approves this request, it will be put on the agenda of the Commonwealth Transportation Board for its consideration; and

WHEREAS, in any reclassification of roadway, the Town of Haymarket asks that all existing access and any existing improvement projects be grandfathered to allow prior classification standards;

NOW, THEREFORE, BE IT RESOLVED that the Haymarket Town Council does hereby request the Virginia Department of Transportation to reclassify Old Carolina Road/Jefferson Street (Route 703) from a local/unclassified road to a collector road in the State's Function Classification System in the Gainesville Magisterial District.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

C. Town Center Master Plan

Motion that the Town Council adopts the Town Hall Center Master Plan. It is further moved that the Council direct staff to create a tentative work plan for implementation of the Master Plan and identify potential funding strategies for the design phase of the Master Plan.

Discussion: Tobias reminds all that the funding for the Master Plan has been stripped from the the FY 2014 budget. Leake asks about any leftover funding. Mr. Bishoff responds that there is a little over \$2,000 left.

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

RESULT: ADOPTED [5 TO 1]
MOVER: Mary-Lou Scarbrough, Councilwoman
SECONDER: Katherine Harnest, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy
NAYS: Jay Tobias

D. Rose Investments, LLC - Request to Council

Motion to table request for temporary occupancy for Bull Run Gymnastics to be located at 6630 James Madison Highway until the applicant/property owner provides documentation from VDOT reflecting no road improvements are necessary for the new use

Discussion: *Aitken doesn't understand why we would table this matter, when the recommended motion already requires the same letter from VDOT prior to occupancy.*

RESULT: DEFEATED [2 TO 4]
MOVER: Jay Tobias, Vice Mayor
SECONDER: Rebecca Bare, Councilwoman
AYES: Rebecca Bare, Jay Tobias
NAYS: Steve Aitken, Katherine Harnest, Mary-Lou Scarbrough, Milt Kenworthy

Temporary Occupancy Request

Motion that the Town Council approve a temporary occupancy permit for 11,900 square feet of recreation, commercial, indoor, fitness and sports activities at 6630 James Madison Highway, EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy will not be permitted by the building inspector and a zoning permit will not be issued by the Zoning Administrator until the following requirements are completed:

1. Correspondence from VDOT to the Town stating road improvements on Route 15 at the entrance easement to the subject property are not required.
2. Building inspector requirements for tenant up-fit, to include requirements for ADA.
3. Clean up and/or screening of outdoor storage of building materials / equipment stored on the property.

It is further moved that a Final Site Plan shall be submitted by the property owners no later than December 31, 2013 and an approval of the Final Site Plan diligently pursued thereafter. Construction of the site improvements required by the final site plan shall be completed by September 1, 2014. An occupancy permit will be issued upon completion of the required improvements. Failure of the property owner to complete the required improvements within the timeline prescribed above will result in the suspension of the temporary occupancy permit and a zoning violation notice will be issued to the property owner and tenant.

RESULT: ADOPTED [5 TO 1]
MOVER: Steve Aitken, Councilman
SECONDER: Katherine Harnest, Councilwoman
AYES: Aitken, Bare, Harnest, Scarbrough, Kenworthy
NAYS: Jay Tobias

E. 14550 John Marshall Highway - Rezoning Application

This matter is deferred to the July 23, 2013 Town Council meeting

F. Boundary Line Adjustment

RESOLUTION 20130701 - 3

RESOLUTION OF THE HAYMARKET TOWN COUNCIL

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

**STATING ITS INTEREST IN ENTERING INTO AN AGREEMENT WITH PRINCE WILLIAM
COUNTY AUTHORIZING ADJUSTMENTS TO THE CORPORATE BOUNDARY LINE OF THE
TOWN OF HAYMARKET
RE: PACE WEST SCHOOL PROPERTY**

WHEREAS, QBE Global, LLC is the contract purchaser on the property owned by the Prince William County School Division, known as the PACE West School, GPIN 7397-19-1734; and

WHEREAS, the Town boundary of the Town of Haymarket bifurcates the PACE West School building resulting in the majority of the property, including recreation fields utilized by the Prince William County Department of Parks & Recreation, being located within the Town; and

WHEREAS, QBE Global, LLC by letter dated May 3, 2013, has petitioned the Haymarket Town Council requesting support of QBE Global's efforts to redevelop the property and allow for continued use of the recreation fields; specifically, support for a boundary line adjustment to include the entire property within the Town of Haymarket's corporate limits; and

WHEREAS, the proposed boundary line adjustment would cause approximately 2.0783 acres of property located within Prince William County to be added to the Town of Haymarket; and

WHEREAS, in accordance with Code of Virginia Section 15.2-3106, *et seq.*, two localities may, by agreement, relocate a common boundary line; and

WHEREAS, the Haymarket Town Council, by letter dated June 4, 2013, expressed to the Board of County Supervisors its support and interest in initiating a boundary line adjustment based on QBE Global's filing and pursuit of a rezoning of the PACE West School property from a residential district to a business district; and

WHEREAS, on June 7, 2013, QBE Global, LLC, dba Haymarket Properties Group, LLC filed a rezoning application and requisite public hearings are being scheduled by the Town Council and Planning Commission; and

WHEREAS, the Haymarket Town Council further expressed to the Board of County Supervisors its support and interest in initiating a boundary line adjustment based on the continued use of the recreation fields on the PACE West School property by the Prince William County Department of Parks and Recreation for the foreseeable future; and

WHEREAS, QBE Global, LLC, dba Haymarket Properties Group, LLC, is awaiting County action on a lease agreement with the Prince William County Department of Parks and Recreation for use of the same recreation fields for a period of ten (10) years commencing on or about August 1, 2013; and

WHEREAS, QBE Global, LLC established its corporate headquarters within the Town of Haymarket in 2008 and has since been a good corporate citizen to the Town and County and, as such, the Haymarket Town Council wishes to retain QBE Global as a contributing resource to the community; and

WHEREAS, the Comprehensive Plan of the Town of Haymarket designates the portion of the property within the Town limit's as Public / Semi Public use and directs that "...close coordination must be maintained with the Prince William County School Board and the County Board of Supervisors so that the full potential [of PACE West School] may be explored as a social, business and recreational center for the Town and adjoining area residents"; and

WHEREAS, the Haymarket Town Council has determined that QBE Global's proposal is consistent with the Town's land use vision and would be a mutually beneficial arrangement for both the County and the Town; and

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

WHEREAS, the proposed boundary line adjustment would eliminate the cost of duplicative development review and permitting by both jurisdictions and would expedite QBE Global's effort to re-purpose the Pace West School building and property for benefit of the community; and

WHEREAS, a proposed agreement in the form attached hereto as Exhibit A has been drafted by staff for the Town of Haymarket, addressing the parcel lying partially in the Town and partially within the County; and

WHEREAS, the Haymarket Town Council held a public hearing on the boundary line adjustment and draft agreement on June 27, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Haymarket Town Council does hereby request that the Board of County Supervisors, authorize a public hearing to consider an agreement between Prince William County and the Town of Haymarket for a boundary line adjustment in the general form of Exhibit A.

RESULT:	ADOPTED [5 TO 1]
MOVER:	Steve Aitken, Councilman
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy
NAYS:	Jay Tobias

G. Haymarket Baptist Church - Final Site Plan

Motion that the Town Council approve final site plan FSP#20130628, Haymarket Baptist Church - Building Addition and Parking Expansion, prepared by Ross, France, and Ratliff, LTD, dated May 15, 2007, sealed May 16, 2013, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of a Stormwater Management Facilities Maintenance Agreement providing for maintenance of all such facilities without cost to the Town for all on-site (and off-site, if applicable) stormwater facilities to be installed in conjunction with the development of the subject property; and,
2. Payment of all costs, fees and expenses due the Town. and

It is further moved that the Town Council, pursuant to Sections 58-699(c) and 58-703(f) of the Town Code, approve the alternative buffer yards and waiver of perimeter parking lot landscaping as depicted on Sheet 6 of FSP#20130628;

It is also further moved that the Town Council approve the record plat titled "Record Plat Showing Consolidation and Various Easements the Property of Trustees of Haymarket Baptist Church, prepared by Ross, France, Ratliff, LTD, dated July 7, 2008, and its associated Deed of Consolidation and Easement, subject to, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of all plats and documentation in a form and substance as approved by the Town Attorney; and
2. Payment of all costs, fees and expenses due the Town; and
3. The foregoing two conditions to be completed and satisfied within 180 days of the date of Town Council approval, otherwise the approval to be void and of no further effect.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Katherine Harnest, Councilwoman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

H. Haymarket Quilters

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

Direct staff to bring this back to us on July 23, 2013 with four firm dates through June 2014.

I. Public Works Contract - Brian Henshaw

J. Zoning Text Amendment Application

Aitken moves to direct staff to schedule a public hearing for August 5, 2013 for the zoning text amendment application, #ZTA20130308 for non-motorized vehicle use in the I-1 zoning district

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Aitken, Councilman
SECONDER:	Mary-Lou Scarbrough, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

7. Appropriations

A. Quarterly Appropriations

Motion that pursuant to Policy #20100816 adopted by the Town Council on August 16, 2010 the Town Council appropriates the following from the Fiscal Year 2014 Adopted Budget:

Police & Public Safety: \$171,874; Administration: \$97,457; Public Works: \$46,527; Legislative & Advisory: \$13,004; Museum: \$8,745; Debt Service: \$247,647; Miscellaneous: \$7,500; Capital Fund Expenditures/Washington Street Construction: \$2,339,623; Capital Fund Expenditures/Washington Street Cash Reserves: \$160,233

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Public Works Contract

Tobias motions to adopt Resolution 20130701-5 to authorize the Mayor to enter into contract with Genesis Contracting & Consulting for the facilities maintenance contract, as amended, should the contract administrator deem a bid excessive, the Town can seek other contractors to perform the service, Kenworthy seconds;

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Haymarket Regional Food Pantry

Tobias would like to continue to leave this item on the table until such time a proposal is received by the Boys & Girls Club. The Club has a history of working with other charitable organizations and to him it seems more favorable to lease both properties to one organization. They seem to be eager to have discussion with the Food Pantry. He thinks that before we make any further obligations of the Town's properties for a monetary sum that is deemed insignificant, he thinks we should seek the public input as to whether or not it would a fiscally responsible decision.

Aitken asks if we are talking about a public hearing? Yes, Tobias thinks we should have a public hearing. Tobias suggests the August meeting for the public hearing. Aitken agrees that a public hearing makes sense. But this came before Council months ago and we keep delaying it. Tobias reminds that he has been working on this matter for months behind the scenes.

Terminate Debate

Motion to call for the vote and terminate debate

Discussion: *The Mayor would like the record to reflect that all Council Members have not had a chance to have discussion on this matter*

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

RESULT:	DEFEATED [2 TO 3]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Milt Kenworthy, Jay Tobias
NAYS:	Steve Aitken, Rebecca Bare, Katherine Harnest
ABSTAIN:	Mary-Lou Scarbrough

C. Food Pantry Lease

Motion to table the discussions and considerations of leasing 14740 Washington Street to the Haymarket Regional Food Pantry

Discussion: *Aitken asks him to amend his motion to not table it indefinitely. Bare asks Pam Stutz if this hurts the Food Pantry in any way tabling this matter. Mrs. Stutz said that it would not as long as a decision can be made on September 3.*

Tobias amends his motion to table the matter to September 3, 2013

RESULT:	ADOPTED [5 TO 0]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Kenworthy, Tobias
ABSTAIN:	Mary-Lou Scarbrough

8. Closed Session

A. Closed Session

Motion to enter into closed session pursuant to 2.2-3711 A:

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, **specifically property currently occupied by the Food Pantry**

The record reflects that Councilwoman Scarbrough did not enter closed session discussions regarding the Food Pantry.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Katherine Harnest, Councilwoman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Kenworthy, Tobias, Leake
ABSTAIN:	Mary-Lou Scarbrough

B. Certification of the Closed Session

Motion certification that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)

RESULT:	ADOPTED [6 TO 0]
MOVER:	Steve Aitken, Councilman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Kenworthy, Tobias, Leake
ABSTAIN:	Mary-Lou Scarbrough

9. Councilmember Time

A. Steve Aitken

B. Rebecca Bare - PC Update

Bare would like to ask council to extend their appointment of Commissioner Ring. His term expired on June 30. The Town Attorney responds that if no action is taken he will serve until a successor takes oath.

C. Katherine Harnest - ARB Update

D. Mary Lou Scarbrough

E. Milt Kenworthy

F. James Tobias - Old Post Office - Fitness Benefit

Old post office was talked about briefly earlier. There was one minor code issue. One was the handrails on the stair rails. Second was the ramp was poured but the connection to the asphalt was not to code.

Tobias has been approached by numerous employees of the Town about a gym membership. If we could get five employees to participate, an in-Town gym would discount their membership fees, the employee would sign a membership contract with the gym the dues could be paid from two different sources. His proposal would be to allow \$100/month for any employee who wishes to sign up, employee would be responsible for the difference. The Town Attorney advises that this would be a taxable benefit, per the IRS.

G. David Leake

The Mayor announces that he and the Town Manager attended the VML Town Section meetings. They had discussions about the FOIA officer, Marie Everett, coming to the Town. The Town Manager is trying to set something up for this fall.

10. Motion to Adjourn at 10:00 PM

Submitted:

Approved:

Jennifer Preli, Town Clerk

David Leake, Mayor

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Katherine Harnest, Councilwoman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

Minutes Acceptance: Minutes of Jul 1, 2013 7:00 PM (Minutes Acceptance)



TO: Town of Haymarket Town Council
SUBJECT: Police Report
DATE: 08/05/13

Please find the police report attached.

ATTACHMENTS:

- Police Report (PDF)

Town Police Statistics for April, May, & June 2013

Activity	April	May	June	Total
Mileage	4558	5308	6213	16079
Warning Tickets	137	137	135	409
Parking Tickets	11	11	12	34
Uniform Traffic Summons	185	185	140	510
Criminal Felony	3	6	5	14
Criminal Misdemeanor	10	15	7	32
Reports	21	16	16	53
Complaints	400	407	401	1208
Accidents	8	6	5	19
Hours Worked	1220	1204	1200.5	3624.5

During the month of June the Haymarket Police Department staff participated in the following:

- CPR Training at Middletown Academy
- Annual Car Show
- Preparations for relocation of Police Department

Criminal Stats for June 2013 Haymarket Police Department

1. Suspicious Person = 15
2. Search Warrant Service = 1
3. Disorderly = 2
4. Larceny = 3
5. Suspicious Vehicles = 4
6. Domestic = 2
7. Alarm Calls = 7
8. 911 Hang Up = 2
9. Found Child = 1
10. DIP = 5
11. Civil Dispute = 1
12. Found Property = 1
13. Lost Juvenile = 1
14. Assault and Battery = 1
15. Vandalism = 1





TO: Town of Haymarket Town Council

SUBJECT: Treasurer's Report

DATE: 08/05/13

Please review the newly revised chart of accounts. Please let staff know if you have any comments or concerns on the new chart.

ATTACHMENTS:

- August 2013 Treasurer's Report (PDF)

9:21 AM
07/30/13
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2013 through June 2014

	Jul '13 - Jun 14	Budget
Ordinary Income/Expense		
Income		
GENERAL PROPERTY TAXES		
Real Estate - Current	0.00	291,032.00
Public Service Corp RE Tax	0.00	9,400.00
Personal Property Tax	45.09	25,000.00
Penalties - All Property Taxes	0.00	3,000.00
Interest - All Property Taxes	95.20	2,500.00
Total GENERAL PROPERTY TAXES	140.29	330,932.00
OTHER LOCAL TAXES		
Sales Tax Receipts	0.00	85,000.00
Meals Tax - Current	47,261.49	475,000.00
Consumer Utility Tax	2,062.94	100,000.00
Bank Stock Tax	0.00	18,000.00
Business License Tax	-1,823.73	140,000.00
Cigarette Tax	0.00	250,000.00
Total OTHER LOCAL TAXES	47,500.70	1,068,000.00
PERMITS,FEES & LICENSESES		
Occupancy Permits	100.00	2,000.00
Inspection Fees	5,175.00	10,000.00
Other Planning & Permits	-5.00	23,000.00
Application Fees	282.12	10,000.00
Motor Vehicle Licenses	135.00	750.00
Total PERMITS,FEES & LICENSESES	5,687.12	45,750.00
FINES & FORFEITURES	0.00	75,000.00
REVENUE FROM COMMONWEALTH		
Communications Tax	9,863.15	120,000.00
Department of Fire Programs	0.00	8,000.00
599 Law Enforcement Grant	0.00	33,922.00
DEQ Grant	0.00	1,000.00
Personal Property Tax Reimburse	0.00	18,627.00
DMV Grant	0.00	7,500.00
Railroad Rolling Stock	0.00	1,450.00
Total REVENUE FROM COMMONWEALTH	9,863.15	190,499.00
MISCELLANEOUS		
Interest on Bank Deposits	35.00	1,500.00
Gifts & Donations	0.00	1,500.00
Citations & Accident Reports	55.00	300.00
Recovered Costs - Events	2,170.90	10,500.00
Sale of Salvage & Surplus	397.34	1,000.00
Total MISCELLANEOUS	2,658.24	14,800.00
RENTAL (USE OF PROPERTY)		
Penalties & Interest	445.73	
Suite 110 Rental Income	3,779.17	46,615.00
Suite 200 Rental Income	7,501.25	94,141.00
Suite 204 Rental Income	2,267.41	27,720.00
15020 Wash St Rental Income	0.00	32,000.00
6630 Jefferson St Rental Income	3,000.00	37,350.00
Town Hall Rental Income	0.00	2,000.00
Total RENTAL (USE OF PROPERTY)	16,993.56	239,826.00
INTEREST ON BANK DEPOSITS	0.00	1,000.00
SAFETY LU/MAP 21 GRANT	0.00	1,290,852.00
TRANSFER OF CASH RESERVES	0.00	1,048,771.00
Total Income	82,843.06	4,305,430.00
Gross Profit	82,843.06	4,305,430.00

Attachment: August 2013 Treasurer's Report (1546 : Treasurer's Report)

9:21 AM
07/30/13
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2013 through June 2014

	Jul '13 - Jun 14	Budget
Expense		
01 - ADMINISTRATION		
11100 - TOWN COUNCIL		
Salaries & Wages - Regular	1,975.00	23,400.00
FICA/Medicare	164.86	1,755.00
Mileage Allowance	0.00	1,500.00
Meals and Lodging	0.00	2,000.00
Convention & Education	0.00	1,000.00
Town Elections	0.00	4,000.00
Total 11100 - TOWN COUNCIL	2,139.86	33,655.00
12110 - TOWN ADMINISTRATION		
Salaries/Wages-Regular	13,379.75	159,240.00
Salaries/Wages - Overtime	797.46	8,000.00
Salaries/Wages - Part Time	6,683.50	72,300.00
FICA/Medicare	1,507.86	18,000.00
VRS	1,049.76	13,646.00
Health Insurance	5,199.48	34,232.00
Disability Insurance	273.00	910.00
Unemployment Insurance	281.26	2,500.00
Worker's Compensation	503.00	500.00
Liability Insurance	11,728.00	12,000.00
Accounting Services	3,728.10	20,000.00
Cigarette Tax Administration	0.00	7,500.00
Temporary Help	0.00	0.00
Repairs/Maintenance Services	0.00	0.00
Maintenance Service Contracts	0.00	1,500.00
Printing & Binding	0.00	5,000.00
Advertising	0.00	13,000.00
Postage	0.00	2,000.00
Telecommunications	0.00	2,600.00
Equipment Rental	177.79	1,600.00
Mileage	0.00	1,500.00
Meals & Lodging	0.00	2,000.00
Convention & Education	0.00	1,000.00
Miscellaneous	0.00	1,000.00
Dues & Memberships	1,333.88	3,500.00
Office Supplies	246.51	3,500.00
Books & Subscriptions	0.00	800.00
Educational & Training	0.00	2,000.00
Total 12110 - TOWN ADMINISTRATION	46,889.35	389,828.00
12210 - LEGAL SERVICES		
Legal Services	8,290.00	80,000.00
Total 12210 - LEGAL SERVICES	8,290.00	80,000.00
12240 - INDEPENDENT AUDITOR		
Auditing Services	0.00	18,000.00
Total 12240 - INDEPENDENT AUDITOR	0.00	18,000.00
Total 01 - ADMINISTRATION	57,319.21	521,483.00
03 - PUBLIC SAFETY		
31100 - POLICE DEPARTMENT		
Salaries & Wages - Regular	26,012.59	338,312.00
Salaries & Wages - Overtime	2,113.20	15,000.00
Salaries & Wages - Part Time	0.00	500.00
FICA/MEDICARE	2,251.18	30,000.00
VRS	2,230.26	30,000.00
Health Insurance	0.00	85,000.00
Group Insurance	428.00	4,802.00
Disability Insurance	0.00	2,450.00
Unemployment Insurance	0.00	5,000.00
Workers' Compensation Insurance	8,000.00	10,000.00
Line of Duty Act Insurance	2,600.00	2,500.00
Legal Services	1,260.00	14,500.00
Repair/Maintenance Service	1,090.00	2,025.00

Attachment: August 2013 Treasurer's Report (1546 : Treasurer's Report)

9:21 AM
07/30/13
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2013 through June 2014

	Jul '13 - Jun 14	Budget
Maintenance Service Contracts	950.00	1,200.00
Advertising	0.00	500.00
Electrical Services	324.02	2,000.00
Heating Services	0.00	1,500.00
Water & Sewer Services	0.00	0.00
Internet Services	0.00	3,180.00
Postage & Delivery	0.00	500.00
Telecommunications	447.98	4,700.00
General Prop Ins (Veh. & Bldg)	9,267.30	11,000.00
Equipment Rental	0.00	500.00
Mileage Allowance	0.00	250.00
Meals and Lodging	0.00	250.00
Discretionary Fund	0.00	1,500.00
Dues & Subscriptions	0.00	5,400.00
Office Supplies	1,346.71	3,375.00
Repair & Maintenance Supplies	0.00	500.00
Vehicle Fuels	1,724.61	25,000.00
Vehicle/Powered Equip Supplies	152.11	22,000.00
Police Supplies	0.00	2,700.00
Uniforms	781.31	8,850.00
Education & Training	0.00	1,000.00
Grant Expenditures	0.00	7,500.00
Capital Outlay-Furniture/Fixtur	0.00	0.00
Capital Outlay - Motor Vehicles	0.00	0.00
Capital Outlay-Machinery/Equip	0.00	6,000.00
Total 31100 · POLICE DEPARTMENT	60,979.27	649,494.00
34100 · BUILDING OFFICIAL	9,555.00	30,000.00
32100 · FIRE & RESCUE		
Contributions to other Govt Ent	0.00	8,000.00
Total 32100 · FIRE & RESCUE	0.00	8,000.00
Total 03 · PUBLIC SAFETY	70,534.27	687,494.00
04 · PUBLIC WORKS		
43200 · REFUSE COLLECTION		
Trash Removal Contract	5,472.25	67,000.00
Total 43200 · REFUSE COLLECTION	5,472.25	67,000.00
43100 · MAINT OF GENERAL BLDG & GROUNDS		
Repairs/Maintenance Services	0.00	15,000.00
Pest Control	75.00	3,000.00
Maintenance Service Contracts	212.50	15,000.00
Landscaping	0.00	15,000.00
Snow Removal	0.00	4,000.00
Maint Svc - Street Cleaning	360.00	11,000.00
Electric Services	0.00	3,500.00
Electrical Services-Streetlight	150.41	2,600.00
Water & Sewer Services	404.06	350.00
Website & Internet Svcs	1,005.85	12,000.00
General Property Insurance	1,800.33	1,701.00
Janitorial Supplies	91.58	1,000.00
Capital Outlay-Major Bldg Reprs	0.00	10,000.00
Total 43100 · MAINT OF GENERAL BLDG & GROUNDS	4,099.73	94,151.00
43201 · RENTAL PROPERTY - SUITE 110		
Repairs/Maintenance Services	0.00	1,000.00
Electrical Services	285.92	3,500.00
Water/Sewer Services	0.00	350.00
General Property Insurance	857.30	810.00
Real Property Taxes	0.00	463.00
Repair/Maintenance Supplies	0.00	500.00
Total 43201 · RENTAL PROPERTY - SUITE 110	1,143.22	6,623.00

Attachment: August 2013 Treasurer's Report (1546 : Treasurer's Report)

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Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2013 through June 2014

	Jul '13 - Jun 14	Budget
43202 · RENTAL PROPERTY - SUITE 200		
Repairs/Maintenance Services	591.00	1,000.00
Electrical Services	285.93	3,500.00
Water and Sewer Services	0.00	350.00
General Property Insurance	857.30	810.00
Real Property Taxes	0.00	1,060.00
Repair/Maintenance Supplies	0.00	500.00
Total 43202 · RENTAL PROPERTY - SUITE 200	1,734.23	7,220.00
43203 · RENTAL PROPERTY - SUITE 204		
Repairs/Maintenance Services	0.00	1,000.00
Electrical Services	285.92	3,500.00
Water and Sewer Services	0.00	350.00
General Property Insurance	857.30	810.00
Real Property Taxes	0.00	305.00
Repair/Maintenance Supplies	0.00	500.00
Total 43203 · RENTAL PROPERTY - SUITE 204	1,143.22	6,465.00
43204 · RENTAL PROPERTY - 15020 WASH ST		
Repairs/Maintenance Services	400.00	1,000.00
Water and Sewer Services	4.31	350.00
General Property Insurance	514.38	486.00
Real Property Taxes	0.00	1,000.00
Repair/Maintenance Supplies	0.00	500.00
Utilities	33.34	
Total 43204 · RENTAL PROPERTY - 15020 WASH ST	952.03	3,336.00
43205 · RENTAL PROPERTY-HULFISH HOUSE		
Repairs/Maintenance Services	0.00	1,000.00
Water and Sewer Services	0.00	350.00
General Property Insurance	600.11	570.00
Real Property Taxes	0.00	232.00
Repairs/Maintenance Supplies	0.00	500.00
Total 43205 · RENTAL PROPERTY-HULFISH HOUSE	600.11	2,652.00
43206 · 14710 WASHINGTON STREET		
Repairs/Maintenance Services	0.00	2,500.00
Electrical Services	200.79	4,000.00
Pest Control	0.00	0.00
Sewer Services	0.00	350.00
Gas Services	0.00	0.00
General Property Insurance	1,028.76	810.00
Repair & Maintenance Supplies	0.00	1,000.00
Real Property Taxes	0.00	0.00
Insurance - Property	0.00	0.00
Building Maintenance/Cleaning	0.00	0.00
Total 43206 · 14710 WASHINGTON STREET	1,229.55	8,660.00
Total 04 · PUBLIC WORKS	16,374.34	196,107.00
07 · PARKS, REC & CULTURAL		
71110 · EVENTS		
Contractual Services	1,580.00	7,500.00
Total 71110 · EVENTS	1,580.00	7,500.00

Attachment: August 2013 Treasurer's Report (1546 : Treasurer's Report)

9:21 AM
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Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2013 through June 2014

	Jul '13 - Jun 14	Budget
72200 - MUSEUM		
Salaries & Wages - Part Time	0.00	12,000.00
FICA/Medicare	0.00	1,074.00
Other Contractual Services	0.00	3,000.00
Repairs & Maintenance Services	0.00	4,000.00
Maintenance Service Contracts	0.00	720.00
Advertising	0.00	3,000.00
Electrical Services	70.89	1,200.00
Heating Services	0.00	2,500.00
Water & Sewer Services	0.00	500.00
Postage	0.00	100.00
Telecommunications	0.00	1,500.00
General Property Insurance	1,200.22	1,135.00
Miscellaneous	0.00	1,500.00
Dues & Subscriptions	0.00	500.00
Office Supplies	0.00	500.00
Janitorial Supplies	0.00	250.00
Repair & Maintenance Supplies	0.00	1,000.00
Books & Subscriptions	0.00	500.00
Total 72200 - MUSEUM	1,271.11	34,979.00
Total 07 - PARKS, REC & CULTURAL	2,851.11	42,479.00
08 - COMMUNITY DEVELOPMENT		
81100 - PLANNING COMMISSION		
Salaries & Wages - Regular	495.00	5,000.00
FICA/Medicare	0.00	300.00
Mileage Allowance	0.00	1,500.00
Meals & Lodging	0.00	2,000.00
Convention & Education	0.00	1,000.00
Total 81100 - PLANNING COMMISSION	495.00	9,800.00
81110 - ARCHITECTURAL REVIEW BOARD		
Salaries & Wages - Regular	315.00	3,780.00
FICA/Medicare	0.00	284.00
Mileage Allowance	0.00	1,500.00
Meals & Lodging	0.00	2,000.00
Convention & Education	0.00	1,000.00
Total 81110 - ARCHITECTURAL REVIEW BOARD	315.00	8,564.00
94101 - CABOOSE ENHANCEMENT PROJECT		
Construction	0.00	42,000.00
Total 94101 - CABOOSE ENHANCEMENT PROJECT	0.00	42,000.00
94100 - WASH ST. ENHANCEMENT PROJECT		
Street Scape Construction	0.00	2,339,623.00
Total 94100 - WASH ST. ENHANCEMENT PROJECT	0.00	2,339,623.00
Total 08 - COMMUNITY DEVELOPMENT	810.00	2,399,987.00
09 - NON-DEPARTMENTAL		
95100 - DEBT SERVICE		
2004 A Bond Principal	1,040.35	12,700.00
2004 A Bond Interest	523.23	6,065.00
2004 B Bond Principal	1,399.41	17,260.00
2004 B Bond Interest	1,290.30	30,781.00
2004 C Bond Principal	2,497.19	30,551.00
2004 C Bond Interest	1,362.25	15,763.00
2005 Bond Principal	0.00	75,000.00
2005 Bond Interest	0.00	37,733.00
Bond Administration Fees	85.46	
Capital Lease Payments	0.00	21,794.00
Total 95100 - DEBT SERVICE	8,198.19	247,647.00

Attachment: August 2013 Treasurer's Report (1546 : Treasurer's Report)

9:21 AM
07/30/13
Accrual Basis

Town of Haymarket
Profit & Loss Budget vs. Actual
July 2013 through June 2014

	Jul '13 - Jun 14	Budget
Street Scape Capital Reserve	0.00	160,233.00
General Reserve	0.00	50,000.00
Total 09 - NON-DEPARTMENTAL	8,198.19	457,880.00
Total Expense	156,087.12	4,305,430.00
Net Ordinary Income	-73,244.06	0.00
Net Income	-73,244.06	0.00

Attachment: August 2013 Treasurer's Report (1546 : Treasurer's Report)



TO: Town of Haymarket Town Council
 SUBJECT: Engineer's Report
 DATE: 08/05/13

Enhancement Project

- The Pre-Construction Meeting was held with the Contractor, VDOT Inspectors and Town Staff on July 17.
- The construction staging area (where the Contractor can store equipment, material, and post Civil Rights notices) will be on the "Police Station" Harrover property. Using Town owned property means that we do not need to pay additional costs for a staging area.
- A follow-up with the DEQ on the VSMP Permit (grading permit) found that there were two deficiencies in the VSMP Permit application. The Contractor Fed-Ex'ed the corrections to DEQ on July 25.
- The Town has submitted the Land Use Permit to VDOT (a permit from VDOT that allows work within the Right-of-Way).
- In order to keep the project moving efficiently, Town Staff recommends that Town Council pass a motion that allows the Town Engineer to approve shop drawings, plan interpretations, contingencies/change orders (up to the budgeted contingency amount), and invoice review, etc. There is a separate agenda item for this motion.
- Once the VSMP Permit is obtained, the Contract will be signed and the Notice to Proceed given to the Contractor. The Contractor will then have 15 days to begin work. In the meantime, the Contractor gathering submittals/preparing any shop drawings that can be done at this time.

Plan Review

- Alexandra's Keep Drainage Revision - The revision has been reviewed and I recommend approval. There is a separate agenda item for this.
- Signature Kitchens (Lombardozi): Meeting held with applicant to go over First Submission comments.
- Haymarket Ice Rink: Second submission received and in process of being reviewed.

Erosion and Sediment Control

- Town Staff is meeting with DEQ staff (overseeing agency) to perform joint inspections on sites within the Town.



TO: Town of Haymarket Town Council

SUBJECT: Town Manager's Report

DATE: 08/05/13

Day of Service Resolution:

- Memo included in packet, along with Resolution.

Fire Safety Plan Review:

- Memo included in packet, with recommendation.

Voting Changes:

- Included in your packet is a letter from the Electoral Board of Prince William County requesting us to consider changing our Town elections from May to November.
- Having dealt with this issue previously in my career, I can assure you that there are pros and cons to either decision.
- I would strongly recommend that you all have an open discussion about the possibility and the process.
- I have requested some assistance from VML representative to come discuss the pros and cons with you all, if interested.
- I would also highly recommend that you consider through this process the possibility of amending the Charter as well with an extension of the term limits from 2 year terms to 4 year staggered terms.
- I would be happy to lead to guide this discussion for the Council if called upon.

Administrative Assistant/ Museum Curator:

- We received over 70+ applications and resumes for the position.
- I narrowed the field based on qualifications and the understanding of the position requiring two separate set of qualifications.
- I will be interviewing on July 31st and August 1.
- It is my intent to present our hire to you all at the regular Council meeting on August 5th.

Treasurer Position:

- The position is being advertised thru August 2nd.
- To this date, we have received several qualified applicants.
- I would ask the Council to appoint a sub-committee for me to work with for the review of the applications and initial interviews.
- I would recommend this because the position of Treasurer is identified in the Town Charter.

VML Financial Services:

- I have decided to bring in a little additional help from VML Financial/ Accounting Services to help us wrap our portion of the Audit requirements.
- Due to changes in accounting procedures, there are accounting questions and processes that we need to perform that our Auditors cannot assist us with.
- We will only be requiring their assistance for a day or two to help us with the accounting portions of the audit as well as the remaining questions the auditors had for us per the preliminary audit.

Genesis Contracting and Consulting:

- Genesis has begun their work for the Town.
- We have been very pleased with their response time and their ability to assess the problem and render a solution in a timely manner.
- On Wednesday, July 24th, Mark Moshides and Scott Phelps (Principals for Genesis) came out and performed a detailed inspection of all of our properties.
- They will be submitting a report to me along with a priority list of repairs, between minor and major issues.
- While here, they also took a look at the drainage issues behind the Town Office with our Town Engineer to discuss potential short term solutions. They will be submitting us a recommendation and estimate for some potential short term solutions to try and prevent future flooding.
- Both Genesis and our Town Engineer agree that the long term solution would need to include a stormwater management and intensive site work.
- My intention is to hold off on that process until we can address the Town Center as a capital project and priority.

General Work Performed:

- They recently had to replace the smoke alarm system in the PD due to the smoke alarm system randomly going off.
- They will be performing some finish work to the Old Post Office.
- They will also be performing some work on the new PD.
- They will be performing work to the Old Police Department Office at the Harrover property to ready that facility for potential lease

Enhancement Grant- Streetscape Project:

- I have been keeping in touch with Holly as we move forward setting up preliminary meetings prior to starting the project.
- Holly will be advising you as to the progress of the project.
- Also, as an attempt to keep residents informed about the progress of the project, we will be utilizing the camera and the technology for our live webcast of meetings in the Council Chambers to post weekly updates on the progress and/or informing residents about the Streetscape Project.

VDOT Training:

- I will be attending a Contract Management Workshop for Enhancement Grants in Roanoke, VA on August 27-28.

Meeting with VDOT:

- I had a meeting with VDOT officials on Thursday, July 25 in Manassas.
- Really good meeting, they caught me up to speed on all the projects within the Town and surrounding area.
- I also met with key points of contact for VDOT in Prince William County.
- I discussed the possibility of adding a cross walk on the west side on Washington Street in the area of McDonalds and Fauquier Bank to provide a safer crossing for pedestrians. VDOT is going to look into this possibility. There is not a continuous side walk on the North side of Washington Street. This issue was brought to our attention by a resident.
- We also discussed the street closings for events. Thankfully VDOT has not fielded any complaints for the street closings. We did agree to meet prior to Haymarket Day to discuss the traffic flow plan and detouring during the next event as a review. I will be coordinating this meeting with Art Klos of VDOT and Chief Roup.
- I was encouraged to reach out to our elected officials in Prince William and state representatives.
- If there are any issues you would like me to address with VDOT, please let me know.

VML Conference:

- Just a reminder, the VML Conference is coming up in October and will be held in Arlington, VA.
- I would recommend trying to attend some of the conference if possible.
- Please see Jen or myself to get you registered for the conference.

ATTACHMENTS:

- Electoral Board Letter (June 82013) (PDF)



Kimball W. Brace
Acting General
Registrar

COUNTY OF PRINCE WILLIAM

VOTER REGISTRATION and ELECTIONS

9250 Lee Avenue, Suite 1

Manassas, Virginia 20110-5554

(703) 792-6470 FAX: (703) 792-6461

www.pwcgov.org/vote

pwcvote@pwcgov.org

ELECTORAL BOARD

Keith A. Scarborough, Chairman

Richard E. Hendrix, Vice Chairman

Guy Anthony Guiffre, Secretary

June 8, 2013

The Honorable David M. Leake
Town Council Members
P. O. Box 1230
Haymarket, VA 20168

Dear Mayor Leake and Council Members:

The Prince William County Electoral Board is again petitioning you to consider moving your biennial Town Election to the November General Election.

We believe that you will have a larger turnout in your election if it coincides with the candidates and issues on the November ballot. Our voting equipment and the ballot itself will be protected so that only Town of Haymarket voters will be allowed to vote for the Town issues and candidates.

If you will change your charter so that you will hold your elections in November instead of in May, we will absorb your election costs and not charge the Town.

We look forward to your thoughts on this request.

Sincerely,

G. Anthony Guiffre
Secretary of the Electoral Board

cc: Keith A. Scarborough
Richard E. Hendrix
Kimball W. Brace
Jennifer Preli

Attachment: Electoral Board Letter (June 82013) (1548 : Town Manager's Report)



TO: Town of Haymarket Town Council

SUBJECT: Planner's Report

DATE: 08/05/13

The Town Planner will update the Town Council on the following items:

1. Zoning Permit Log
2. Recent site plan applications / amendments
3. 1-Mile Developments
4. Code Enforcement
5. General Town Inquiries



TO: Town of Haymarket Town Council

SUBJECT: Building Official's Report

DATE: 08/05/13

ATTACHMENTS:

- July 2013 Building Official's Report (PDF)



July 26, 2013

The Honorable David Leake, Mayor & the Honorable Council Members of The Town of Haymarket,
15000 Washington Street, Suite 100
Haymarket, Virginia 20168

**Re: Monthly Building Code Compliance Inspection Report at
The Town of Haymarket, Virginia**

Mr. Leake,

In accordance with your request, Soil Consultants Engineering Inc. (SCE) performed building code compliance inspections for the Town of Haymarket. The information contained in this report covers amounts and results of SCE's inspections from the period of June 28, 2013 thru July 26, 2013. A synopsis of the construction inspections is as follows:

Building	11
Electrical	9
Mechanical	13
Plumbing	6
Finals	5
Rejections	9

The inspections above resulted with the issuance of one (1) Certificates of Occupancies. Two (2) property condition inspections were conducted during this same time period.

Nine (9) permit submittals were reviewed during this time period and approved.

Three (3) Erosions & Sediment reviews were conducted. Three (3) additional inspections are currently being reviewed.

We thank you for the opportunity to be of service. If you should have any questions regarding this letter, please do not hesitate to contact us.

Attachment: July 2013 Building Official's Report (1560 : Building Official's Report)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dan Lyons", with a long, sweeping horizontal stroke extending to the right.

Dan Lyons, Building Inspector

Cc: Scott Smith, President
Soil Consultants Engineering, Inc

Doug Smith, Vice President
Soil Consultants Engineering, Inc

file

Attachment: July 2013 Building Official's Report (1560 : Building Official's Report)



TO: Town of Haymarket Town Council
 SUBJECT: Rezoning 14550 John Marshall Highway
 DATE: 08/05/13

The Town Council and Planning Commission held a joint public hearing on June 27, 2013. Parents and teachers associated with St. Paul's School spoke in favor of the application. The Planning Commission held an additional public hearing at its July 8, 2013 meeting. The Commission reviewed revised proffer language which further defined the Applicant's commitment to park use, site plan improvements, and duration of existing tenants. At the conclusion of its meeting, the Planning Commission forwarded the rezoning to the Town Council with a recommendation of approval, having found, among other items, that the application was consistent with the Comprehensive Plan.

Staff has reviewed the proffer statement and made several recommendations to provide clarity, consistency, and enforceability as well as remove extraneous references. The final proffer statement is attached. The Council may

BACKGROUND

QBE Global, LLC, dba Haymarket Properties Group, LLC, has submitted a Zoning Map Amendment Application to rezone the former PACE West School property, encompassing approximately 8.8 acres, from the R-1 Residential Zoning District to the B-1 Commercial Zoning District. A zoning text amendment application to permit church use in the B-1 zoning district has been withdrawn. QBE Global is the contract purchaser of the former PACE West School property. The Applicant has received zoning approval to permit continued use of the recreation fields (by PWC Department of Parks and Recreation) and school (St. Paul's School) under the R-1 zoning district. The Applicant has also received zoning approval to permit a church use within the building and has filed a special use permit for limited professional office use. Existing parking spaces on the property exceed the Zoning Ordinance standard.

The school and church use is expected to continue until such time as the Applicant requires the entire building for its headquarters. The Applicant has proffered continued use of the recreation fields (10 years) so long as a public or private partner is willing to enter into a commercial lease agreement. If for a period of one year no parties agree to lease, the property owner will have the option to continue to maintain the fields or develop the property under the by-right zoning. The proffer statement also includes provisions regarding any sale of the property. The Applicant has also proffered to complete a final site plan for the property and install associated improvements within five years of an approval of the application.

A rezoning of the property would preclude development of single-family residential units and townhouse units. The park, school, and church uses would be permitted to continue to operate under the B-1 zoning district as "grandfathered" uses. The entire property would be assessed a commercial real estate tax.

The application is being co-processed with a boundary line adjustment application, also submitted by QBE Global, LLC, to bring the entirety of the PACE West property with the Town's corporate limits. The Board of County Supervisors is to hold a public hearing on the Boundary Line Adjustment Agreement on August 6, 2013.

ISSUES FOR CONSIDERATION

The Planning Commission and Town Council are to consider whether the amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; to consider whether the amendments are consistent with the Town's Comprehensive Plan; and to consider the impact of the amendments on the services, character, and needs of the community.

Section 58-429 further states the proposed amendments shall be considered with reasonable consideration of the following matters:

- (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.

COMPREHENSIVE PLAN - PUBLIC / SEMI PUBLIC LAND USE

The subject property is designated by the Comprehensive Plan as Public / Semi Public. The Comprehensive Plan's guidance regarding the development of these planned areas is as follows:

"the land adjacent to the school should be protected and maintained in the event that the school facility becomes available for rehabilitation for public use. Adjacent areas should be well planned to insure compatibility with the school site as a public use facility...close coordination must be maintained with the Prince William County School Board and the Board of County Supervisors so that the full potential of this site may be explored as a social, business and recreational center for the Town and adjoining area residents."

B-1 ZONING DISTRICT - PURPOSE AND INTENT

Section 58-176 of the Zoning Ordinance states the intent of the B-1 zoning district as follows:

"The town center district B-1 provides primarily for retail shopping and personal services uses 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 its compatibility with its residential surroundings."

DRAFT MOTION(S)

1. I move that the Town Council adopt Ordinance ORD#20130805 - 1 approving REZ#20130528, Application to Amend the Zoning Map - Haymarket Properties Group, LLC, 14550 John Marshall Highway (PACE West School), subject to the Rezoning Plat dated May 2013, revised through July 19, 2013, and Proffer Statement dated August __, 2013.

Or,

2. I move that the Town Council forward REZ#20130528 to a future meeting for further consideration.

Or,

3. I move an alternate motion.

ATTACHMENTS:

- (1) TC Ordinance (QBE Rezoning) 20130805-1 Final (PDF)
- (2A) Update PACE Proffer Statement 080113 (PDF)
- 07-24-13 vs. 08-01-13 proffer (PDF)
- (1) PROFFER STATEMENT 07-24-13 - Final (PDF)
- (2) PROFFER STATEMENT EXHIBIT A - Rec Fields Detail (PDF)
- (3) Rezoning Plat_07-19-2013 (PDF)
- (4) Withdrawal of ZTA 06-25-13 (PDF)
- (5) QBE REZONING APPLICATION - No Exhibits (PDF)

TOWN OF HAYMARKET, VIRGINIA

ORDINANCE 20130805- 1

TO AMEND THE ZONING MAP, REZ#20130528
QBE Global, LLC / Haymarket Properties Group, LLC
14550 John Marshall Highway, GPIN 7397-19-1734 (Former PACE West School)

WHEREAS, a zoning map amendment petition has been submitted by QBE Global, LLC / Haymarket Properties Group, LLC for consideration by the Town Council pursuant to the provisions § 15.2-2286(A)(7) of the Code of Virginia and § Sec. 58-422 of the Haymarket Town Code; and

WHEREAS, the Town Council may consider such petitions in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the Town's Comprehensive Plan; and

WHEREAS, approximately 6.7570 acres of the Property are presently within the Town limits and a the Town and Prince William County intend to file a joint petition with the Prince William Circuit Court to adjust the boundary so that the remaining approximately 2.0783 acres will be incorporated into the Town; and

WHEREAS, the Applicant has petitioned the Town Council to rezone +/- 8.8353 acres, identified as GPIN 7397-19-1734 and as described on the Rezoning Plat attached hereto dated May 2013 and revised through July 19, 2013 ("the Property"), from the Town's Residential R-1 District and the County's Agricultural A-1 District to the Town Center B-1 District; and

WHEREAS, the Applicant has proffered certain provisions regarding recreation field use on the Property and improvements to the Property as described in the Proffer Statement attached hereto dated August __, 2013; and

WHEREAS, the Planning Commission and Town Council, pursuant to § 58-424 of the Haymarket Town Code, held a joint public hearing on June 27, 2013 as well as separate hearings on July 8 and August 5, 2013, respectively, and interested citizens were heard; and

WHEREAS, the Planning Commission, pursuant to § 58-425 of the Haymarket Town Code, reviewed and recommended approval of the petition on July 8, 2013 having found that the elements of the zoning map amendment petition are consistent with the Town Comprehensive Plan; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice are served by the approval of the petition;

NOW, THEREFORE, BE IT ORDAINED that the Town of Haymarket, pursuant Article XI of Chapter 58 of the Haymarket Town Code, does hereby amend the Zoning Map to rezone GPIN 7397-19-1734, 14550 John Marshall Highway, from Residential District R-1 to Town Center District B-1 subject to the proffer statement referenced above. This rezoning will become effective upon the execution of an order by the Circuit Court approving a Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary. If that order is not entered within one year of the date of Town Council approval of this ordinance, then this rezoning shall be void and of no effect. As to this Property only, this Ordinance supersedes § 58-12 of the Town Code dealing with temporary zoning of parcels added to the Town both as to the zoning of the portion of the Property currently zoned County A-1, which shall be zoned Town B-1 upon entry into the Town, and as to planning commission preparation of a zoning plan, which shall be dispensed with as unnecessary.

Done this 5th day of August, 2013.

TOWN OF HAYMARKET, VIRGINIA

BY _____
Mayor

ATTEST:

Clerk

Voting Aye: _____

Voting Nay: _____

Abstaining: _____

Absent: _____

PROFFER STATEMENT

TO: Town of Haymarket

APPLICANT: QBE Global, LLC / Haymarket Properties Group, LLC ("Applicant")

RE: Zoning Map Amendment Application to rezone property located at 14550 John Marshall Highway, Haymarket, VA 20169, Parcel ID#: GPIN 7397-19-1734 ("Property"), +/- 8.8353 acres, from Residential District R-1 and Prince William County's Agricultural A-1 District to Town Center District B-1 (PACE West School Property)

DATE: August 1, 2013

Pursuant to Sections 15.2-2297 and 15.2-2303 of the Code of Virginia, the undersigned hereby proffers that in the event the Application for rezoning the subject Property from Residential District R-1 and Prince William County's Agricultural A-1 District to the Town Center District B-1 is granted by the Haymarket Town Council, Haymarket, Virginia, as requested, the use and development of the Property shall be in conformance with the below provisions. In the event the above referenced rezoning is not granted as applied for by the Applicant, or an order by the Circuit Court approving the Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary is not entered within one year after the date of Town Council approval of the rezoning, this Proffer Statement and these proffers shall be automatically withdrawn and be null and void. The term "Applicant" as referenced herein shall include with its meaning all future owners and successors in interest.

Subject to the condition precedent above, the Applicant commits to the following provisions:

1. **Recreational Field Use** : Applicant will maintain and make available for recreational field use approximately 4.51 acres adjacent to the existing school building as illustrated on the attached Exhibit A. The recreation fields will be maintained for recreational field use by the Applicant from the date of approval of this proffer by the Haymarket Town Council so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement at a fair market price. Fair market price will be determined utilizing comparables for similar property within the Haymarket leasing market and not necessarily property within the Haymarket corporate boundary and in no event shall any discounted price being paid by the Board of County Supervisors of Prince William County, Virginia to the Applicant for the lease of the recreation fields by the Prince William County Department of Parks and Recreation be deemed fair market price. However, if for a period of one year following the termination of any lease agreement for use of the recreation fields, the Applicant does not enter into a commercially reasonable form of lease agreement at a fair market value with another party, public or private, , the Applicant may thereafter either continue to maintain and make available for recreational field use or develop the Property consistent with the B-1 zoning regulations. The one year period shall begin on the date written notice from the Applicant is received by the Town of Haymarket stating no lease agreement for the recreation fields exists

In the event the Applicant decides to offer the Property for sale, the Town of Haymarket shall have the choice to exercise one or neither of the following options:

- a. Have the right of first offer to purchase the entire Property at a price not to exceed fair market value. Notwithstanding the foregoing, Applicant hereby discloses that during the first five (5) years after Applicant acquires fee simple title to the Property, the Prince William County School Board has a right of first offer on the Property, and accordingly, during such five (5) year period the Town of Haymarket shall actually have a right of *second* offer with respect to the Property and the rights of Prince William County School Board shall remain superior. Applicant shall notify the Town of Haymarket at _____ of its intent to offer the Property for sale along with the amount of the asking price (the "ROFO Notice"). The Town of Haymarket shall have forty-five (45) days after delivery of the ROFO Notice within which to notify Applicant of its intent to purchase the Property and a failure to provide a written response to Applicant shall be deemed a rejection by the Town of Haymarket to purchase the Property under this option a. The Town of Haymarket's rejection shall entitle Applicant to thereafter sell the property to any third party, provided that the purchase price at such sale is not less than the asking price set forth in Applicant's ROFO Notice.
- b. Have the option to enter into a commercially reasonable form of lease agreement with Applicant for continued use of the fields for recreational purposes for a period of not less than 5 years that will convey with the Property if a sale is consummated at a rent that is the lower of (i) fair market rental or (ii) \$5,000/month plus Common Area Maintenance (CAM), insurance and real estate taxes / Triple Net Lease (NNN). The Town of Haymarket shall have forty-five (45) days after delivery of the ROFO Notice within which to exercise this option b. and failure to timely respond to Applicant by written notice shall be deemed a rejection of exercise of this option b. Notwithstanding the foregoing, the Town of Haymarket shall only have this right pursuant to this subsection b. so long as the lease of the area set forth on Exhibit A between Applicant and the Board of County Supervisors of Prince William County, Virginia is not then in force and effect.

The options in a. and b. shall expire and be of no further force and effect in the event that (1) Prince William County School Board purchases the Property, or (2) the Town of Haymarket does not purchase the Property under option a. and the Property is thereafter sold to a third party, or (3) the Town of Haymarket exercises option b.

2. **Site Plan Improvements:** Applicant will submit a Final Site Plan for the Property by December 31, 2013 and thereafter diligently pursue approval of the Final Site Plan. Applicant will submit a work schedule for implementation of the Final Site Plan improvements within thirty days of the final site plan approval. Final Site Plan work will begin within six months of Final Site Plan approval and will be completed to the satisfaction of the Town within five years of Final Site Plan approval.
3. **Effective Date:** The effective date of the rezoning will coincide with the execution of an order by the Circuit Court approving the Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary. If that order is not entered within one year after the date of Town Council approval of the rezoning, then this rezoning shall be void and of no effect. This provision supersedes § 58-12 of the Town Code dealing with temporary zoning of parcels added to the Town both as to the zoning of the parcel (which shall be B-1 upon entry into the Town) and as to planning commission preparation of a zoning plan, which shall be dispensed with as unnecessary.

Proffer Statement
14550 John Marshall Highway
August 1 2013
Page 3 of 3

4. **Sunset Clause for existing uses:** Applicant agrees that if at any time the lease agreement for use of the school building by Living Hope Church and/or Saint Paul's School is terminated or not renewed, any replacement tenant will comply with the then current zoning regulations.

I hereby proffer on behalf of QBE Global, LLC / Haymarket Properties Group, LLC, that the development and/or use of the subject Property of this application shall be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the Town Council and the Applicant.

By _____:
Shawn M. Landry
CEO, QBE Global, LLC
Managing Partner, Haymarket Properties Group, LLC

APPROVED:

Mayor, Town of Haymarket

Date

Attachment: (2A) Update PACE Proffer Statement 080113 (1536 : Rezoning 14550 John Marshall Highway)

PROFFER STATEMENT

TO: Town of Haymarket

APPLICANT: QBE Global, LLC / Haymarket Properties Group, LLC ("Applicant")

RE: ~~Rezoning~~Zoning Map Amendment Application to rezone ~~Property~~property located at 14550 John Marshall Highway, Haymarket, VA 20169, Parcel ID#: GPIN 7397-19-1734 ("Property"), +/- 8.8353 acres, from Residential District R-1 and Prince William County's Agricultural A-1 District to Town Center District B-1 (PACE West School Property)

DATE: ~~July 24~~August 1, 2013

Pursuant to Sections 15.2-2297 and 15.2-2303 of the Code of Virginia, the undersigned hereby proffers that in the event the Application for rezoning the subject Property from Residential District R-1 and Prince William County's Agricultural A-1 District to the Town Center District B-1 is granted by the Haymarket Town Council, Haymarket, Virginia, as requested, the use and development of the Property shall be in conformance with the below provisions. In the event the above referenced rezoning is not granted as applied for by ~~Applicant~~the Applicant, or an order by the Circuit Court approving the Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary is not entered within one year after the date of Town Council approval of the rezoning, this Proffer Statement and these proffers shall be automatically withdrawn and be null and void. The term "Applicant" as referenced herein shall include with its meaning all future owners and successors in interest.

Subject to the condition precedent above, the Applicant commits to the following provisions:

1. ~~Park Preservation~~Recreational Field Use: Applicant will maintain and make available for ~~public~~recreational field use ~~as recreation fields~~ approximately 4.51 acres adjacent to the existing school building as illustrated on the attached Exhibit A. The recreation fields will be maintained for ~~public~~recreational field use by the Applicant ~~for a period of ten (10) years~~ from the date of approval of this proffer by the Haymarket Town Council so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement at a fair market price. Fair market price will be determined utilizing comparables for similar property within the Haymarket leasing market and not necessarily property within the Haymarket corporate boundary. ~~and in no event shall any discounted price being paid by the Board of County Supervisors of Prince William County, Virginia to the Applicant for the lease of the recreation fields by the Prince William County Department of Parks and Recreation be deemed fair market price.~~ However, if for a period of one year ~~during the ten year term, no parties~~following the termination of any lease agreement for use of the recreation fields, the Applicant does not enter into a commercially reasonable form of lease agreement at a fair market value with another party, public or private, ~~agree to lease the recreation fields~~, the Applicant ~~will~~may thereafter either continue to maintain and make available for ~~public~~recreational field use ~~the recreation fields~~ or develop the Property consistent with the B-1 zoning regulations. The one year period ~~will~~shall begin ~~after on the date~~ written notice to from the Applicant is received by the Town of Haymarket ~~that stating~~ no lease agreement for the recreation fields exists.

~~Prior to any sale of~~In the event the Applicant decides to offer the Property ~~during the ten year term that the recreation fields are maintained for public use~~sale, the Town of

Attachment: 07-24-13 vs. 08-01-13 proffer (1536 : Rezoning 14550 John Marshall Highway)

Haymarket ~~and the Prince William County Department of Parks and Recreation~~ shall have the choice to exercise one or neither of the following options:

- a. Have the right of first ~~refusal to purchase the area of the Property encompassing recreation fields as illustrated on Exhibit A at a price not to exceed fair market value~~offer to purchase the entire Property at a price not to exceed fair market value. Notwithstanding the foregoing, Applicant hereby discloses that during the first five (5) years after Applicant acquires fee simple title to the Property, the Prince William County School Board has a right of first offer on the Property, and accordingly, during such five (5) year period the Town of Haymarket shall actually have a right of second offer with respect to the Property and the rights of Prince William County School Board shall remain superior. Applicant shall notify the Town of Haymarket at _____ of its intent to offer the Property for sale along with the amount of the asking price (the "ROFO Notice"). The Town of Haymarket shall have forty-five (45) days after delivery of the ROFO Notice within which to notify Applicant of its intent to purchase the Property and a failure to provide a written response to Applicant shall be deemed a rejection by the Town of Haymarket to purchase the Property under this option a. The Town of Haymarket's rejection shall entitle Applicant to thereafter sell the property to any third party, provided that the purchase price at such sale is not less than the asking price set forth in Applicant's ROFO Notice.
- b. Have the option to enter into a commercially ~~viable~~reasonable form of lease agreement with Applicant for continued use of the fields for recreational purposes for a period of not less than 5 years that will convey with the Property if a sale is consummated at a rent ~~of that is the lower of (i) fair market rental or (ii) \$5,000/month plus Common Area Maintenance (CAM), insurance and real estate taxes~~ / Triple Net Lease (NNN). The Town of Haymarket shall have forty-five (45) days after delivery of the ROFO Notice within which to exercise this option b. and failure to timely respond to Applicant by written notice shall be deemed a rejection of exercise of this option b. Notwithstanding the foregoing, the Town of Haymarket shall only have this right pursuant to this subsection b. so long as the lease of the area set forth on Exhibit A between Applicant and the Board of County Supervisors of Prince William County, Virginia is not then in force and effect.

The options in a. and b. shall expire and be of no further force and effect in the event that (1) Prince William County School Board purchases the Property, or (2) the Town of Haymarket does not purchase the Property under option a. and the Property is thereafter sold to a third party, or (3) the Town of Haymarket exercises option b.

2. **Site Plan Improvements:** Applicant will submit a Final Site Plan for the Property by December 31, 2013 and thereafter diligently pursue approval of the Final Site Plan. Applicant will submit a work schedule for implementation of the Final Site Plan improvements within thirty days of the final site plan approval. Final Site Plan work will begin within six months of Final Site Plan approval and will be completed to the satisfaction of the Town within five years of Final Site Plan approval.
3. **Effective Date:** The effective date of the rezoning will coincide with the execution of an order by the Circuit Court approving the Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary. If that order is not entered within one year efafter the date of Town Council approval of the rezoning, then this rezoning shall be void and of no effect. This provision supersedes § 58-12 of the Town Code dealing with temporary zoning of parcels added to the Town both as to the zoning of the parcel (which shall be B-1 upon entry into the Town) and as to planning commission preparation of a zoning plan, which shall be dispensed with as unnecessary.
4. **Sunset Clause for existing uses:** Applicant agrees that if at any time the lease agreement for use of the school building by Living Hope Church and/or Saint Paul's School is terminated or not renewed, any replacement tenant will comply with the then current zoning regulations.

I hereby proffer on behalf of QBE Global, LLC / Haymarket Properties Group, LLC, that the development and/or use of the subject Property of this application shall be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the Town Council and the Applicant.

By _____:
 Shawn M. Landry
 CEO, QBE Global, LLC
 Managing Partner, Haymarket Properties Group, LLC

APPROVED:

 Mayor, Town of Haymarket

Attachment: 07-24-13 vs. 08-01-13 proffer (1536 : Rezoning 14550 John Marshall Highway)

Proffer Statement
14550 John Marshall Highway
[July 24, August 1](#) 2013
Page 4 of 4

Date

Attachment: 07-24-13 vs. 08-01-13 proffer (1536 : Rezoning 14550 John Marshall Highway)

PROFFER STATEMENT

TO: Town of Haymarket

APPLICANT: QBE Global, LLC / Haymarket Properties Group, LLC ("Applicant")

RE: Rezoning Application to rezone Property located at 14550 John Marshall Highway, Haymarket, VA 20169, Parcel ID#: GPIN 7397-19-1734 ("Property") from Residential District R-1 to Town Center District B-1 (PACE West School Property)

DATE: July 24, 2013

Pursuant to Sections 15.2-2297 and 15.2-2303 of the Code of Virginia, the undersigned hereby proffers that in the event the Application for rezoning the subject Property from Residential District R-1 to the Town Center District B-1 is granted by the Haymarket Town Council, Haymarket, Virginia, as requested, the use and development of the Property shall be in conformance with the below provisions. In the event the above referenced rezoning is not granted as applied for by Applicant, this Proffer Statement and these proffers shall be automatically withdrawn and be null and void. The term "Applicant" as referenced herein shall include with its meaning all future owners and successors in interest.

Subject to the condition precedent above, the Applicant commits to the following provisions:

1. **Park Preservation:** Applicant will maintain and make available for public use as recreation fields approximately 4.51 acres adjacent to the existing school building as illustrated on the attached Exhibit A. The recreation fields will be maintained for public use by the Applicant for a period of ten (10) years from the date of approval of this proffer by the Haymarket Town Council so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement at a fair market price. Fair market price will be determined utilizing comparables for similar property within the Haymarket leasing market and not necessarily property within the Haymarket corporate boundary. However, if for a period of one year during the ten year term, no parties, public or private, agree to lease the recreation fields, the Applicant will either continue to maintain and make available for public use the recreation fields or develop the Property consistent with the B-1 zoning regulations. The one year period will begin after written notice to the Town of Haymarket that no lease agreement for the recreation fields exists.

Prior to any sale of the Property during the ten year term that the recreation fields are maintained for public use, the Town of Haymarket and the Prince William County Department of Parks and Recreation shall:

- a. Have the right of first refusal to purchase the area of the Property encompassing recreation fields as illustrated on Exhibit A at a price not to exceed fair market value.
- b. Have the option to enter into a commercially viable lease agreement for continued use of the fields for a period of not less than 5 years that will convey with the Property at a rent of \$5,000/month plus Common Area Maintenance (CAM) / Triple Net Lease (NNN).

2. **Site Plan Improvements:** Applicant will submit a Final Site Plan for the Property by December 31, 2013 and thereafter diligently pursue approval of the Final Site Plan. Applicant will submit a work schedule for implementation of the Final Site Plan improvements within thirty days of the final site plan approval. Final Site Plan work will begin within six months of Final Site Plan approval and will be completed to the satisfaction of the Town within five years of Final Site Plan approval.
3. **Effective Date:** The effective date of the rezoning will coincide with the execution of an order by the Circuit Court approving the Boundary Line Adjustment Agreement bringing the entirety of the Property within the Town corporate boundary. If that order is not entered within one year of the date of Town Council approval of the rezoning, then this rezoning shall be void and of no effect. This provision supersedes § 58-12 of the Town Code dealing with temporary zoning of parcels added to the Town both as to the zoning of the parcel (which shall be B-1 upon entry into the Town) and as to planning commission preparation of a zoning plan, which shall be dispensed with as unnecessary.
4. **Sunset Clause for existing uses:** Applicant agrees that if at any time the lease agreement for use of the school building by Living Hope Church and/or Saint Paul's School is terminated or not renewed, any replacement tenant will comply with the then current zoning regulations.

I hereby proffer on behalf of QBE Global, LLC / Haymarket Properties Group, LLC, that the development and/or use of the subject Property of this application shall be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the Town Council and the Applicant.

By _____:
 Shawn M. Landry
 CEO, QBE Global, LLC
 Managing Partner, Haymarket Properties Group, LLC

APPROVED:

 Mayor, Town of Haymarket

 Date

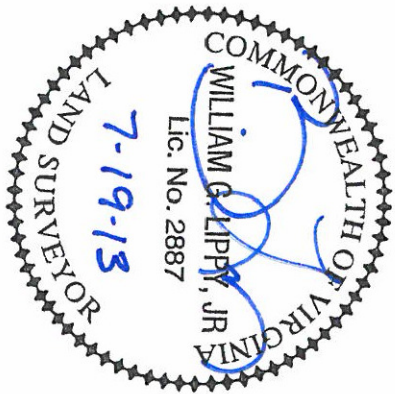
EXHIBIT A – Recreation Fields Detail



Attachment: (2) PROFFER STATEMENT EXHIBIT A - Rec Fields Detail (1536 : Rezoning 14550 John Marshall Highway)

NOTES:

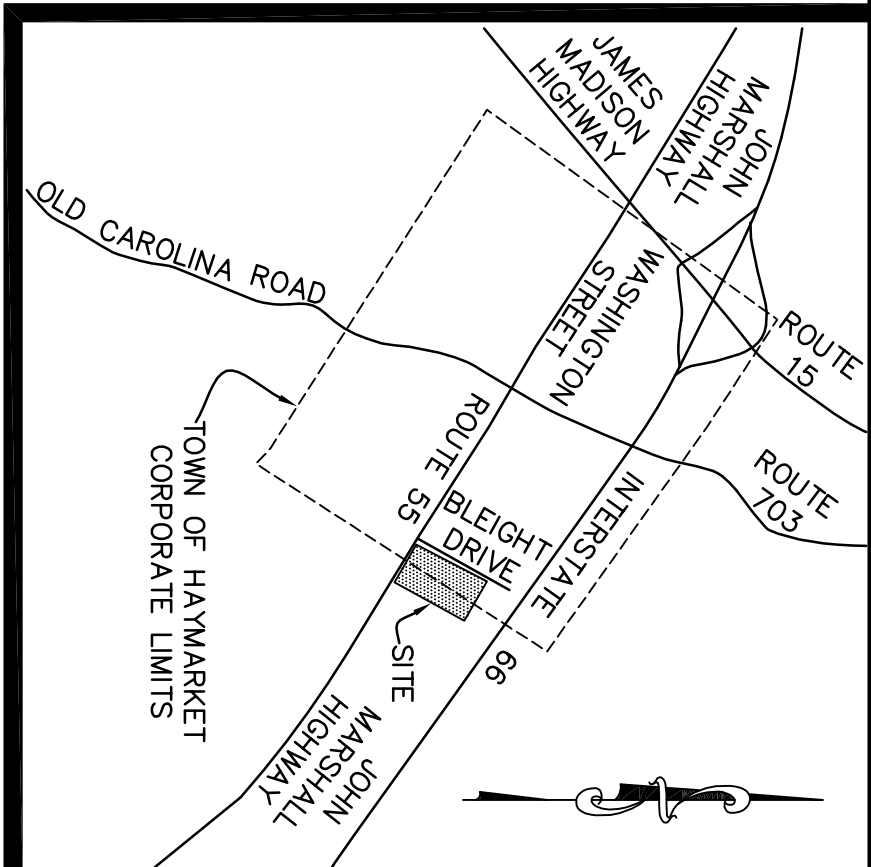
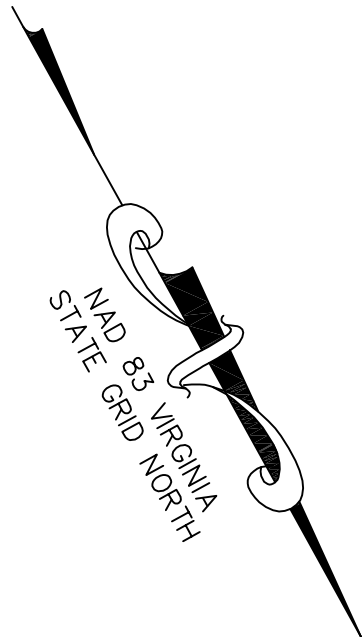
- 1) THE PROPERTY SHOWN HEREON IS CURRENTLY IN THE NAME OF THE COUNTY SCHOOL BOARD OF PRINCE WILLIAM COUNTY PER DEED BOOK 97 AT PAGE 445, DEED BOOK 99 AT PAGE 260 AND DEED BOOK 177 AT PAGE 503 RECORDED AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.
- 2) THE GEOGRAPHIC PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY SHOWN HEREON IS 7397-19-1734.
- 3) NO TITLE REPORT FURNISHED. THIS SURVEY IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY. UNDERLYING EASEMENTS ARE NOT SHOWN ON THIS SURVEY. ALL EXISTING PHYSICAL IMPROVEMENTS ARE NOT SHOWN HEREON.
- 4) THIS SURVEY IS BASED UPON A FIELD RUN SURVEY PERFORMED BY RICE ASSOCIATES IN MAY, 2013
- 5) THE PLAT OF THE PROPERTY SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 (VCS 1983) WHICH IS TIED TO PRINCE WILLIAM COUNTY MONUMENTS: GAINESVILLE 2, PM11 AND PM2, PER RECORD PLAT FOR ALEXANDRAS KEEP SUBDIVISION, RECORDED AMONG THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA AT INSTRUMENT NUMBER 200906050054872. THE PLAT DISTANCES ARE INTENDED TO BE HORIZONTAL DISTANCES MEASURED AT THE MEAN ELEVATION OF THIS PROJECT. THE BEARINGS SHOWN ARE REFERENCED TO VCS 1983 GRID NORTH.
- 6) LOCATION OF FENCES (IF SHOWN) ARE APPROXIMATE AND DO NOT CERTIFY OWNERSHIP.
- 7) THIS PLAT WAS FORWARDED ELECTRONICALLY IN READ ONLY FORMAT. ANY ATTEMPT AT ALTERATION INVALIDATES THE SEAL AND SIGNATURE. AN ORIGINAL HARD COPY REMAINS ON FILE AT RICE ASSOCIATES.
- 8) PROPOSED TOWN B-1 ZONING OF EXISTING TOWN R-1 AND COUNTY A-1 ZONING CONTINGENT UPON ENTRY OF A CIRCUIT COURT ORDER APPROVING A BOUNDARY LINE AGREEMENT BETWEEN THE TOWN OF HAYMARKET AND PRINCE WILLIAM COUNTY.



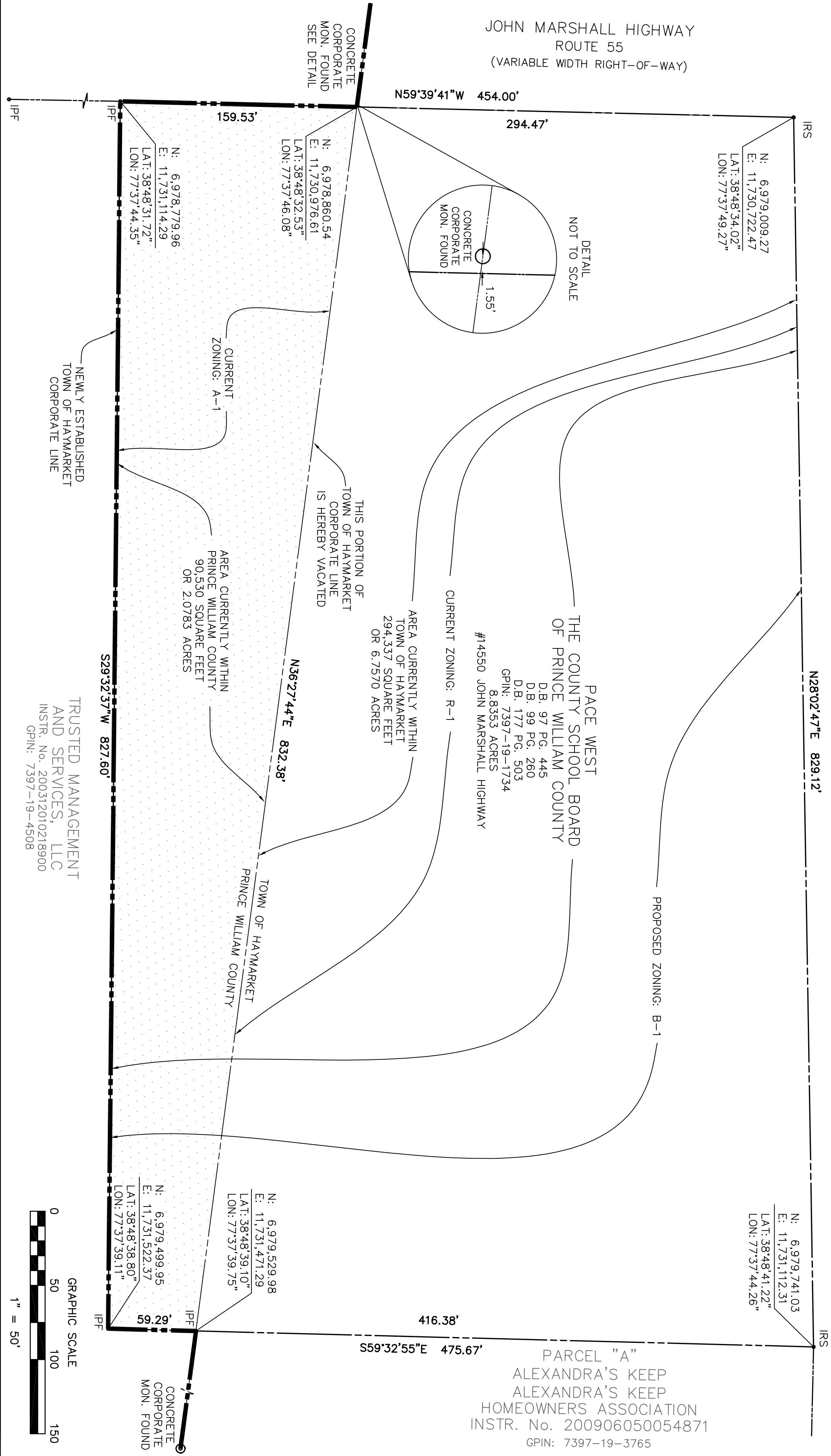
ABBREVIATION LEGEND	
D.B.	DEED BOOK
MON.	MONUMENT
PG.	PAGE
IPF	IRON PIPE FOUND
INSTR.	INSTRUMENT
No.	NUMBER
IRS	IRON ROD SET WITH CAP
GPIN	GEOGRAPHIC PARCEL IDENTIFICATION NUMBER

BLEIGHT DRIVE
(40' RIGHT-OF-WAY)
D.B. 1092 PG. 1944

N28°02'47"E 829.12'



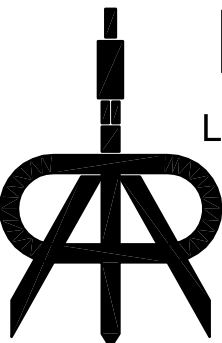
VICINITY MAP
1" = 2000'



REVISIONS		
DATE	REVISION	BY
06/05/2013	ADD EXISTING AND PROPOSED ZONING	WGL
06/07/2013	ADD NOTE 8 AND REVISE TITLE BLOCK	WGL
07/19/2013	REVISE NOTE 8	WGL

SCALE: 1" = 50'
DATE: MAY, 2013
DRAWN BY: CGW
CHECKED BY: WGL
FILE NAME: ID1301.00
SHEET 1 OF 1

REZONING PLAT
OF THE PROPERTY OF
THE COUNTY SCHOOL BOARD
OF PRINCE WILLIAM
COUNTY / QBE GLOBAL, LLC.
THE TOWN OF HAYMARKET, VIRGINIA
PRINCE WILLIAM COUNTY, VIRGINIA



RICE ASSOCIATES

LAND SURVEYING MAPPING CONSULTANTS

10625 GASKINS WAY
MANASSAS, VIRGINIA 20109
(703) 968-3200 FAX (703) 968-2705
WWW.RICESURVEYS.COM



June 25, 2013

Mayor David Leake
And The Haymarket Town Council
c/o Jennifer Preli, Town Clerk
PO Box 1230
Haymarket, VA 20168

Dear Mayor Leake and Haymarket Town Council:

QBE Global, LLC respectfully withdraws its Zoning Text Amendment application requesting church use in the B-1 zoning district.

Sincerely,

Dr. Shawn Landry
President

Attachment: (4) Withdrawal of ZTA 06-25-13 (1536 : Rezoning 14550 John Marshall Highway)



Check Appropriate Item(s):

- ☒ Amendment to Zoning Map
☒ Zoning Text Amendment

Office Use Only

Date Received: _____

Application Number: _____

Fees Received: _____

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 zoning map amendments, it is the land, which is covered by the application.

- 1) Number and Street: 14550 John Marshall Highway, Haymarket, VA 20169
- 2) Present Zoning: R1 (Town), A1 (PWC) 3 Acres: 8.8
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.
See attached MEtes & Bounds description and rezoning plat

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: None
- 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: Haymarket Properties Group, LLC
 Address: 15000 Washington Street, Suite 200, Haymarket, VA 20169
 Phone Number: 571-766-1022
- 2) Agent Information (if any):
 Name: _____
 Address: _____
 Phone Number: _____

- 3) Owners of all property included in this application (omit for zoning text change):
Name: Prince William County Schools
Address: _____
Phone Number: _____
Name: QBE Global, LLC
Address: 15000 Washington Street, Suite 200, Haymarket, VA 20169
Phone Number: 571-766-1022
Name: Haymarket Properties Group, LLC
Address: 15000 Washington Street, Suite 200, Haymarket, VA 20169
Phone Number: 571-766-1022
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: _____
See attached Contract, Section 4.
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.

Part 2 – Complete ONLY portion(s) 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.

R1 (Town)

- 1) a) Existing Zoning: A1 (PWC) b) Proposed Zoning: B1 (Town)
 c) Existing Use: School / Recreation
 d) Proposed Use: General Office / Recreation
- 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? Requesting amendment to the B1 Zoning District, Section 58-177
- 2) What is the nature of the proposed change? Permit church use
- 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.

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**: [Signature]
 - b) Signature of **agent** (if any): N/A
 - c) Date: 7 June 2013 Notary Seal
- 2) a) Signed and sworn before me this: 7 June 2013
 b) Signature of **Notary**: [Signature]
My commission expires January 31, 2015

Attachment 1

Sec. 58-423 Conflict of Interest Statement:

Pursuant to Town Code Section 58-423, QBE Global, LLC and all associated entities declare that no member of the council or the commission has an interest in such property, whether individually, by ownership of stock in a corporation owning such land or by partnership, or whether a member of the immediate household of any member has such interest.

Signature of Applicant: [Signature] Date: 7 June 2013

Signed and sworn before me this: 7 June 2013

Signature of Notary: Dawn Marie Bruno Notary Seal:

My commission expires January 31, 2015.

Attachment: (5) QBE REZONING APPLICATION - No Exhibits (1536 : Rezoning 14550 John Marshall Highway)

Attachment 2

Rezoning Narrative

Background

QBE Global, LLC is the contract purchaser on the property owned by the Prince William County School Division, known as the PACE West School. The property, which under the School Board's ownership has been exempt from taxation, lies partly within the Town of Haymarket and partly within the County. The property is approximately 8.8 acres, a majority of it, including most of the main building, lies within the Town.

QBE's plan is to share and sub-lease portions of the building to allow other local companies to grow and prosper until we can fully utilize the space, which is projected to be over the next 5-10 years. As our company grows, so does the number of people we will employ, which generates income for the economy and revenue for the tax bases of both the Town and the County. Our plan for public space use will allow for the County Parks and Recreation use of the fields. QBE is currently working with the County Parks and Recreation to propose adequate access and parking for the efficient use of the sports fields.

We think this project can only come to fruition on the scale and within the time frame we envision if the entire parcel is placed within the Town's boundaries. As such, we have petitioned the Town Council to initiate a Boundary Line Adjustment Agreement with Prince William County. The Town is a good choice because it is our intent that this project harmonize with other land uses and businesses nearby in the Town, and we already have business operations which will continue in the Town. We believe that our plans will produce a project that will benefit the public consistent with the Town and County's community goals.

QBE is excited about this project because it will contribute to the economy, will provide reliable access to the fields for recreation, and will allow us to grow as a corporate citizen of both the County and the Town. As such, we are also requesting to co-process a rezoning of the Pace West Property as described below.

We look forward to discussing our ideas with the Town and the Board, and hope that the Town and the Board will give favorable and expedited consideration to our request for Boundary Line Adjustment and Rezoning Application so the project can move ahead.

Proposal

The Property is currently zoned A-1 on the County side and R-1 on the Town side. QBE proposes rezoning from R-1 to B-1 to occur after the Boundary Line Adjustment.

Justification

Sec. 58-429 - Matters to be considered in reviewing proposed amendments.

This Application gives reasonable consideration of the following factors:

- (1) **Existing use and character of the area:** The property has historically been used as a school and parks (as an extension of the school) since 1935 and was decommissioned at the end of the school year in June 2012. On April 18th the School Board executed a sales contract, in acceptance of the plan QBE Global submitted that QBE Global would revitalize the building and maintain the Parks in a lease back to the Prince William County Parks and Recreation department. The existing use and maintenance of the property has been lacking and fallen into a state of disrepair – both the parks / landscaping and the building itself.
- (2) **Suitability of the property for various uses:** As the property sits today it is suited exactly for the proposed use, as well we have developed a long term growth plan that will allow for expansion without the disruption of the Parks use. The building will support the corporate headquarters of QBE, QBE Global, Rise Up Prince William and MLP as well as the Private school of St. Paul's School. These functions are inline with the current building and property with minimal impacts.
- (3) **Trends of growth or change:** This property has not changed its footprint for over 4 decades. The proposal will continue to protect its continued use and allow for the substantial growth of the intended businesses.
- (4) **Current and future requirements of the town as to land for various purposes as determined by population and economic studies and other studies:** The future use is in line with the Town's comprehensive plan in the protection of the park and the historic underpinning the building has within the town.
- (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:** The transportation within this site will relieve other strained residential areas that are currently impacted by housing the School in a densely populated area. This property was designed to handle surge School traffic to include an existing VDOT turn lane on John Marshall highway and the ability to house almost 60 vehicles for "drop/pickup" type of traffic. This transition is ideal for the community as the School will grow and prosper within the Town limits. As well, the Proposed Corporate Headquarters are low impact type businesses. These (QBE) are administrative offices that house demonstration facilities to display next generation technology to their customer base. The HQ for Rise Up Prince William will also be located at this location that is dedicated to Non-Profit community improvement activities that target Prince William County. The sustainment plan adds the largest planned park within the town's limits and the transition to a corporate partnership and will relieve a significant burden on the tax base; and

- (6) **Conservation of properties and their values and the encouragement of most appropriate use of land throughout the town:** This property today is becoming dilapidated causing property values to be negatively impacted. The original and current intent is to develop a partnership between the entities operating within the space, the building ownership, and a public entity to maintain the open space, the current entity is the Prince William County Parks and Recreation. This plan will allow for a Corporate / Public partnership and the immediate improvement to some major areas of disrepair improving the aesthetics of the building and property. This will create a change from being a negative impact to an attraction to the Town and improvement on the values within the Town. QBE intends to meet its obligations sales contract provided in Exhibit A.

In General this proposal aligns with the Town's Comprehensive Plan. The Town's Comprehensive Plan designates the property within the Town as Public / Semi-Public use. Regarding the PACE West School area, the Plan directs that "the land adjacent to the school should be protected and maintained in the event that the school facility becomes available for rehabilitation for public use. Adjacent areas should be well planned to insure compatibility with the school site as a public use facility...close coordination must be maintained with the Prince William County School Board and the Board of County Supervisors so that the full potential of this site may be explored as a social, business and recreational center for the Town and adjoining area residents."

Zoning Text Amendment Request

Proposal

QBE Global proposes to amend Section 58-177 as follows:

*Sec. **58-177.** A building or land in the B-1 district shall be used exclusively for one or more of the following uses:*

(23) Church

Justification

QBE Global intends to make the school immediately available to the below listed tenants/uses. The proposed rezoning will allow for commercial use by-right. School use will continue the use already permitted in the building. The requested church use along with the continued school and park use will provide the public/semi-public uses to the community consistent with the Town's Comprehensive Plan (see Justification above).

QBE will also note that although several of the below tenants are tax exempt entities, the property will be held in private ownership and therefore will pay the full real estate and property tax to the Town and County.

<i>Proposed Tenant</i>	<i>Monthly Expected Operating Hours</i>	<i>Square Footage</i>	<i>Weighted Use Measurement</i>
QBE Global / MLP / Rise Up Prince William	(8-5 M-F) ~160 Hours	6605	25%
QBE LLC	(8-5 M-F) ~160 Hours	1905	7%
St. Paul's School	(7-7 M-F) ~240 Hours	12,137	68%
Living Hope Church	8-12 Sunday ~16 Hours	2080	1%

Attachment 3

Proffer Statement

To: Town of Haymarket
 Applicant: QBE Global, LLC / Haymarket Properties Group, LLC
 RE: Rezoning Application to rezone Property located at 14550 John Marshall Highway, Haymarket, VA 20169, Parcel ID#: GPIN 7397-19-1734 ("Property") from R-1 to B-1
 Date: June 7, 2013

Pursuant to Section 15.1-491(a) of the Code of Virginia, the undersigned hereby proffers that in the event the Application for rezoning the subject Property from R-1 to the B-1 district is granted by the Haymarket Town Council, Haymarket, Virginia, as requested, the use and development of the Property shall be in conformance with the below provisions. In the event the above referenced rezoning is not granted as applied for by Applicant, this Proffer Statement and these proffers shall be automatically withdrawn and be null and void.

In consideration of this application to B1 Zoning and discussions with the Town and the County, QBE Global would commit to the following provisions.

1. **Park Preservation:** *Owners intent, in accordance with the ratified Sales Contract attached hereto as Exhibit A, is to maintain public-use of the fields adjacent to the building, attached hereto as Exhibit B, so long as a public or private partner is willing to enter into a commercially reasonable form of lease agreement. However, if for a period of one year no parties public or private agree to lease, owner will consider options to maintain the fields or be free to develop a plan that is inline with the by-right proposed zoning.*
2. **Site Plan Improvements:** *QBE will work with the Town to complete a Final Site Plan for the Property by the end of calendar year 2013. Based on the outcome of the negotiated Final Site Plan, QBE will work a schedule of implementation of all requirements in support of compliance of the Final Site Plan within 5 years of the Final Site Plan approval.*
3. **Effective Date:** *QBE would request that the effective date of the rezoning would take place subsequent to the final execution of the Boundary Line Adjustment.*
4. **Controlling Entity:** *QBE / QBE Global is in the process of creating the entity that will Purchase and operate the property, this is done for liability reasons, the name of the entity and future owner of the property is Haymarket Properties Group, LLC – VA SCC filing certificate is located in Exhibit C. The owners are the same as QBE / QBE Global.*

"I hereby proffer on behalf of QBE Global, LLC / Haymarket Properties Group, LLC, that the development and/or use of the subject Property of this application shall be in strict accordance

with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the Town Council and the undersigned.”

By: _____
Shawn M. Landry
CEO, QBE Global, LLC
Managing Partner, Haymarket Properties Group, LLC

APPROVED:

Mayor, Town of Haymarket

Date

Attachment: (5) QBE REZONING APPLICATION - No Exhibits (1536 : Rezoning 14550 John Marshall Highway)



TO: Town of Haymarket Town Council
 SUBJECT: Special Use Permit - 14550 John Marshall Highway
 DATE: 08/05/13

A request for a special use permit (limited professional office use) in the R-1 zoning district. Following its July 8 public hearing, the Planning Commission forwarded the application to the Town Council with a recommendation of approval.

BACKGROUND / PROPOSAL

QBE Global, LLC, has submitted a special use permit application to permit limited professional office use at 14550 Washington Street (approximately 19% of the former PACE West School building). QBE Global is the contract purchaser of the former PACE West School property. The Applicant has received zoning approval to permit continued use of the recreation fields (by PWC Department of Parks and Recreation) and school (St. Paul's School). The Applicant has also received zoning approval to permit a church use within the building. Existing parking spaces on the property exceed the Zoning Ordinance standard.

The school and church use is expected to continue until such time as the Applicant requires the entire building for its headquarters. QBE Global has concurrently filed a rezoning application to rezone the property to the B-1 commercial district. Professional office use is a by-right use within the B-1 zoning district. Approval of the rezoning would nullify the special use permit.

DRAFT MOTION(S)

- 1.a. I move that the Town Council approve #SUP20130529 for limited professional office use at 14550 Washington Street as described on the Special Use Permit Application dated May 24, 2013, pursuant to Section 58-53(7) of the Zoning Ordinance.

AND

- 1.b. I further move that the SUP shall remain in effect for a period of one year, to renew automatically for additional periods of one year, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING: Council may require, upon a majority vote, after notice to the applicant, for the applicant (or present property owner) to submit a new application for an SUP, which shall be treated in all respects as a new and different application, subject to approval or disapproval, in accordance with general principles of law for a new application. If such notice is given to the applicant or present property owner, this SUP shall terminate automatically and without further notice or action by the Council 60 days from the giving of such notice.

OR,

2. I move an alternate motion.

ATTACHMENTS:

- (1) 14550 John Marshall Highway - Special Use Permit (PDF)

RECEIVED

MAY 29 2013



The Town of
HAYMARKET
Established in 1799

TOWN OF HAYMARKET

Date: 5/24/2013Case #: SPA 20130529

Special Use Permit Application

Business Name: QBE Global, LLC / QBE, LLC / Marsden Landry Properties, LLC Address: 14550 John Marshall Highway Haymarket, VA 20169

Applicant's Information Property Owner's Information
QBE Global, LLC / QBE, LLC /

Name: Marsden Landry Properties, LLC
Address: 15000 Washington Street, Suite 200
City: Haymarket
State/Zip: VA 20169
Phone: 571-766-1022

Name: PWCS Office of Facilities Services
Address: 14800 Joplin Road
City: Manassas
State/Zip: VA 20112
Phone: 703-791-7313

Type of Structure: ☐ SFD ☐ Multi ☐ TH Zoning District: R-1 Code Section: Sec. 58-53 (7)

Name of Business: QBE Global, LLC / QBE, LLC / Marsden Landry Properties, LLC
Name of Business: _____

Number of employees working from site: 11
Number of vehicles: 11 Type: Personal employee GVH: _____
Number of parking spaces vehicles
set aside for this activity: 22
Total floor area of structure devoted to activity: 5,814 sq. ft.
Total floor area devoted to activity MUST be the main structure, NOT any accessory Building _____ (please initial you will comply)
Will accessory storage be necessary? ☐ Yes ☒ No
If so, where will it be? _____

Will the activity require any special tools or structure improvements? _____

Applicant agrees NO signage is allowed see below (please initial you will comply)
In the space provided or on an attached sheet, please describe in detail your activity, including hours of operation, type of clientele, number of vehicles anticipated to visit the site in the average work day and any other changes that will affect the nature or appearance of the site.
There will not be any new signs added to the property. Any changes will make us of the existing sign structures and will be in keeping with the same theme and feel as is currently used today.
Intend to use existing school.

The above is a true representation of the activity and the method of operation upon approval:

Applicant Signature: _____

Owner's Signature: _____

☐ Approved ☐ Rejected by Town Council Vote: _____ Date: 25 MAY 2013
Conditions: _____ Signature: _____
Fee: 500.00 Paid: 5-29-13 Date: 5-29-13

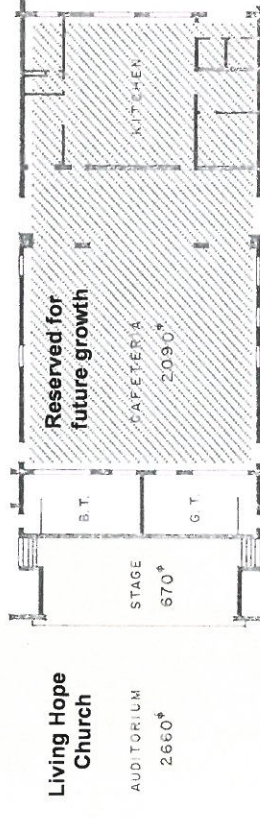
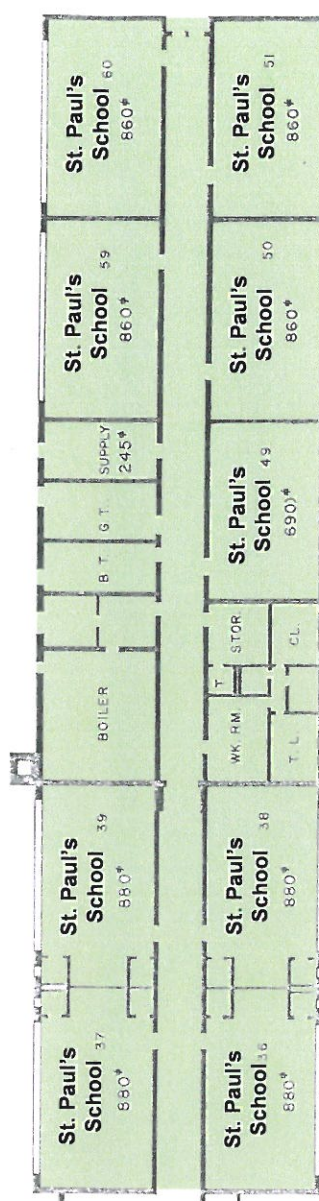
Special Use Permit Application
For
QBE Global, LLC
QBE, LLC
Marsden Landry Properties, LLC

Narrative

QBE Global, LLC / QBE, LLC / Marsden Landry Properties, LLC (Applicant) is requesting a Special Use Permit (SUP) to accommodate the relocation of its existing offices from 15000 Washington Street, St Haymarket, VA 20169 to 14550 John Marshall Highway, Haymarket, VA 20169, which is under sales contract by QBE. QBE Global is requesting this permit to occupy offices in the Former Pace West School under Town Code R-1, Section 58-53 Special Uses (7), Limited professional offices, medical and dental. As QBE Global and QBE, LLC will be occupying 19% of the building, it is truly limited use.

QBE Global is the parent company of several entities, most of which have employees in other parts of the world. There are currently 4 people in its Haymarket office. The business of QBE Global is quiet in nature and non-commercial. per Section 58-51 (Intent) of the R-1 Zoning District. The regular hours of operation are from 8:00 a.m. to 6:00 p.m. with minimal traffic in and out.

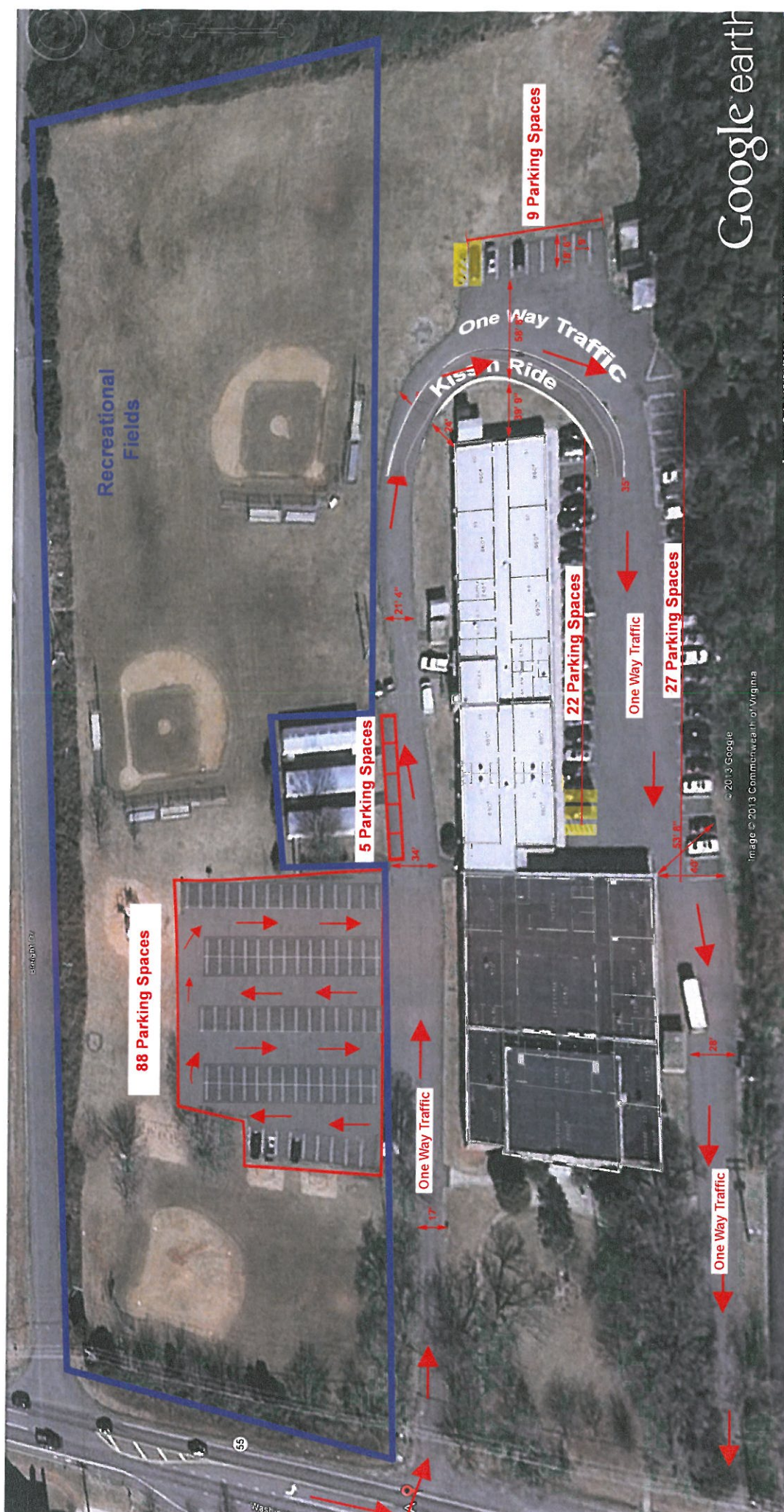
Approval of the Special Use Permit will allow QBE Global to operate its current business as is until the building can be rezoned. QBE Global has in place four tenants with whom they intend to lease/share the building and surrounding land with. All of the tenants will be within the current R-1 Zoning within the Town. Please see attached building layout and parking plan.



Floor Plan June 13, 2013

Tenant	Total Square Feet	Parking Requirements
St. Paul's School	12,137	46
Living Hope Church	8,625	33
QBE Federal	2,907	11
QBE Global	2,907	11
Future Growth	3,961	0
Parks & Rec	NA	50
Totals	30,537	151

Parking requirements were calculated using the formula below:
 Total sq. ft. x .75 ÷ 200 = # of Parking Spaces Required



Parking / Traffic Plan 14550 John Marshall Highway

June 13, 2013

Indicates Handicapped Parking



TO: Town of Haymarket Town Council
 SUBJECT: Zoning Text Amendments
 DATE: 08/05/13

Haymarket Self Storage has submitted a zoning text amendment application to permit the storage of non-motorized vehicles and equipment by special use permit in the I-1 zoning district and to exempt the use from requiring the storage lot to be surfaced with concrete or asphalt. Haymarket Self Storage is currently storing boats, travel trailers, motor homes, and contracting equipment on a separate lot south of North Fork Creek without the requisite special use permit, site plan, and surfaced lot. The requested text amendment would distinguish non-motorized vehicles and equipment. The intent of the Applicant is to store motorized vehicles and equipment on a concrete or asphalt surface draining into a stormwater management facility. Non-motorized vehicles and equipment would be stored on a separate crushed aggregate surface. Approval of the text amendment is intended to bring the site into compliance with the Zoning Ordinance. At its June 17 public hearing, the Planning Commission forwarded the application to the Town Council with a recommendation of approval.

Pursuant to Section 58-425, the Town Council has one year from the date the Amendment application was accepted by the Town Clerk to render a decision. The deadline for a decision by the Town Council is March 8, 2014. The Council may approve, deny, or recommend alternative amendments subsequent to the public hearing.

BACKGROUND

Over the last year and half, Town staff and various Council and Commission members have met with the representatives of Haymarket Self Storage to discuss an approach to bring the site into compliance with the Zoning Ordinance. The applicant has expressed concerns over the cost of meeting the Town requirements of a surfaced storage lot (concrete or asphalt) and inquired about the necessity for the requirement. Town staff has noted the storage area is in proximity to the 100-year flood plain associated with North Fork Creek. North Fork Creek is part of the Chesapeake Watershed. The resulting request is intended to address both concerns.

APPLICANT PROPOSAL

The Applicant requests to amend Sections 58-1, 58-258 and 58-260 in order to define the storage of non-motorized vehicles and equipment, to identify storage of non-motorized vehicles and equipment as a special use, and to not require the lot for the storage of non-motorized vehicles and equipment to be surfaced with concrete or asphalt; specifically:

Sec. 58-1. - Definitions.

Outdoor Storage of Non-Motorized Vehicles means storage for non-motorized vehicles and equipment for a continuous period in excess of 24 hours on premises located in areas zoned for industrial purposes and open and accessible to the public. This definition excludes hazardous material storage or storage of trailered motorized vehicles and equipment, to include boats with affixed outboard and inboard motors.

Sec. 58-258. - Special uses.

The following uses shall be permitted in the I-1 district with a special use permit:

(19) Outdoor storage for non-motorized vehicles and equipment

Sec. 58-260. - Requirements for special uses.

The requirements for special uses are as follows:

- (4) The lot must be surfaced with asphalt or concrete; except that a crushed aggregate surface may be allowed for a lot used for storage of non-motorized vehicles and equipment.

DRAFT MOTION(S)

1. I move that the Town Council adopt Ordinances ORD#20130805 - 2, ORD#20130805 - 3, and ORD#20130805 - 4, permitting Outdoor Storage of Non-motorized Vehicles by Special Use Permit in the Limited Industrial District I-1.

OR

2. I move an alternate motion

ATTACHMENTS

1. Applicant Narrative dated May 31, 2013

ATTACHMENTS:

- (1) Haymarket Self Storage - ZTA Narrative 05-31-13 (PDF)
- (2) ORD#20130805 - 2 Section 58-1, Definition, Outdoor Storage of Non-Motorized Vehicles (PDF)
- (3) ORD#20130805 - 3 Section 58-258, Special Use, Outdoor Storage of Non-Motorized Vehicles (PDF)
- (4) ORD#20130805 - 4, Section 58-260, Requirements Special Use, Outdoor Storage of Non-Motorized Vehicles (PDF)

Wolf Realty Associates

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Haymarket Self Storage

Lots 2 & 3

Zoning Text Amendment Application and Related Issues

May 31, 2013

Wolf Realty Associates is a family partnership that has been in existence for 40 years. There are close to 100 extended family partners. There are presently properties in Virginia, Maryland, and Pennsylvania. We have owned and managed the Haymarket Self-Storage property for over 10 years. During that time, we have participated in many Haymarket events and community services such as the Food Bank, the library, Haymarket Days, the Police Rodeo, and various school and sporting events. We are proud to be a part of Haymarket.

The Zoning Text Amendment application, (ap) (See *Justification below*) would allow storage of non-motorized vehicles and equipment on a crushed aggregate surface rather than an asphalt or concrete surface. This would allow us to continue to store motorized vehicles on one side of the lot on the required paved surface. Our intentions also include a bioretention facility to satisfy storm water management needs of the entire storage site. (See *Justification based on the criteria of the Zoning Ordinance*).

The ZTA approval by the Town Council will be followed by the Special Use Permit application process and approval and subsequently, a Site Plan application and approval.

Lot 3 has 2.1 acres available as I-1 usage and Lot 2 has approximately 1.9 acres as I-1 usage.

Proposed Text Amendment:

We request an amendment to Chapter 58 of the Town as follows:

Sec. 58-1. - Definitions.

Outdoor Storage means storage for non-motorized vehicles and equipment for a continuous period in excess of 24 hours on premises located in areas zoned for industrial purposes and open and accessible to the public. This definition excludes hazardous material storage or storage of trailered motorized vehicles and equipment, to include boats with affixed outboard and inboard motors.

Sec. 58-258. - Special uses.

The following uses shall be permitted in the I-1 district with a special use permit:

- (19) Outdoor storage for non-motorized vehicles and equipment

Sec. 58-260. - Requirements for special uses.

The requirements for special uses are as follows:

- (4) The lot must be surfaced with asphalt or concrete; except that a crushed aggregate surface may be allowed for a lot used for storage of non-motorized vehicles and equipment.

Justification of the request is based on the criteria of the Zoning Ordinance as follows:

Use and Character of the Area – The property is currently used as open vehicular storage. The use is compatible with the surrounding area since it is located on the southern edge of the Town of Haymarket and is bounded on the north by the Norfolk and Southern Railway tracks. The western boundary contains the Town line. To the east is the property of Haymarket Landing, zoned C-1, Conservation. To the south is a landscape company, also zoned C-1.


Suitability – The property is highly suitable for the use since it is convenient for customers but relatively invisible from the historic portion of the Town to the north and east and from James Madison Highway (U. S. Route 15) to the west.

Trends of Growth or Change – The Town and surrounding area will continue to grow and the need for open vehicular storage will increase significantly. Haymarket Self Storage is ideally located near 3 major highways being Interstate Route 66, John Marshall Highway (State Route 55) and James Madison Highway (U. S. Route 15). There is an economic demand for the use that should only increase.

Environmental – The property borders the North Fork of Broad Run and but the use is sensitive to this fact and is separated from the stream by a Resource Protection Area (RPA) and will help conserve the natural resources located there. With this in mind, storm water management (retention) and water quality treatment (BMP) is proposed with bio-retention facilities (rain gardens) and have a partial ground water recharge function. The owner is willing to do this for the entire site and provide landscaping, as well, subject to Town approval. A large portion of the site will remain as green area.

Finally, this use meets the vision of the Town's Comprehensive Plan, should have no negative impacts to the surrounding properties and uses, and there would be a negative impact if the application is denied due to a demand for the use.

We thank the Town Council and Planning Commission for their consideration.



Herb Wolf – General Partner WRA

ORDINANCE #ORD20130805 - 2

Enacted _____

Effective _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-1, RELATING GENERALLY TO DEFINITIONS BY ADDING THE DEFINITION OF OUTDOOR STORAGE OF NON-MOTORIZED VEHICLES.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in this regular session, this ____ day of ____, 2013:

1. That Section 58-1 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 58-1. - 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:

Abattoir means a commercial slaughterhouse.

Accessory use means a subordinate use customarily incidental to and located upon the same lot occupied by the main use or building.

Accessway, private, means a semipublic ingress and egress easement dedicated to one or more lots at the time of subdivision for the purpose of pedestrian and vehicle access to a public street. Any such easement shall be maintained by its supporting lots as set out in this chapter.

Administrator, the, means the town council, which is charged with the enforcement of this chapter.

Adult day care center means any enterprise or facility operated for the purpose of providing care, protection and guidance for more than five adults during part of a day. No overnight facilities are permitted.

Agriculture means the tilling of the soil, the raising of crops, horticulture, forestry, and gardening.

Alteration means any change in the floor area, use, adaptability or external appearance of an existing structure.

Apartment means a portion of a structure designed as a dwelling unit, and ancillary to the principal use of the structure.

Architectural features means pieces or portions of a building that are utilized primarily for aesthetic purposes such as, but not limited to, bay windows, porches, porticoes, balconies, chimneys, eaves and cornices, basement walkups and flower boxes.

Automobile graveyard means any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

Basement means a story having part but not more than half of its height below grade. A basement shall be counted as a story for the purpose of height regulations if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Boardinghouse means a building where, for compensation, lodging and meals are provided for at least five and up to 14 persons.

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Building means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

Building, accessory, means a subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

Building, height of, means the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main, means the principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Catering, commercial (off-premises) means preparation of food and related materials for a special event, occasion, or other temporary contract, which are to be delivered to a location other than where prepared.

Cellar means a story having more than half of its height below grade and which may not be occupied for dwelling purposes.

Child day care center means any enterprise or facility operated for the purpose of providing care, protection and guidance for more than five children separated from their parents or guardians during part of a day. No overnight facilities are permitted.

Collectibles means to gather or to bring together books, stamps, coins, etc., usually as a hobby.

Commission, the, means the planning commission of the town.

Congregate/continuing care facility means a housing project designed for the care of ambulatory elderly persons, with spouse or companion when applicable. Such facilities shall provide a community atmosphere by providing such facilities as central dining, recreational areas, social activities and 24-hour staffing.

Coverage means the area of a lot occupied by structures, off-street parking, driveways, outside storage, or any other improvements not considered open space.

Cultural arts center means an establishment for the presentation of art, scientific, cultural or historical materials, music, or live theatrical or musical productions, but not including dinner theatre; this includes but is not limited to museums, noncommercial art galleries, botanical gardens and music conservatories.

Dairy means a commercial establishment for the manufacture and sale of dairy products.

District means a district as referred to in Code of Virginia, § 15.2-2280.

Dump heap (trash pile) means any area of 100 square feet or more lying within 1,000 feet of a state highway, residence, dairy barn or food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Dwelling means any structure which is designed with dwelling units for residential purposes, except hotels, boardinghouses, lodginghouses, tourist cabins, recreational vehicles and mobile homes.

Dwelling, attached single-family, i.e. *townhouse*, means a single-family dwelling unit being one of a group of not less than three nor more than eight units in a series separated from one another by party walls without doors, windows or other provisions for human passage or visibility through such walls from basement to roof.

Dwelling, multiple-family, means a structure arranged or designed with three or more dwelling units.

Dwelling, single-family, means a structure arranged or designed to be occupied by one family, the structure having only one dwelling unit. This definition excludes a mobile home.

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Dwelling, two-family, means a structure arranged or designed to be occupied by two families, the structure having only two dwelling units.

Dwelling unit means one or more rooms designed for residential living purposes containing at least one bath and kitchen facility.

Family means one or more persons occupying premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, lodginghouse, tourist home or hotel.

Family care home, foster home or group home means a residential structure established to serve intellectually disabled or other developmentally disabled persons, not related by blood or marriage.

Family day-care home means the secondary use of a dwelling unit to provide care, protection and guidance for one or more children during only a part of the twenty-four-hour day, excluding the provider's own children, meaning those related by blood, adoption or marriage to the provider who maintains the home, and those in foster care with the provider, or in the provider's permanent custody or already residing in the provider's dwelling, and which may employ at any one time not more than one person not residing in the home, provided that such person shall be at least 14 years of age and shall be certified or otherwise meet the appropriate social service regulatory agency's approval. The term "family day-care home" is not intended to include baby-sitting services of a casual, irregular nature in or outside of the child's own home. It is also not intended to include cooperative, reciprocal childcare by a group of parents in their respective residences.

Farmer's market means retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short term or daily basis; indoor or outdoor; but this term does not include roadside stands.

Fast food restaurant means any establishment that provides, as a principal use, the sale of food, frozen desserts, or beverages in ready-to-consume state for consumption within the restaurant, within a motor vehicle parked on the premises, or off-premises, and whose design or principal method of operation includes one or more of the following characteristics:

- (1) Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- (2) Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-premises. If consumed on premises, customers generally are expected to clear their own tables and dispose of their trash.
- (3) Forty-five percent or more of the gross floor area of the establishment is devoted to food preparation, storage and related activities, which space is not accessible to the general public.
- (4) Food, frozen desserts, or beverages are served to the occupants of motor vehicles while seated therein, such as through a drive-in window.

For the purpose of this definition, a fast food restaurant shall not be deemed an eating establishment.

Fence means a freestanding structure of metal, masonry, composition, vinyl or wood or any combination, resting on or partially buried in the ground and rising above ground level, with posts at regular intervals, and used for confinement, screening, or partition purposes.

Fitness center/health spa means a public facility, a place for public assembly, in which membership in a program of physical exercise or the rights and privileges to use one or more of the following are sold: exercise area, sauna, whirlpool, weightlifting room, massage, steam room, exercising machines or devices, or a swimming pool. A child care facility may be provided to be used by patrons only during the time they are using the facility. The term "fitness center/health spa" shall not include the following:

- (1) Bona fide nonprofit organizations, including, but not limited to, the Young Men's Christian Association, Young Women's Christian Association, or similar organizations the functions of which as health spas are only incidental to their overall functions and purposes;

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- (2) Any private club owned and operated by its members;
- (3) Any organization primarily operated for the purpose of teaching a particular form of self-defense such as judo or karate;
- (4) Any facility owned or operated by the commonwealth or any of its political subdivisions;
- (5) Any facility owned or operated by the United States; and
- (6) Any nonprofit public or private school, college or university.

Food or grocery store means any building that contains more than 3,220 square feet and is primarily engaged in the sale of foodstuffs and related materials.

Frontage means the minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as required in this chapter.

Funeral home means a facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial, and may include indoor storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles, but does not include facilities for cremation.

Garage, private, means an accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of 1½ times as many automobiles as there are dwelling units.

Garage, public, means a building or portion of a building, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.

Golf course means any golf course, publicly or privately owned, on which the game of golf is played, including customary accessory uses and buildings but excluding golf driving ranges.

Golf driving range means a limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee.

Grade means the lowest of:

- (1) Lowest elevation of the street at the curb;
- (2) Established or mean street elevation if curb not established;
- (3) Lowest elevation of finished ground surface on any side of the building or property.

Historic resource means a building, place or area in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Home garden means a garden in a residential district for the production of vegetables, fruits and flowers generally for use and/or consumption by the occupants of the premises.

Home occupation means a business activity conducted entirely within a single-family detached dwelling unit by residents of that unit which is clearly incidental and secondary to its principal use as a dwelling unit. Home occupation allows customers to come to the house. The following uses, and no others, are home occupation uses:

- (1) Administrative offices of business and/or trade.
- (2) Arts and crafts activities.
- (3) Baking/catering (off-premises service).
- (4) Beauty salon (no tanning or toning equipment).
- (5) Clerical/secretarial activities.

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- (6) Day-time adult care (no more than five adults not residing in the home).
- (7) Family day-care home
- (8) Floral design.
- (9) Interior design/decorating.
- (10) Offices of a physician, therapist (including psychological, physical, and/or massage), dentist, lawyer, accountant, engineer, architect, desktop publishing, or similar professional.
- (11) Seamstress, tailoring, upholstery activities.
- (12) Tutoring, education or training (no more than five (5) children or two adults at any one time).

Hotel means any building containing seven or more rooms, with a common entrance, designed and intended for the lodging of guests with private toilet facilities and which is available to the general public for compensation which may provide additional services such as restaurants, meeting rooms, and recreation facilities.

Junkyard means an establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard; and the term shall include garbage dumps and sanitary fills.

Kennel means any place in which more than three dogs more than six months of age are kept, or any number of dogs are kept for the purpose of sale or rental or in connection with boarding, care or breeding, for which any fee is charged.

Kindergarten/nursery school means any facility operated primarily for the educational instruction of children from 2½ to five years of age.

Lodginghouse/bed and breakfast means an owner- or operator-occupied single-family detached dwelling unit which contains no more than two kitchens, intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests, other than temporary personal guests of a family in a dwelling unit, for compensation with or without meals. Stays no longer than 30 days are allowed.

Lot means a parcel of land abutting on a public street, occupied or intended to be occupied by a principal building or use and its accessory building and use, including all open spaces required by this chapter, or in the case of a townhouse, the piece or parcel of land occupied or to be occupied by it and its yards abutting on a public street or private accessway. In the case of land not transferred for sale, a measured parcel of land having fixed boundaries and designated on a plat or survey.

Lot, corner, means a lot abutting on two or more streets at their intersection. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Lot, depth of, means the average horizontal distance between the front and rear lot line.

Lot, double-frontage, means an interior lot having frontage on two streets.

Lot, interior, means any lot other than a corner lot.

Lot of record means a lot which has been recorded in the clerk's office of the circuit court.

Lot width means the width of any lot at the setback line, calculated by measuring back a uniform distance from the street line as required by the setback regulation. If the street line curves or angles, the setback line shall also curve or angle uniformly with the street line and the lot width shall be calculated along the curve or angle setback line.

Manufacture and/or manufacturing means the processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufactured home means a structure subject to federal regulations, which is transportable in one or more sections; is eight feet in body or more in width and 40 body feet or more in length in the traveling

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mode, or is 320 or more square feet when erected on site; is built on a permanent foundation; is designed to be used as a single-family dwelling when connected to the required utilities; and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Building design and construction material shall be approved by the architectural review board.

Mobile classroom means a dwelling unit of vehicular, portable design built on a permanent chassis and designed to be moved from one site to another and to be used without a permanent foundation for one school year.

Mobile home means a dwelling unit of vehicular, portable design built on a permanent chassis and designed to be moved from one site to another and to be used without a permanent foundation. A mobile home shall be deemed to be a mobile home regardless of the manner in which it is used, the manner in which it is affixed to realty or otherwise improved. A mobile home shall not be used for a residence or storage facility. Exceptions are those for temporary sales/office trailer for 180 days. Extensions must be approved by council.

Mobile home park or subdivision means any area designed to accommodate two or more mobile homes intended for reuse where residence is in mobile homes exclusively.

Motel means a building for overnight accommodations with separate sleeping units, each with separate entrance, separate toilet facilities and off-street parking.

Motor home means a motorized, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, and when factory equipped for the road, being no more than 35 feet in length, 12 feet high and does not exceed in gross weight more than 18,000 pounds.

Nonconforming activity means the otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the zoning ordinance of September 19, 1983, or as a result of subsequent amendments to such ordinance or this chapter.

Nonconforming lot means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of the zoning ordinance of September 19, 1983, or as a result of subsequent amendments to such ordinance or this chapter.

Nonconforming structure means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of the zoning ordinance of September 19, 1983, or as a result of subsequent amendments to such ordinance or this chapter.

Nonprofit organization means an organization that is exempt from paying federal income taxes under section 501 of the Internal Revenue Code (26 USC 501).

Off-street parking area or bay means space provided for vehicular parking outside of the dedicated street or accessway right-of-way.

Outdoor Storage of Non-Motorized Vehicles means storage for non-motorized vehicles and equipment for a continuous period in excess of 24 hours on premises located in areas zoned for industrial purposes and open and accessible to the public. This definition excludes hazardous material storage or storage of trailered motorized vehicles and equipment, to include boats with affixed outboard and inboard motors.

Private school means a bona fide educational institution other than a public school that provides instruction which is equivalent to public school education to public school-age children which may involve the boarding of pupils who, in the ordinary course of events, return annually to the homes of their parents or guardian for not less than two months of summer vacation.

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Public parking means any area used primarily or regularly for parking motor vehicles; or to any parking space or area required to be provided by any law; except for parking provided solely to reserve a single-family dwelling.

Public use means any use for exclusively public purposes without reference to the ownership or structures or the realty upon which it is situated by any department or branch of the federal government, commonwealth, county or town.

Public water and sewerage systems means a water or sewerage system owned and operated by the town, or owned and operated by a private individual or a corporation approved by the council and properly licensed by the state corporation commission, and subject to special regulations as set forth in this chapter.

Quick-service food store means any building that contains 5,000 square feet or less of net floor area, or any portion of such a building, which is used principally for the retail sale of food or other items; but this definition shall not include restaurants, formal, informal or drive-in.

Recreation, commercial, indoor, a fitness and sports activity means a sports or activity facility either open to the general public for a fee or for members and their guests. These are limited to the following activities: roller, hockey, or ice skating rink; basketball; baseball; softball; football; field hockey; soccer; lacrosse; laser tag; wiffleball; dodgeball; track and field; tennis; cheerleading; gymnastics; weight lifting; health spa or club; squash, racquetball or tennis courts; multisport instruction camps; sport specific leagues; birthday parties; marching band; and those activities offered at Prince William County Schools. Such a facility may also include accessory uses such as refreshment stands, equipment sales, or rentals.

Recreational vehicle means a vehicular-type structure designed as temporary living accommodations for recreation, camping and travel use. There are four basic types of recreational vehicles: Travel trailers, motor homes, truck campers and camping trailers.

Required open space means any space required in any front, side or rear yard.

Restaurant, drive-in/drive-up and drive-thru, mean a restaurant dispensing prepared food or drinks ready for consumption at the time of sale where the customers are either served in their vehicles, or at a drive-thru or walk-up window or service unit.

Restaurant, formal, means a building designed or altered for the purpose of preparation and serving of food and/or beverage for consumption on the premises in exchange for compensation. At no time shall a formal restaurant dispense food directly to an awaiting vehicle.

Restaurant, informal, means a building designed or altered, in whole or in part, to cater to or accommodate the consumption of food and/or beverages on premises, and to customers awaiting the dispensing of food to be consumed not on the premises. At no time shall an informal restaurant dispense food directly to an awaiting vehicle.

Retail stores and shops means buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically excluding coal, wood, and lumber yards) such as the following, which will serve as illustration: Drugstore, newsstand, food store, candy shop, milk dispensary, drygoods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop, and beauty shop.

Service station means an establishment for the retail sale and direct delivery to motor vehicles of fuel, lubricants and minor accessories and including the sale of tobacco products, candy, soft drinks and related items for the convenience of the motoring public. Such establishments shall primarily serve automobile and recreational vehicle traffic and may include facilities for washing, lubricating, and otherwise servicing motor vehicles; however all major repairs must be completely under cover. Permissible uses do not include:

- (1) Major body work, painting or welding;
- (2) Open storage of automobiles not in operating condition;
- (3) Commercial parking or storage lots;

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- (4) Parking longer than 60 minutes of vehicles requiring a commercial driver's license for lawful operation.

Setback means the minimum distance by which any building or structure must be separated from the front lot line.

Sign means any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations, by any means whereby they are made visible for the purpose of making anything known, where such display is made on, attached to, or as part of a structure, surface, or any other thing, including but not limited to the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which it is made. A display of less than one square foot in area is excluded from this definition.

- (1) *Business sign* means a sign which directs attention to a product, commodity or service available on the premises.
- (2) *Directional sign* means a sign, one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called, four square feet or less in the area, giving the name only of the farm or business responsible for the erection of the sign.
- (3) *General advertising sign* means a sign which directs attention to a product, commodity or service not necessarily available on the premises.
- (4) *Home occupation sign* means a sign not exceeding 2.25 square feet in area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.
- (5) *Identification sign* means one sign, not exceeding 16 square feet in area, for the purpose of showing the name and use of a convent, monastery, seminary, subdivision, church, country club, sanitorium, cemetery, children's home, orphanage, fraternal organization, hospital, or other similar establishment, which use is permitted in a residential zone, and such sign is erected or displayed on the property as identified.
- (6) *Location sign* means a sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
- (7) *Menu sign* means a sign which contains signs for more than one occupant of a building.
- (8) *Temporary sign* means a sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land. Temporary signs shall conform in size and type to direction signs.

Sign structure includes the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting sign.

Site plan means a plan prepared by a professional engineer or land surveyor licensed by the state showing all proposed improvements to the site in accordance with article XIII of this chapter.

Store means retail stores and shops.

Story means that portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, "story" means the space between the floor and the ceiling next above it.

Story, half, means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

Street and *road* mean a public thoroughfare which affords the principal means of access to abutting property.

Street line means the dividing line between a street or road right-of-way and the contiguous property.

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Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings, buildings and signs.

Travel trailer means a vehicular structure mounted on wheels, which is designed as temporary living accommodations for recreation, camping and travel use. A travel trailer can be easily towed by automobile or small truck and does not require special highway movement permits.

Truck camper means a portable structure designed to be loaded onto or affixed to the bed or chassis of a truck. It is designed to be used as temporary living accommodations for recreation, camping and travel use.

Variance means a reasonable deviation from those provisions regulating the size or area of a lot or parcel of land or the size, area, bulk or location of a building or structure when the strict application of this chapter would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this chapter, and would result in substantial justice being done.

Wayside stand, roadside stand and wayside market mean any structure or land used for the sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

Yard means an open space on a lot other than a court unoccupied and unobstructed from the ground upward, except as otherwise provided.

- (1) *Front yard* means an open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- (2) *Rear yard* means an open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
- (3) *Side yard* means an open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Zoning permit means a document issued by the zoning administrator authorizing the use of lots, structures, lots and structures, and the characteristics of uses.

(Code 1989, §§ 12-1, 12-215(6); Ord. of 3-19-1990; Res. of 4-2-1990; Res. of 6-4-1990; Ord. of 7-6-1998, § 1(12-1); Ord. of 11-20-2000; Ord. of 12-3-2001(4); Ord. of 12-3-2001(5); Ord. of 12-3-2001(6); Ord. of 12-3-2001(7); Ord. of 12-3-2001(8); Ord. of 12-3-2001(9); Ord. of 10-2-2006(2); Ord. of 12-3-2007; Ord. of 10-6-2008; Ord. of 10-6-2009; Ord. of 1-5-2009; Ord. of 11-15-2011; Ord. of 6-13-12)

Cross reference— Definitions generally, § 1-2.

State law reference— Definitions relating to local planning, Code of Virginia, § 15.2-2201; "nonprofit organization" defined, Code of Virginia, § 25-238; "automobile graveyard" and "junkyard" defined, Code of Virginia, § 33.1-348; utility companies generally, Code of Virginia, § 56-232 et seq.; "health spa" defined, Code of Virginia, § 59.1-296.

(Code 1989, § 12-7; Ord. of 3-19-1990; Res. of 4-2-1990; Res. of 6-4-1990)

Date: August 5, 2013
 Regular Meeting
 Ord. No. #ORD20130805 – 2

ORDER OF THE COUNCIL

 David Leake, Mayor
 On Behalf of the Town Council of
 Haymarket, Virginia

ATTEST:

 Jennifer Preli, Town Clerk

MOTION:

Date: _____

SECOND:

Regular Meeting

Ord. No. _____

RE:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Date: August 5, 2013
Regular Meeting
Ord. No. #ORD20130805 – 2

Jennifer Preli, Town Clerk

Attachment: (2) ORD#20130805 - 2 Section 58-1, Definition, Outdoor Storage of Non-Motorized Vehicles (1537 : Zoning Text Amendments)

ORDINANCE #ORD20130805 - 3

Enacted _____

Effective _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-258, RELATING GENERALLY TO SPECIAL USES ADDING OUTDOOR STORAGE OF NON-MOTORIZED VEHICLES AND EQUIPMENT

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in this regular session, this ____ day of _____, 2013:

2. That Section 58-258 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 58-258. - Special uses.

The following uses shall be permitted in the I-1 district with a special use permit:

- (1) Estate/liquidation auction sale.
- (2) Outdoor craft and/or antique shows/sales.
- (3) Parades.
- (4) Circuses.
- (5) Carousels; games (as defined in [section 14-9](#)).
- (6) Foodstore, grocery store, supermarket (excluding quick-service foodstore) provided that the maximum gross floor area occupied by any one use shall not exceed 45,000 square feet.
- (7) Drive-through windows. Uses permitted in the limited industrial district I-1 are permitted to have drive-through windows for service to the public subject to the following conditions:
 - a. Off-street stacking area for vehicles in drive-through pattern not to exceed six vehicle spaces;
 - b. No alcohol sales from the drive-through window;
 - c. Summary of window sales and gross sales submitted at the time of annual business license renewal;
 - d. Drive-through window located at the rear of the building; and
 - e. No use having a drive-through window for service to the public shall be permitted to be located closer than 400 feet to a property, tract or parcel in a planned interchange commercial district B-2 that is adjacent to a property, tract or parcel in a neighborhood business district B-1.
- (8) Nursery/garden center.
- (9) Construction and farm vehicles sales and repair shop under roof.
- (10) Service stations with fuel sales with repair under roof.

Date: August 5, 2013
 Regular Meeting
 Ord. No. #ORD20130805 – 3

- (11) Building materials sales under roof.
- (12) Plumbing materials storage under roof.
- (13) State licensed contractor.
- (14) Equipment storage yard, plants and rental of equipment commonly used by contractors.
- (15) Mobile office/classroom shall only be permitted with a special use license with the following restrictions:
 - a. For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter;
 - b. For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.
- (16) Storage for boats, travel trailers and motor homes if sufficiently screened from public ways and adjacent uses.
- (17) Farmer's market.
- (18) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewerage installations.
- (19) Outdoor storage of non-motorized vehicles and equipment

(Ord. of 1-4-1993; Ord. of 4-7-1997, § 2; Ord. of 5-1-2000; Ord. of 7-9-2001, § 1(12-162.1); Ord. of 11-26-2001(1), § 12-162.1; Ord. of 12-3-2007; Ord. of 1-5-2009; Ord. of 10-6-2009)

ORDER OF THE COUNCIL

 David Leake, Mayor
 On Behalf of the Town Council of
 Haymarket, Virginia

ATTEST:

 Jennifer Preli, Town Clerk

Date: August 5, 2013
Regular Meeting
Ord. No. #ORD20130805 – 3

Date: August 5, 2013
Regular Meeting
Ord. No. #ORD20130805 – 3

MOTION:

Date: _____

SECOND:

Regular Meeting

Ord. No. _____

RE:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Jennifer Preli, Town Clerk

ORDINANCE #ORD20130805 - 4

ENACTED _____

EFFECTIVE _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 58-260, RELATING GENERALLY TO REQUIREMENTS FOR SPECIAL USES.

BE IT ORDAINED by the Council for the Town of Haymarket, Virginia, meeting in this regular session, this ____ day of ____, 2013:

3. That Section 58-260 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Sec. 58-260. - Requirements for special uses.

The requirements for special uses are as follows:

- (1) All requirements under [section 58-9](#) shall be met;
- (2) A new site plan must be filed;
- (3) A stormwater management plan must be filed;
- (4) The lot must be surfaced with asphalt or concrete; except that a crushed aggregate surface may be allowed for a lot used for storage of non-motorized vehicles and equipment.
- (5) Any lights used to illuminate the area must be no higher than 28 feet and shall be approved by the architectural review board;
- (6) The special use permit shall be for a one-year period and to be applied for annually;
- (7) All access roads and/or bridges must comply to state department of transportation specifications;
- (8) Approval must be obtained from the railroad if vehicles must cross the railroad track to gain access to storage facility;
- (9) A landscape plan must be submitted; and
- (10) All ordinances must be met. An allowance may be made for a security fence which must be approved by the architectural review board.

(Ord. of 7-9-2001, § 1(12-163.1); Ord. of 2-22-2005)

Date: August 5, 2013
 Regular Meeting
 Ord. No. #ORD20130805 - 4

ORDER OF THE COUNCIL

 David Leake, Mayor
 On Behalf of the Town Council of
 Haymarket, Virginia

ATTEST:

 Jennifer Preli, Town Clerk

MOTION:

SECOND:

RE:

ACTION:

Date: _____
 Regular Meeting
 Ord. No. _____

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____

Jennifer Preli, Town Clerk



TO: Town of Haymarket Town Council

SUBJECT: Special Use Permit - Saint Paul's Church Sign

DATE: 08/05/13

A request by St. Pauls Episcopal Church for two (2) free-standing church signs in the Residential District R-1. Such signs are permitted by Special Use permit and therefore require public hearings by the Planning Commission and Town Council. Following its July 8 public hearing, the Planning Commission forwarded the application to the Town Council with a recommendation of approval.

BACKGROUND / PROPOSAL

Pursuant to Section 58-346 of the Town Code, the Town Council may approve certain signs types by special use permit based specific performance standards. Freestanding signs are permitted for churches up to a maximum of 12 square feet per sign. The Applicant is proposing two, 5 square foot freestanding signs to be located at the Rectory and the entrance to the church parking lot. The Applicant has requested a 3rd freestanding sign be located off site at the corner of Fayette Street and Washington Street. This sign type is not currently permitted by the zoning ordinance and would otherwise require the permission of the property owner.

DRAFT MOTION(S)

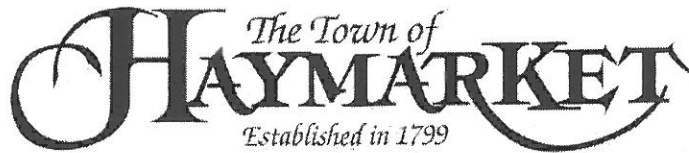
1. I move that the Town Council approve Zoning Permit #ZP20130604 for two free standing signs at 6750 Washington Street (St. Pauls Episcopal Church) pursuant to Section 58-346(1) of the Haymarket Town Code.

OR,

2. I move an alternate motion.

ATTACHMENTS:

- (1) 6750 Fayette St - St Pauls Church Signage (PDF)

ZONING PERMIT #: ZP20130604

RECEIVED

JUN - 4 2013

TOWN OF HAYMAR T

NOTE: This application must be filled out completely and all components of submission requirements must be met before the application can be accepted and scheduled for review/hearing.

ZONING PERMIT APPLICATION

ZONING ACTIVITY: ☐ New Construction ☐ Alteration/Repair ☐ Addition ☒ Sign
(Check all that apply) ☐ New Tenant/Use ☐ Change of Use ☐ Relocation

NAME OF BUSINESS/APPLICANT: St. Paul's Episcopal Church / The Rev. Sean K. Rossow

PROPOSED USE: _____ **Size (Sq. Ft./Length) of Construction:** _____

SITE ADDRESS: 6750 Fayette Street **Parcel ID #:** _____

Subdivision Name: _____ **Lot Size:** _____

ZONING DISTRICT: ☐ R-1 ☐ R-2 ☐ B-1 ☐ B-2 ☐ I-1 ☐ C-1 **Site Plan Required:** ☐ Yes ☒ No

Special Use Permit Required: ☐ Yes ☒ No **Homeowners Association (HOA) Approval:** ☐ Yes ☒ No

Off-street Parking: Spaces Required: _____ Spaces Provided: _____

BRIEF DESCRIPTION OF ACTIVITY: (i.e. previous use, type and dimensions of signs, height/length of fencing, etc.)

See attached Narrative

Supporting Documentation (attached): ☒ Narrative ☒ Plan/Plat ☒ Specification Sheet

FEE: ☒ \$25.00 Residential ☐ \$50.00 Commercial

CERTIFICATE OF APPROPRIATENESS

ADDITIONAL DESCRIPTION: (i.e. color, type of material, font style, etc.)

Supporting Documentation (attached): ☒ Specification Sheet ☒ Photograph(s)

PERMIT HOLDER INFORMATION

Name _____

Address _____

City _____ State _____ Zip _____

Phone# _____ Email _____

PROPERTY OWNER INFORMATION

Name _____

Address _____

City _____ State _____ Zip _____

Phone# 703-431-2839 cell Email stpaulsepiscopalhaymarket@gmail.com

APPLICANT / PROPERTY OWNER SIGNATURE
*******REQUIRED*******

I, as owner or authorized agent for the above-referenced parcel, do hereby certify that I have the authority to make the foregoing application and that the information provided herein is correct. Construction of improvements described herein and as shown on the attached plat, plan and/or specifications will comply with the ordinances of the Town of Haymarket and any additional restrictions and/or conditions prescribed by the Architectural Review Board (ARB), Planning Commission, or the Town Council and all other applicable laws.

Rev. Sean K. Rouner
Applicant Signature

St. Paul's Episcopal Church
Property Owner Signature

*****OFFICE USE ONLY*****
ZONING PERMIT #:
ZP20130604

Date Filed:

6-4-13

Fee Amount:

25-

Date Paid:

6-4-13
DATE TO ARCHITECTURAL REVIEW BOARD (ARB):
6-19-13
☐ APPROVED ☐ DISAPPROVED ☐ TABLED UNTIL:

☐ DEFERRED UNTIL:

ARCHITECTURAL REVIEW BOARD CHAIR:

SIGNATURE

PRINT

Kenneth M. Luersen 6/19/2013
Kenneth M. Luersen

CONDITIONS:

Sign Poles need to be same color as bracket (black)
and can be square, rectangle, round but needs a finishing cap (Flare)

DATE TO PLANNING COMMISSION:
6-10-13
Zoning Admin.
☐ APPROVED ☐ DISAPPROVED ☐ TABLED UNTIL:

☐ DEFERRED UNTIL:

PLANNING COMMISSION {where required}:

SIGNATURE

PRINT

CONDITIONS:

DATE TO TOWN COUNCIL:
☐ APPROVED ☐ DISAPPROVED ☐ TABLED UNTIL:

☐ DEFERRED UNTIL:

TOWN COUNCIL {where required}:

SIGNATURE

PRINT

CONDITIONS:



ST. PAUL'S EPISCOPAL CHURCH

6750 Fayette Street, Haymarket, VA 20169

Office Phone: 703-753-2443

Email: stpaulsepiscopalthaymarket@gmail.com

Website: www.stpaulsepiscopalthaymarket.org

June 4, 2013

Dear Marchant Schneider,

On behalf of St. Paul's Episcopal Church, I am writing to you to file an application for church signs with the Town of Haymarket. We would like to replace the temporary sign for the Church, install a new sign for The Old Rectory, and replace the sign that was removed on the corner of Fayette Street and Washington Street. We hope that each of these signs will be considered as separate requests. The following information is included with this Narrative: Certificate of Appropriateness, vendor information for the signs, property plat, and photos.

The signs that we hope to install are the standard 'The Episcopal Church Welcomes You' sign, and can be found on the following website: www.episcopalmarketplace.org. The colors are permanent and will not fade, oxide, peel or blister. The sign is advertised to be maintenance free with a lifetime guarantee.

The main sign dimensions are 30" high and 24" wide. The signs are made of porcelain fused to 18-gauge steel with two brass grommet encased mounting holes at the top and bottom. The signs come with a pair of powder-coated black stainless steel snap hooks for mounting. We are also interested in an additional information attachment and a directional arrow attachment. These attachments are mounted on the bottom of the main sign, are 8" high and 24" wide, and made of the same materials as the main sign, as well as come with the same mounting hooks as the main sign. The main sign is intended to be attached by a scroll bracket to a 2" steel pipe with finial. The bracket is a 15" high and 30" wide, triangular shaped black powder-coated steel hanger designed for mounting the sign to a post.

The current posts for hanging the signs are 84" high. Our intention is to reinstall the new signs at a similar height. The current sign for the Church is 12' from the road; however, this wooden post is rotting and will need to be replaced. A post for the sign for The Old Rectory would need to be placed inside the sidewalk in order to be 10' from the road. The current post for the sign on the corner of Fayette and Washington Street is 15' from the road and made of steel, so we could reuse this pole.

We are interested in the blue and white signs which are double-sided with 2" black lettering in English. The lettering appears to be in a font similar to Times New Roman.

Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)

The sign for the Church will include the following information on three lines: St. Paul's, Church, Fayette Street. The attachment for this sign will include the following information on three lines: Sunday Eucharist, 8:00 AM & 10:30 AM, stpaulsepiscopalhaymarket.org.

The sign for The Old Rectory will include the following information on three lines: St. Paul's, The Old Rectory, Fayette Street. The attachment for this sign will include the following information on three lines: Church Office, 703-753-2443, stpaulsepiscopalhaymarket.org.

The sign for the corner of Fayette Street and Washington Street will include the following information on three lines: St. Paul's, Church, Fayette Street. The first attachment for this sign will include the following information on three lines: Sunday Eucharist, 8:00 AM & 10:30 AM, stpaulsepiscopalhaymarket.org. The second attachment for this sign will be a directional arrow.

The vendor information gives specifications and shows examples of the signs that are made by Episcopal Marketplace. The property plat has been marked with locations for signs for the Church and The Old Rectory. The photos include: #1 – location of current Church sign up close, #2 – location of current Church sign from distance, #3 – location for The Old Rectory sign up close, #4 – location for The Old Rectory sign from distance, and #5 – location of current pole on corner of Fayette Street and Washington Street.

Please let me know if you need any additional information. I am happy to provide any information that is necessary to help with this process. I appreciate your ongoing guidance. Thank you for your help and attention to this matter. With better signage, we hope to be able to make our presence better known as well as make it easier for visitors and newcomers to find us tucked away on Fayette Street.

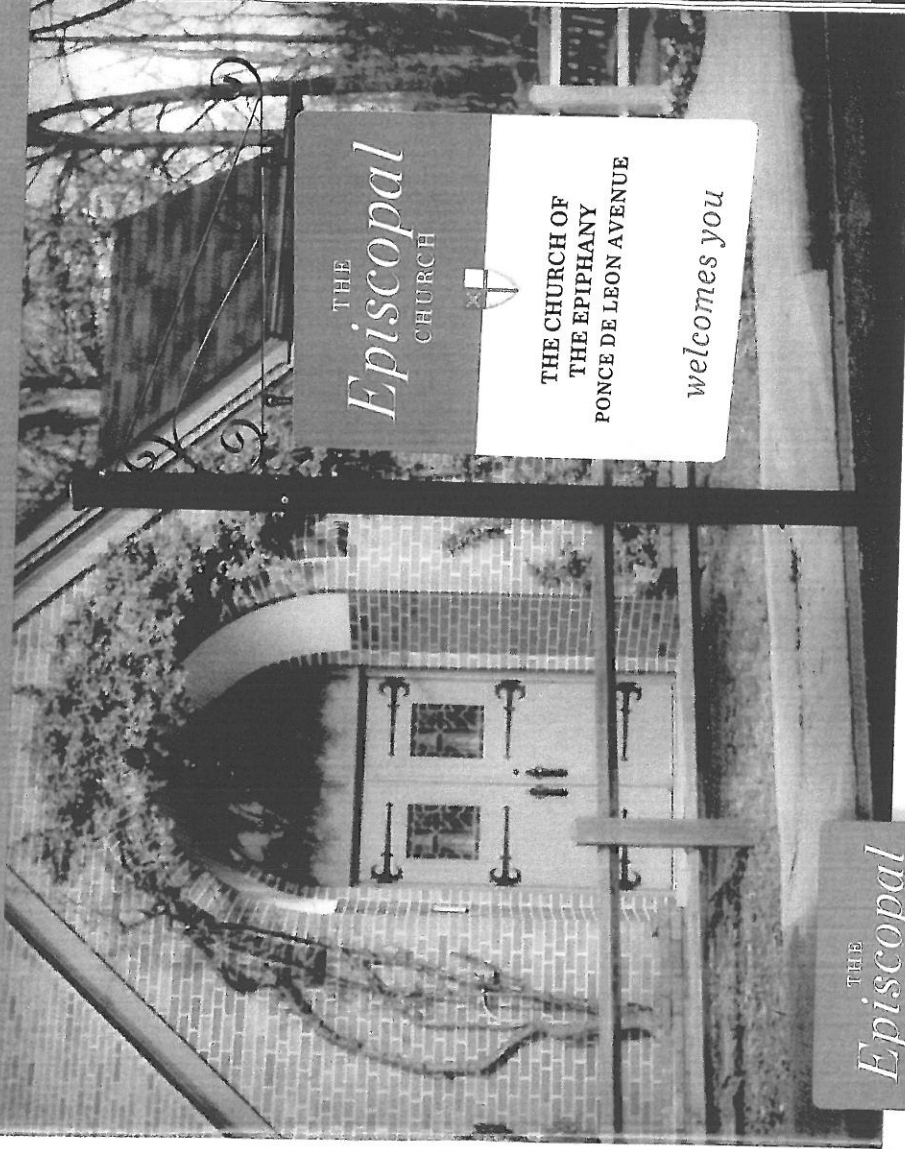
Sincerely,



The Rev. Sean K. Rousseau
Priest-in-Charge



The Episcopal Church welcomes you Road Sign



THE
Episcopal
CHURCH



THE CHURCH OF
THE EPIPHANY
PONCE DE LEON AVENUE

welcomes you

THE
Episcopal
CHURCH



THE CHURCH OF
ST. MICHAEL & ALL ANGELS
THIRD and MARKET

welcomes you

ORDER YOUR SIGN:
episcopalmarketplace.org
or 866-937-2772

The Episcopal Church Welcomes You Sign that has been adorning roadways and buildings for the past 60 years has a new distributor. It is now available only from Episcopal Marketplace.

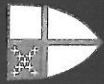
And it has a new look. The attractive redesign revitalizes the Episcopal brand with an updated shield and lettering against a background of blue or red. This is the only road sign approved by the Church Center in New York.

Made of porcelain fused to 18-gauge steel using a process developed before the time of Christ, this sign has the strength of steel and the imperviousness of glass. It is unaffected by rain, sun, snow, dust, grime, air pollution and graffiti. The colors are permanent and will not fade, oxidize, peel or blister. The new Episcopal Church Welcomes You Sign is maintenance free and if properly installed should last a lifetime.

If you are contemplating replacing existing old, damaged or rusted signage

Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)

7.D.a

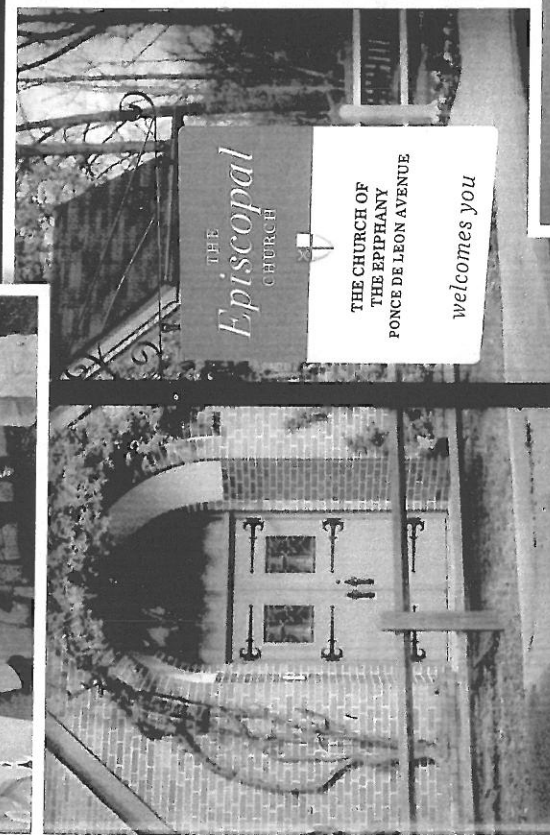


EPISCOPAL MARKETPLACE

QUALITY PRODUCTS FOR EDUCATION AND COMMUNITY IDENTITY

Branded Merchandise for
Fundraisers and Bookstores

The Episcopal
Church
welcomes you
Road Signs



Audio/Video Programming
and Printed Materials



7.D.a



Additional Information Sign

8" high x 24" wide, single-sided or double-sided porcelain glass fused to steel with two brass grommet encased mounting holes on the top and two on the bottom spaced 19" apart. Provides three lines of custom copy in a 1" font (see **Font Sizes**). Black lettering on a white background. Complete with one pair of 2³/₈" powder-coated black stainless steel snap hooks for mounting.

Single-sided **\$140.00**

Double-sided **\$150.00**

Directional Arrow Sign

8" high x 24" wide, single-sided or double-sided porcelain glass fused to steel with two brass grommet encased mounting holes on the top. Black on white background. Complete with one pair of 2³/₈" powder-coated black stainless steel snap hooks for mounting.

Single-sided **\$110.00**

Double-sided **\$120.00**

Anglican Communion Sign

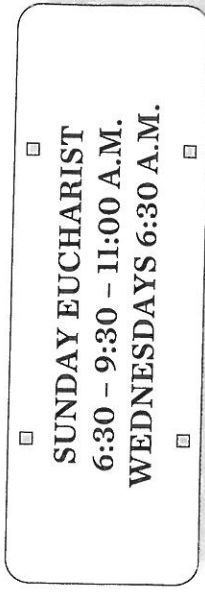
8" high x 24" wide, double-sided porcelain glass fused to steel with two brass grommet encased mounting holes on the top. Gold on a white background. Complete with one pair of 2³/₈" powder-coated black stainless steel snap hooks for mounting.

Double-sided **\$120.00**

Scroll Bracket

15" high x 30" wide, triangular-shaped black powder-coated steel hanger specifically designed for mounting these signs to a sign post.

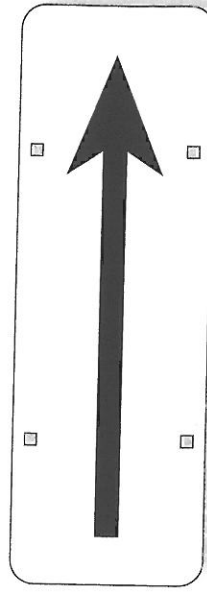
24"



8"

Additional Information Sign in white enamel with black lettering

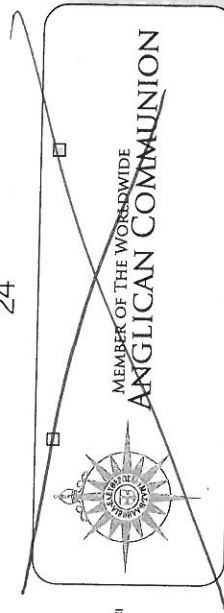
24"



8"

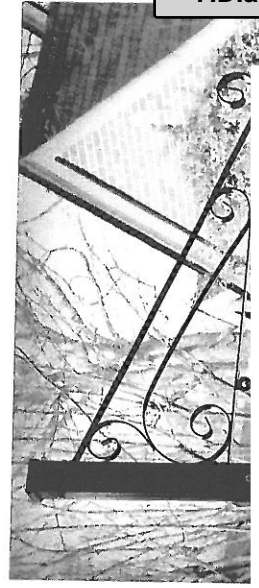
Reversible Directional Arrow Sign in white enamel with black arrow

24"



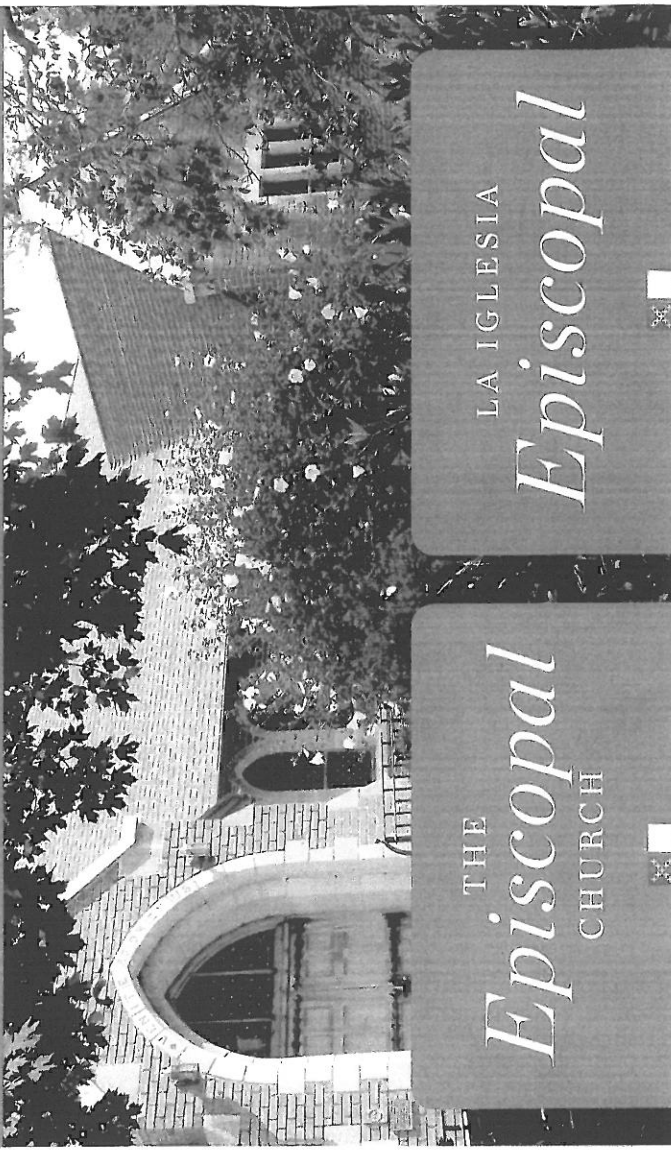
8"

Anglican Communion Sign with two mounting holes at the top





The Episcopal Church welcomes you Road Sign



THE CHURCH OF
ST. MICHAEL & ALL ANGELS
THIRD and MARKET

welcomes you

EL BUEN PASTOR
AUSTELL

le da la bienvenida

Font Sizes

1" font allows for 30 characters
per line including spaces

1½" font allows for 25 characters
per line including spaces

2" font allows for 20 characters
per line including spaces

Capital letters remain

The Episcopal Church Welcomes You Sign

30" high x 24" wide, single-sided or double-sided porcelain glass fused to steel with two brass grommet encased mounting holes on the top and two on the bottom spaced 19" apart. Provides for three lines of custom copy with 2", 1½" and 1" font options available (see **Font Sizes**, left). Black lettering on a white background. Complete with one pair of 2¾" powder-coated black stainless steel snap hooks for mounting. Available in blue or red and in English or Spanish.

7.D.a

SAINT PAUL'S EPISCOPAL CHURCH AND CEMETERY

TM #137-02-42A

2.4924 Acres

Brick
Church
Building

Parking lot

CONC
POST
MARKED
"PT"Current
Sign for
Church2-Story
Frame
Dwelling

Sidewalk

R=48.14
L=64.71Proposed
Sign for
The
Old
RectoryWe, the
that th
the bo
iron pi
proper

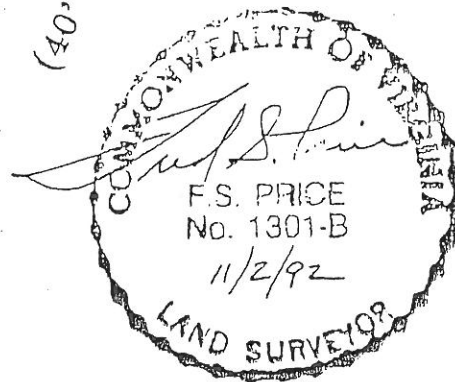
Sarah

David I

Terri F

Saint I
by Joe

Witness:



FAYETTE

STREET

N 62°01'32" W

413.94'
434.28'

611.43'

370.25'

IPS

CO
PO

S 63°47'16" E

75'

Remains of old Fence Line

IPS 36.58'

R=117.27
L=115.3166.96'
S 25°38'53" ER=232.35'
L=67.34'R=157.75'
L=77.46'

Saint I

Witness:

Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)

Photo #1



Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)



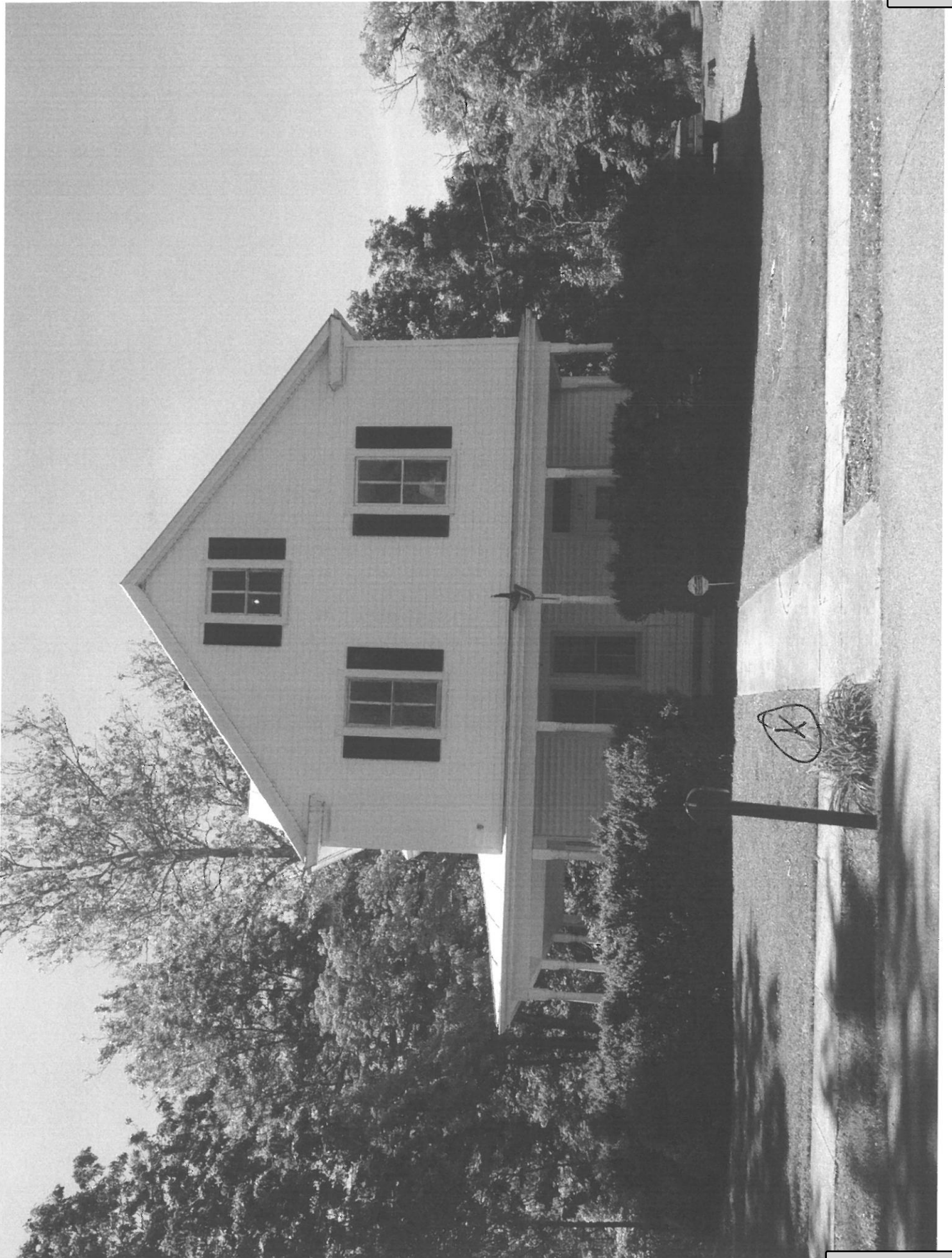
Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)

Photo #2

Photo #3



Photo #4



Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)

Photo #5



7.D.a

Attachment: (1) 6750 Fayette St - St Pauls Church Signage (1538 : Special Use Permit - Saint Paul's Church Sign)



TO: Town of Haymarket Town Council
SUBJECT: Use of 14710 & 14740 Washington Street
DATE: 08/05/13

ATTACHMENTS:

- TC PH 08-05-2013 Harrover Uses (PDF)

NOTICE OF PUBLIC HEARING – TO OBTAIN PUBLIC INPUT ON THE FUTURE USES OF 14710 & 14740 WASHINGTON STREET, HAYMARKET, VIRGINIA 20169

KINDLY TAKE NOTICE that the Town Council of Haymarket, Virginia, will hold a public hearing on the 5th day of August 2013 beginning at 7:00 p.m. local time at the Town Hall of Haymarket, 15000 Washington Street, Suite 100, Haymarket, Virginia 20169, for the purposes of obtaining public input on the use(s) of 14710 & 14740 Washington Streets, also known as the Harrover properties. Considerations would include, but not be limited to: use by community charitable and/or non-profit organizations where the substantive terms of the uses/leases may or may not render revenue to the Town.

The hearing is being held in a public facility believed to be accessible to persons with disabilities. Any person with questions on the accessibility to the facility should contact the Town Clerk at the above address or by telephone at [\(703\) 753-2600](tel:7037532600).

TOWN COUNCIL, TOWN OF HAYMARKET, VIRGINIA



TO: Town of Haymarket Town Council
SUBJECT: Washington Street Enhancement Project
DATE: 08/05/13

Approvals on Enhancement Project

During the construction of the Enhancement Project, there will be times when submittals need to be reviewed and approved in a timely manner in order to keep the project on schedule and moving forward efficiently. Such submittals include shop drawings, plan interpretations, contingencies/change orders (up to the budgeted contingency amount), invoice review, etc.

Staff Recommendation

In order to not delay the project, Staff recommends that Town Council pass a motion allowing the Town Engineer to approve Enhancement Project submittals.

DRAFT MOTION(S):

1. I move that Town Council grant approval authority for the Route 55 Washington Street Enhancement Project EN-96-233-128, C502, UPC 64766 submittals to the Town Engineer.

Or,

2. I move an alternate motion.



TO: Town of Haymarket Town Council

SUBJECT: Day of Service

DATE: 08/05/13

BACKGROUND

Mayor Leake was contacted by Rick Hendrix, Assistant Director for Public Affairs, Centerville Stake Church of Jesus Christ of Latter-day Saints about the possibility of the Town adopting a resolution of support similar to the resolution adopted by the Northern Virginia Regional Commission on June 27, 2013 for the Day of Service. This same resolution has also been endorsed and recommended by the Governors of Virginia, Maryland, West Virginia and the Mayor of Washington DC.

RECOMMENDATION

- I would recommend adopting the following resolution for a “Day of Service” for the Town of Haymarket on Saturday, September 28th.

RESOLUTION #20130805-1

Day of Service

WHEREAS, the governors of Virginia, Maryland, and West Virginia and the mayor of Washington, D.C. have come together to support “Day to Serve”, and

WHEREAS, “Day to Serve” is an unique event that has inspired a diverse group of people of our larger region to set aside their political, religious, and cultural differences to strengthen our collective community by coming together to “feed the hungry, protect and enhance the environment, as well as strengthening our community”, and

WHEREAS, the governor of Virginia has issued a proclamation encouraging all citizens of Virginia to participate in a Day of Service, between September 15-29, 2013; and

WHEREAS, since the inaugural “Day to Serve: in 2012, this remarkable and unprecedented event swept from the state capital to local churches, schools, neighborhoods and families and resulted in over 750 community events with more than 14,000 volunteers, culminating in 26,000 hours of service rendered, resulting in over 600,000 pounds of food being donated to local food banks; and

WHEREAS, these events also helped to improve the environment through planting trees, cleaning up parks and streams, and “adopt a road” campaigns; and

WHEREAS, the governor of Virginia has requested Virginians redouble our efforts for 2013;

NOW THEREFORE, BE IT RESOLVED, that the Town of Haymarket supports the governor on this observance to call upon all faith based organizations, community organizations and the Town of Haymarket residents to participate in the Day of Service in our community;

BE IT FURTHER RESOLVED, that the Town of Haymarket will officially recognized Saturday, September 28th as the Town of Haymarket’s “Day of Service”.



TO: Town of Haymarket Town Council
SUBJECT: Plan Review Services - Fire Prevention
DATE: 08/05/13

BACKGROUND

Last month I brought the issue of the fire safety plan review and inspections to the Council. I am still working on the details of creating the process of transitioning inspections (building and fire safety) to maintenance (routine maintenance inspections by the PW Fire Marshal's office). I am going to continue to work on the details and I am requesting to bring this back to the Council in October for a full proposal for the program.

In the interim, I am proposing to hire Carson Associates, Inc. for any fire safety plan review and initial inspection for the Town on an as needed basis as I continue to work on setting up the process for all inspection, both acceptance and maintenance.

RECOMMENDATION

- I recommend allowing the Town Manager to hire Carson Associates, Inc., on an as needed basis, for fire safety plan review and initial inspection on all new commercial construction.

DRAFT MOTION

1. I move that we authorize the Town Manager to hire Carson Associates, Inc. on an as needed basis for fire safety plan review and initial inspection for all new commercial construction.

Or

2. I move an alternate motion...



TO: Town of Haymarket Town Council

SUBJECT: Assisted Listening Devices

DATE: 08/05/13

BACKGROUND

I was given the task of researching assisted listening devices for the hearing impaired. The most widely used three systems are: Induction Loop System, IR System and FM System. Each system has a unique way of providing the hearing impaired the ability to hear without being affected by room acoustics.

ALS (Assisted Listening System) works in conjunction with an existing public address system. The sound source is amplified and broadcasted through the ear of the person who is wearing the ALS receiver.

The Induction Loop system requires wiring the entire perimeter of the room where the signal is to be picked up. Depending on the space, the wiring could be done under the existing floor or in the ceiling. An electromagnetic signal is picked up through a special type of hearing aid called a "telecoil." The user switches the setting on their hearing device to the "T" setting and now they are able to hear the discussion at hand. The pros to this system are; the person equipped with the telecoil hearing device will need nothing else. Also, the space is wired for future use and there is nothing to replace. Unfortunately, there are many cons to this system. Most people who live in the United States are not equipped with this type of hearing aid. So if you decided to install it, you would have to provide a receiver that has a telecoil in it and provide an earpiece and or headset. But the biggest con would be the cost. Most Induction Loop Systems start well over \$8,000.00. Because it is a "custom" system, it requires professional installation by an authorized Induction Loop distributor. Also, this system is permanent and commonly used in large group areas such as; churches and, performing arts centers.

The second system, IR (Infrared) uses the technology of infrared light (the same technology as in your television remote control) to transmit audio to your IR receiver. Much like headlights on a car, the IR light waves flood the room in use. There are 3 styles of IR receivers: a "pocket-size" that mimics the FM receiver, stethoscope style, and a headset style. Infrared Systems are often used in the home but can also be used in large settings such as theaters.

The third system, FM or also known as RF (Radio Frequency) uses the same technology found in radio stations. Operating on special frequency, it transmits the voice of the speaker through a hand held, body worn or stationary microphone. It then sends harmless radio waves to the FM receiver and headset of the listener or directly through the listener's hearing aid. FM Systems are frequently used in museums, public meeting places, corporate conference rooms and places of worship. For these usages, the microphone and transmitter is integrated into the current sound system. Maintenance on this system is minimal but important for the longevity of the microphones and transmitters. Special cleaning kits can be purchased. All though, most transmitters and receivers batteries are rechargeable, they will eventually need replacing.

RECOMMENDATION

It is recommended that the Town Council authorize the purchase and installation of three (3) FM (Radio Frequency) receivers and purchase of three Listen Neck Loops in an amount not to exceed \$2,500 to be appropriated from the 43100 MAINTENANCE OF GENERAL BUILDING AND GROUNDS Repairs-Maintenance Services line item. It is also recommended that the Town purchase the products and installation services from CCS Presentation Systems in Columbia, MD.

ATTACHMENTS:

- Assisted Listening Systems Comparison Chart (PDF)

Assisted Listening Systems Comparison Chart						
Name of System	Vendor	Installation Required: Y/N	Installation Company	Price for System	System Price + Installation	Product Name
Induction Loop System (IL)	Oval Window Audio	Yes	Listening Loops	Starts @ \$10,000.00	Need to do measurement first	
Induction Loop System (IL)	CCS Presentation Systems	Yes		Starts @ \$8,000.00	Need to do measurement first	
Induction Loop System (IL)	TecEar	Yes		Depends on Install factors	Need to do measurement first	
FM System	Audio Links	No (But may need sound engineer)	CCS Presentation Systems	\$1,099.99	\$1,099.99	Listen Tech LS-02-072
FM System	TecEar	No (But may need sound engineer)		\$1,799.00	\$1,799.00	Comfort Contego Multi-User
FM System	CCS Presentation Systems	No (But may need sound engineer)		\$2,332.29		Listen Performance FM System
FM System	Listen Tech	No (But may need sound engineer)		\$1,552.97	Plus \$20 shipping	
Infrared System (IR)	TecEar	Yes	CCS Presentation Systems	Depends on Install factors	Comes w/ instructions	
Infrared System (IR)	CCS Presentation Systems	Yes		\$4,122.50	Comes w/ instructions	Listen Tech Stationary IR System
Infrared System (IR)	Listen Tech	Yes		\$2,310.96	Comes w/ instructions + \$20 shipping	LS-80 Basic Stationary IR System



TO: Town of Haymarket Town Council
SUBJECT: Haymarket Quilters Request to Council
DATE: 08/05/13

At its July 2013 meeting, the Town Council asked that the staff obtain 4 dates for fiscal year 2014 for consideration of the Haymarket Quilters' use of Town Hall at no charge. Staff has obtained those dates and are as follows:

September 14, 2013
November 2, 2013
December 7, 2013
March 15, 2014

ATTACHMENTS:

- Haymarket Quilters - Special Request (PDF)

V. APPEAL OF FEES

At times the Town Council may consider waivers of the above fees by formal application, and the majority approval vote by Town Council.

REQUEST FOR WAIVER OF FEES

I am hereby requesting a waiver of the Town Hall Rental Fees, for the following reason:
(please provide your intended use of the Town Hall and your reasoning for wanting a waiver of said fees):

Haymarket Quilters Unlimited requests a waiver of fees. We had a verbal agreement with the former town manager and mayor that we could use the hall on Saturdays during the day about 4 times a year for no fee. We gladly made the quilt - at least 60 hours of work and donated new tables.

I am personally planning to donate 2 more tables which are of use for Tall groups and events.

Pat Widener
Applicant Printed Name

Pat Widener, President Haymarket Quilters
Applicant Signature

6/18/13
Date of Appeal

4-5 times a year Unlimited
Date Requested for Town Hall Use

We are a non-profit group and our events at the hall are open to the public.

Date presented to Town Council: _____

Town Council's decision on Waiver Request:

Waiver Granted: _____

Waiver Denied: _____

Comments:

Thanks for considering our requests. We often use the hall for charity quilts

Attachment: Haymarket Quilters - Special Request (1552 : Haymarket Quilters Request to Council)



TO: Town of Haymarket Town Council
 SUBJECT: Alexandra's Keep Site Plan REV #3
 DATE: 08/05/13

D.R. Horton, developer of Alexandra's Keep, has submitted a final site plan revision request. Pursuant to Section 58-510 of the Town Code, minor adjustments and/or deviations from a final site plan may be approved by the town council without formal review.

BACKGROUND

Alexandra's Keep is a 12 unit townhome development at the terminus of Bleight Drive. The Town Council approved a special use permit for the project in 2005 (see Town Ordinance 05-0001). The site is zoned R-2 and designated Moderate Density Residential by the Town Comprehensive Plan.

The 1st revision was approved by Town Council April 2, 2012 and included relocating water meters due to comments from the Prince William County Service Authority.

The 2nd revision was approved by the Town Council on August 6, 2012 and included a revised lighting plan that deleted two street lights on the north side of Alexandra's Keep Lane that were conflict with the relocated water meters. The revised lighting plan demonstrated that with the deletion of the two street lights a minimum of 0.4 footcandle illumination on the roadway could be provided, consistent with Zoning Ordinance Section 58-718.

The 3rd revision is to correct drainage problems around the lower set of townhouses, Lots 7 through 12. This revision installs underdrain under the driveways; repaves the driveways to shift the location of the swale further away from the townhouse; installs a rock swale between townhouse units; and re-grades the area on the west side of Lot 7, the east side of Lot 12 and the backyards of Lot 7 through 12. The Town Engineer recommends that this revision be approved (memo attached).

RECOMMENDATION

It is recommended that the Town Council review and approve the proposed revision.

DRAFT MOTION(S)

1. I move that the Town Council approve Amended Final Site Plan AFSP#20130730, Subdivision /Site Plan Revision 3: Alexandra's Keep, Sheets 1, 6A, and 14 of 24, prepared by Burgess and Niple, and dated September 5, 2006, revised through June 12, 2013, signed and sealed July 29, 2013, in accordance with Section 58-510 of the Town Code.

OR,

2. I move that the Town Council forward the Subdivision/Site Plan Revision 3: Alexandra's Keep, to a subsequent Town Council meeting for further discussion.

OR,

3. I move an alternate motion.

ATTACHMENTS:

- Me073113-AlexKeep-Rev 3 Recommend Approval (PDF)



INTEROFFICE MEMORANDUM

TO: MARCHANT SCHNEIDER

FROM: HOLLY MONTAGUE, PE

SUBJECT: ALEXANDRA'S KEEP REVISION 3 - MINOR SITE PLAN REVISION

DATE: 7/31/2013

CC: STAFF

Per your request, I have reviewed the submission for the Alexandra's Keep Final Site Plan Revision 3. This revision is to correct drainage problems around the lower set of townhouses, Lots 7 through 12. This revision installs underdrain under the driveways; repaves the driveways to shift the location of the swale further away from the townhouse; installs a rock swale between townhouse units; and re-grades the area on the west side of Lot 7, the east side of Lot 12 and the backyards of Lot 7 through 12.

Since this revision does not reduce the percentage of land shown as landscaped, does not expand the building size and does not reduce or change the efficiencies of the stormwater system, is my opinion that this qualifies as a Minor Site Plan Revision per Haymarket Ordinance Section 58-510.

I used Haymarket Ordinance Section 58-506(3), Final Site Plan, in order to review this revision. I have no additional comments and recommend approval of this Minor Site Plan Revision 3.

Please let me know if you have any questions regarding these comments. I can be reached at 703-968-6792.



TO: Town of Haymarket Town Council
 SUBJECT: Zoning Permits - Town Property
 DATE: 08/05/13

Zoning Permits for the tenant of the Old Post Office (Washington Street Realty) and former Daytime Playtime building (Haymarket Police Department) require the submission of a site plan and construction of site improvements (i.e. vegetative screening / buffering, additional paved parking, etc.). At its July 2013 meeting, the Town Council adopted the Haymarket Town Hall Master Plan. Implementation of this plan would fulfill the requirements of the Zoning Ordinance for all tenants at the Haymarket Town Center; however, due to the cost and reimbursement schedule of ongoing capital improvement projects (i.e. Streetscape), capital funding for the Master Plan has been deferred. It is recommended that the Town Council defer the site plan approval and construction of site improvements and permit temporary occupancy of both tenants. This action would be consistent with the Council's approval of Rose Investment's request to permit temporary occupancy of recreation use at 6630 James Madison Highway during review of requisite site plans (preliminary and final) and subsequent construction of required improvements.

BACKGROUND

The Town has recently completed renovation of the Old Post Office after an extended period of vacancy. The building is to be occupied by a real estate office (Washington Street Realty). The former Daytime Playtime building has been changed from a preschool use to a public use (police station). As noted above, funding for the implementation of the Town Hall Master Plan has been deferred; however, the Council has directed staff to create a tentative work plan for implementation of the Master Plan and identify potential funding strategies for the design phase of the Master Plan.

The Town Center is zoned Town Center District B-1. Office use and public uses are permitted "by-right" within the B-1 zoning district. Within the B-1 Zoning District, a change of use from a previous user or commercial property that has been unoccupied for more than two years requires preparation of a site plan in accordance with Article III of the Zoning Ordinance (Site Plan Requirements) and completion of improvements required by the site plan prior to building occupancy. Preparation of such plan would evaluate compliance of the proposal with the development requirements of the Zoning Ordinance to include vegetative screening / buffering standards, height/setback/lot coverage requirements, lighting, and parking.

DRAFT MOTION(S)

- 1.a. I move that the Town Council approve a temporary occupancy permit for Washington Street Realty and the Haymarket Police Department within the Haymarket Town Center, EXPRESSLY CONDITIONED UPON THE FOLLOWING:

Temporary occupancy will not be permitted by the Building Official and a zoning permit will not be issued by the Zoning Administrator until Building Official requirements for tenant up-fit, to include requirements for ADA, are completed.

AND

- 1.b. I further moved that a Final Site Plan shall be prepared and submitted no later than

_____ and an approval of the Final Site Plan diligently pursued thereafter. Construction of the site improvements required by the final site plan shall be completed by _____. An occupancy permit will be issued upon completion of the required improvements.

OR,

2. I move an alternate motion.



TO: Town of Haymarket Town Council
 SUBJECT: Parcel A-1, LLC Occupancy Request
 DATE: 08/05/13

At its July 29 work session, the Council agreed to add to their August 5 agenda an anticipated request for temporary occupancy for Next Level Fitness and Performance during review of a requisite site plan amendment and subsequent construction of site improvements associated with enclosing a ~2,500 sq. ft. warehouse loading bay at 6614 James Madison Highway. John Lombardozi, manager of Parcel A-1, LLC, and owner of Signature Companies, has submitted an alternate request by letter dated July 31, 2013 (attached) to waive the site plan requirement for the enclosure and permit Next Level Fitness and Performance to occupy the enclosure.

A site plan amendment associated with the enclosure was submitted on March 28, 2013 and is currently under review by the Town staff. Improvements required by the site plan include, among other items, restriping of the parking lot to accommodate additional parking spaces for the added building square footage, installation of additional interior and perimeter parking lot landscaping, and an assessment of the existing parking lot lighting to determine if additional site lighting is needed to meet the Zoning Ordinance standard (when serving the public after 5pm).

It is noted that there is not a provision in the Haymarket Town Code to waive the site plan requirement. Council is not required to take action on the request. Staff has directed Mr. Lombardozi to submit a request for a Zoning Determination, to be reviewed by Council, to confirm the requisite Zoning Ordinance requirements associated with the enclosure of the loading bay.

BACKGROUND

As noted above, an amended final site plan for the property was submitted on March 28, 2013 (AFSP20130328, Signature Kitchens). Staff and the Applicant's representatives met on July 10, 2013 to discuss staff comments regarding the site plan amendment. A revised site plan in response to staff comment has not been submitted.

On June 13, 2013 a building permit was issued by the Building Official to enclose a warehouse loading bay area at the property. The building permit was revoked by the Zoning Administrator on July 18, 2013 due to the Zoning Ordinance requirement that a building permit not be issued until such time that a site plan has been approved for the enclosure.

TOWN REQUIREMENTS

The subject property (part of Haymarket Industrial Park) is zoned I-1. Recreation, commercial, indoor, fitness and sports activities are permitted "by-right" within the I-1 Zoning District (Section 58-257(16)).

By Ordinance, a change of use from a previous user (i.e. storage warehouse to indoor recreation facility) or the enlargement of an existing building requires preparation of a site plan in accordance with Article III of the Zoning Ordinance (Site Plan Requirements) and completion of improvements required by the site plan prior to tenant occupancy. Preparation of the site plan evaluates compliance of the proposal with the current development requirements of the Zoning Ordinance to include vegetative screening / buffering standards, height/setback/lot coverage requirements, lighting, and parking.

Several recent projects that have either converted the use of an existing building or have expanded the square footage of an existing building have met the above requirements to include Piedmont Tire and Auto and the Haymarket Iceplex. The Town Council conditionally approved a request defer site plan approval and construction of improvements associated with the reuse of an existing warehouse building at 6630 James Madison Highway (Rose Investments).

RECOMMENDATION

It is recommended that the Council take no action regarding the request. As noted above, a Zoning Determination request by Mr. Lombardozzi will provide an official determination of the applicable Zoning Ordinance standards that are to be applied to the proposal to enclose the loading bay. As part of a determination request, staff will review the history of the development of the property and will also evaluate the points noted by Mr. Lombardozzi in his July 31, 2013 letter.

ATTACHMENTS:

- Parcel A-1 Request to Council (PDF)

SIGNATURE COMPANIES

July 31, 2013

Honorable David Leake
Mayor, Town of Haymarket
P.O. Box 1230
Haymarket, VA 20168

Dear Mayor Leake & Members of the Town Council,

As the Owner of Parcel A-1, LLC (PA-1) located at 6612 James Madison Highway, this letter is to formally request the Council waive the site plan requirements and allow occupancy of Next Level Fitness & Performance (NLFP) to utilize the existing covered loading area located in the southeast area of the existing structure. The Tenant use is unchanged and is a by-right use in the Limited I-1 Zone. Tenant is paying all construction and development costs associated with this project and needs 100% assurance that when the work is complete they will be allowed to unconditionally occupy the space identified in Building Permit #B20130410.

Reason for The Request:

- Parcel A-1 has an approved as built site plan completed in 2002 that does not conform to current Site Plan requirements which were updated/revised in October of 2009.
- The Haymarket Sportsplex (HSP) use was approved by ZTA in 2008.
- Landlord desires to submit a revised Parking Plan which will document the existing tenant uses, size & related Parking required which will conform to current parking requirements.
- Parcel A-1 2002 Site Plan documented the existing building size as approximately 52,850 sq. ft.
- The proposed enclosure area is contiguous to Next Level existing space and required for the project.
- Signature Kitchens existing warehouse space will/can be vacated in order to provide for the rear enclosure area to conform to 2002 site plan.
- Existing zoning ordinances excluded buildings constructed before 1980, but do not clarify what site plan requirements they must conform with.
- Tenant (NLTP) & Landlord (PA-1) have worked diligently together for the last 18 months to expand the training area need to serve its customers.
- In March 2013, I applied for a construction permit to enclose the existing covered loading area of the building. The Permit was approved by the Town on June 13, 2013. On July 18th, we received a letter from Marchant Schneider revoking an approved Building Permit #B20130410. The letter states the Permit has been revoked and cites ordinance 58-259 as the reason.
- Temporary Occupancy for the Tenant pending a final site plan approval and a delayed period for construction (similar to Rose Investments application) is not feasible due to unknown cost elements required by the October 2009 Site Plan Zoning Ordinances. Parcel A-1 & (NLTP) must have a known fixed cost for the project.

Your consideration and the assistance of the Town staff in this matter is acknowledged and appreciated.

Sincerely

John E. Lombardozzi
Manager, Parcel A-1, LLC



TO: Town of Haymarket Town Council

SUBJECT: Closed Session

DATE: 08/05/13

The Virginia State Code allows for government entities to enter into closed session discussions for specific purposes outlined in VA §2.2-3711. The Haymarket Town Council will enter into closed session discussions this evening for the following purpose:

A3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. **Daytime Playtime Lease**



TO: Town of Haymarket Town Council
SUBJECT: Certification of the Closed Session
DATE: 08/05/13

§ 2.2-3712. Closed meetings procedures; certification of proceedings.

Certification: To the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.