



# TOWN OF HAYMARKET PLANNING COMMISSION

## REGULAR MEETING ~ MINUTES ~

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

15000 Washington Street, Suite 100  
Haymarket, VA 20169

Wednesday, January 3, 2018

7:00 PM

Council Chambers

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

Chairman Matt Caudle called the meeting to order.

### I. Call to Order

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

### II. Pledge of Allegiance

### III. Moment of Silence

### IV. Minutes Approval

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

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Carroll, Commissioner
<b>SECONDER:</b>	Steve Shannon, Councilman
<b>AYES:</b>	Caudle, Carroll, Carroll, Pasanello, Panthi, Shannon

### V. Citizens' Time

No Citizens' Comments.

### VI. Public Hearings

#### 1. ZTA#2017-001 - 14845, 14851, 14871 Washington Street Rezoning Application

Robert Weir, 6853 Saint Paul Drive, addressed the Commission. He stated that he had a number of issues with all of the rezonings on Washington Street. He shared concerns regarding proper documentation, process and payment as well as no referrals to VDOT or Prince William County. He stated that there is no accompanied Comp. Plan Amendment and that the properties are and always have been zoned R-1.

Dottie Leonard, 14801 Washington Street, stated that she was on the Town Council when the entire Washington Street was planned commercial. She further stated that most were rezoned with the exception of these two houses and that this has gone on way too long. She said that she was here at the Planning Commission meeting 2-3 years ago when the recommendation was finally made to get their just treatment. Ms. Leonard continued stating that it went up to the Town Council with a recommendation to get the same zoning as the first two houses on the street got. She concluded by stating that what we really need to care about is not if they are B-1 zoned but what they look like and are used for, which can be controlled by the Architectural Review Board.

Maria Rafferty, one of the Rezoning Applicants, stated that she respectfully disagreed with almost everything Mr. Weir has said other than the fact that the properties were not actually zoned commercial. She further stated that they were planned future commercial and have been down planned as only being residential. She stated that they have been brought back to future commercial on the Town Plan because she believes that the plan is to make the whole Washington Street commercial. She continued saying that she just lost a residential tenant and

feels it is not conducive as a residential property. Ms. Rafferty concluded that she has received a lot of interest in the properties and that her realtor is here to answer any questions.

Laura Newman, 14657 Red House Road, addressed the Commission to speak against the rezoning. She stated that even on the Planned Land Use it goes to Transitional Commercial not the B-1 that the applicants are looking for. She added that she would like to see it stay residential and at the very minimum Transitional. She added that there is plenty of commercial property in the town to develop. Ms. Newman concluded by stating that a B-1 zoning would negatively impact the community and the value of the houses.

Scott Corbett, Linton Hall Realty, spoke to the Commission stating that he will be representing the Rafferty's once the properties go on the market. He said that since they listed the signs as coming soon, they have had a huge amount of interest, 100% of it commercial because of its location and it being a walking town. He said that the properties set up perfect as offices.

Chairman Matt Caudle read into the record a letter from Haymarket resident, Linda Childress, expressing her opposition to the proposed rezoning.

**2. ZTA#2017-002 - 14841 Washington Street and 6802 Saint Paul Drive Rezoning Application**

No Comments.

**3. ZTA#2017-003 - a Dog's Day Out Zoning Text Amendment Application**

Applicants, Andrea and Jim Payne, 6680 Fayette Street, addressed the Commission. Ms. Payne briefly outlined the process that they had been through. She further stated that in response to the past zoning issues, they have created a text amendment change for the Commission to review. Ms. Payne said that the text amendment covered concerns including noise, dogs boarding overnight, as well as the second floor apartment.

Dottie Leonard, 14801 Washington Street, spoke in favor of the Applicants. She stated that she was at the Planning Commission when they got approval and that there was reference to the apartment where they would have helpers stay. She stated Commission's recommendation to approve it was contingent on the Architectural Review Board being comfortable with what it looks like. She added that one of the Architectural Review Board concerns was the roof was too flat. She said the Payne's redid the plans to please the ARB. She concluded by saying that their hearts are in the right place and that they want to be a part of this town.

Those listed below also spoke in favor of ZTA#2017-003 - A Dog's Day Out Zoning Text Amendment.

Debbie Pow, 15315 Golf View Drive, Haymarket  
Kirk Gillespie, 4199 Benvenue Road, Haymarket  
Deborah and Greg Trinka, 5449 Sherman Oaks Court, Haymarket  
Mir Rezadoost, 3674 Osborne Drive, Haymarket  
Marybeth Rosato, 13820 Cornwall Station Court, Gainesville  
Todd and Dawn Jarvis, 5731 Janneys Mill Circle Haymarket  
Shelly Wolf, 15505 Arnold Palmer Drive, Haymarket  
Sheila Tomlinson, 5823 Seven Pines Court, Haymarket  
Brandy Barney, 65 Sire Way, Warrenton  
Pauline Stowell, 15760 Rothchild Court, Haymarket  
Stephanie Ascari, 4462 Spring Hill Road, Warrenton

John King, Little John Court, Haymarket, expressed concerns about the impact the barking might have at night for area residents.

Bob Weir, 6853 Saint Paul Drive, addressed the Commission stating that he is a resident of the Town and is directly impacted by the Town Ordinances. He said that he did not have an issue with the apartment as an ancillary use. However, he stated that he had some of the same concerns as he did with the rezonings including process and public perception. He also shared concerns with allowing this business in a B-1 zone and not in an Industrial zone as well as rewriting the Ordinance.

Marchant Schneider, 14811 Rising Sun Lane, Haymarket Resident and former Haymarket Zoning Administrator, stated he felt that the Zoning Text Amendment is a clarification of the many negotiations and discussions that we have had before associated with the rezoning and the site plan. He further stated that he feels that the noise, screening, indoor boarding have all been addressed. He concluded by recommending that the Commission support this text amendment.

## VII. New Business

### 1. Rezoning Staff Report: Comparison of Zoning Districts

Town Planner, Emily Lockhart, stated that she prepared this rezoning staff report so that the Commission can do a comparison of what is currently existing and what the applicants are asking for. She added that she also included zoning ordinance restrictions so that if we were to rezone this we would still have other measures to implement what can go there. She continued her report stating that this would include parking, general site regulations and the Architectural Review Board for exterior modifications.

### 2. ZTA#2017-001 Rezoning Application

Commissioner Pasanello confirmed with Ms. Lockhart that the Planned Land Use Map shows the properties as Transitional Commercial and not B-1. She noted businesses that were allowed and not allowed in each zone. She concluded that she felt that Transitional Commercial might be a better option for the proper use.

Commissioner M. Carroll concurred with Commissioner Pasanello and that rezoning the properties to Transitional Commercial would be in accord with the Planned Land Use Map. She also shared concerns with what is allowed, by right, in the B-1 zone including hotels, liquor stores, emergency shelters, refuse collection sites and fast food restaurants. In conclusion, she stated that she was more in favor of a Transitional Commercial zoning in keeping with the Planned Land Use.

Ms. Lockhart stated that emergency shelters, refuse collection sites and religious assemblies would require a Special Use Permit.

Councilman Shannon agreed with the comments concerning Transitional Commercial. He stated that one of the things he liked about Transitional Commercial is low intensity commercial. He referenced the request in the staff report to include proffer statements that would exclude certain businesses. He asked if those proffers were provided by the applicants. Ms. Lockhart stated no. She continued by stating that proffer statements are voluntary and that Staff can only suggest them. He concluded by stating that he can understand why businesses would want to purchase this land and keeping Washington Street business, however, he does have concern with the privacy fence in the back. He would like to see that upgraded for the homeowners. He concluded by saying that he is looking more at the Transitional Commercial.

Commissioner J. Carroll stated that if he understands the application, it is not to make this particular parcel Transitional Commercial. He stated that the applicants want to move to a B-1 zone. He further added that before this Commission tonight is a decision whether or not to forward this application that has been presented to us to the Town Council. He concluded that he cautions that we don't suggest that it be a Transitional Commercial recommendation, its simply a B-1.

Commissioner Panthi stated that he supports Transitional Commercial.

Chairman Caudle asked Ms. Lockhart how Staff came to the conclusion to recommend approval for B-1 zoning. Ms. Lockhart stated that based on the Comprehensive Plan and the goals for the Town core, approval was recommended.

Chairman Caudle stated that from his perspective why would we single out these properties Transitional Commercial when the rest are B-1.

For clarification, Chairman Caudle asked Mr. Lockhart to explain to the Commission what "by right" use means. Ms. Lockhart stated that "by right" use means when someone purchases one

of those properties, they can do any of the uses allowed in that zone that are listed in our Zoning Ordinance. When they apply for their zoning permit as a new tenant or business owner, we will check all things set forward in our Ordinance.

After further discussion with members of the Commission and Staff, a motion was made for *Rezoning Application, ZTA#2017-001 to Amend the Zoning Map for 14845, 14851, and 14871 Washington Street forward to the Town Council with a denial for B-1 zoning and a recommendation for Transitional Commercial.*

<b>RESULT:</b>	<b>ADOPTED [5 TO 1]</b>
<b>MOVER:</b>	James Carroll, Commissioner
<b>SECONDER:</b>	Steve Shannon, Councilman
<b>AYES:</b>	Caudle, Carroll, Pasanello, Panthi, Shannon
<b>NAYS:</b>	James Carroll

### 3. ZTA#2017-002 Rezoning Application

Commissioner J. Carroll stated that he feels even more strongly about this one and that it will have an even greater impact on the Saint Paul Street Community.

Commissioner M. Carroll shared concerns with the proffer statement on the house. She stated that she has a great deal of respect for history but would like data on the history of the house. She concluded by stating that she feels strongly Transitional Commercial would be according to the 2008 Planned Land Use.

Commissioner J. Carroll asked if someone were to buy this house, regardless of the zoning, would they be accepting that this house has to stay. Chairman Caudle responded yes.

Commissioner Pasanello stated that she loved the fact that they wrote the letter and that it was her understanding that anything 50 years or older in the Town of Haymarket is historic. Ms. Lockhart confirmed yes.

Commissioner Pasanello and Commissioner Panthi both stated that they support Transitional Commercial.

Commissioner M. Carroll stated that the proffer statement was not dated or notarized.

Councilman Shannon asked if there was any documentation stating that this house is historic. Ms. Lockhart believes that there is some information in the "Haymarket, A Town in Transition" book written by previous residents.

Commissioner M. Carroll and Commissioner J. Carroll both felt that the house proffer statement would impact the perspective buyer very negatively.

A motion was made to move *rezoning application ZTA#2017-002 to amend the Zoning Map for 14841 Washington Street and 6802 Saint Paul Drive forward to the Town Council with a recommendation of denial for B-1 zoning district and a recommendation for Transitional Commercial.*

<b>RESULT:</b>	<b>ADOPTED [4 TO 2]</b>
<b>MOVER:</b>	Steve Shannon, Councilman
<b>SECONDER:</b>	Madhusudan Panthi, Commissioner
<b>AYES:</b>	Matt Caudle, Cathy Pasanello, Madhusudan Panthi, Steve Shannon
<b>NAYS:</b>	James Carroll, Maureen Carroll

### 4. A Dog's Day Out Informational Report

Ms. Lockhart stated that the Staff report in tonight's Planning Commission packet was in response to Commissioner J. Carroll's request for more information on the April 26, 2016 Planning Commission meeting with A Dog's Day Out.

Chairman Caudle thanked Ms. Lockhart for all of her work and effort that went into this report.

Ms. Lockhart referenced page 49 of the Planning Commission packet. She stated that this is a letter that the Payne's wrote to her. She further stated that they have drafted the Zoning Text Amendment that they are requesting and their justification starting on page 52.

She reported that Staff supports the proposed Zoning Text Amendment for the accessory apartment definition to include accessory apartments on the second floor of commercial structures and ancillary to the principal use.

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

Councilman Shannon stated that he resides near this property. He further stated that he has talked to several of his neighbors and has met with no one that has had any issues. He does not feel that noise will be an issue and certainly not opposed to going forward.

Commissioner J. Carroll stated that he tends to agree with Councilman Shannon. However, he did question once we have a B-1 commitment in this particular residential area, are we opening the door for other B-1 places which will have "by right" uses that may impact negatively on residential areas. He also shared concerns with the impact on traffic.

Commissioner M. Carroll stated that she liked the definition of the "accessory apartment". She stated that she had concerns with the 85 dogs in the kennel definition. She added that she has gone over her notes and thinks that the Payne's in some ways have been victims of inconsistent direction from the staff, with transition of the staff, leadership and communication. She concluded by stating with all the variables she thinks that she will have to vote yes for it to go forward.

Commissioner Pasanello stated that she is happy with the ancillary use. She stated that "doggie daycare" is new and feels its a good thing because many people feel that dogs are a part of their families, which they are. She concluded that she votes yes.

Commissioner Panthi said that he spoke to about 5 neighbors in his community. He said that at the beginning they shared some concerns, but are ok with it now. However, he stated, they want to know when the sidewalks will be put in. He stated that he is ok with the doggie daycare in the neighborhood.

#### **5. ZTA#2017-003 Zoning Text Amendment Application**

A motion was made that the *Planning Commission refer zoning text amendment application, ZTA#2017-003 to Amend the Zoning and Subdivision Ordinance forward to the Town Council with recommendation of approval.*

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Carroll, Commissioner
<b>SECONDER:</b>	Steve Shannon, Councilman
<b>AYES:</b>	Caudle, Carroll, Carroll, Pasanello, Panthi, Shannon

## **VIII. Old Business**

### **1. Planning Commission Liaison Appointment**

Commissioner Madhu Panthi accepted the appointment as the Planning Commission Liaison to the Architectural Review Board.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Madhusudan Panthi, Commissioner
<b>SECONDER:</b>	Maureen Carroll, Commissioner
<b>AYES:</b>	Caudle, Carroll, Carroll, Pasanello, Panthi, Shannon

## IX. Town Planner Update

Town Planner, Emily Lockhart, stated that she reached out to VDOT on some questions and waiting to hear back from Tina. As for the concerns about the right turn lane right outside of Town and sidewalks by the Jefferson Street bridge, she has not heard back from the County at this time.

Commissioner M. Carroll asked Ms. Lockhart if Staff had the meeting on December 20th concerning the Fairground property. Ms. Lockhart said that they had and updated Staff on the site plan that they will be submitting. She invited the Planning Commission to attend the January 8th Town Council meeting to hear the Meladon presentation.

## X. Town Council Update

Councilman Shannon stated that he brought up the survey that was completed concerning a possible bridge over the railroad tracks.

## XI. Architectural Review Board Update

Ms. Lockhart stated that the Architectural Review Board did not meet in December. However, she updated the Commission on the upcoming January 17th meeting. She continued by stating that there is a demolition application that will be presented for a property on Jefferson Street.

Chairman Caudle reminded the Commission about the Joint Public Hearing with the Council on January 8, 2018.

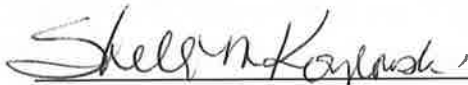
## XII. Adjournment

### 1. Motion to Adjourn

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Steve Shannon, Councilman
<b>SECONDER:</b>	Cathy Pasanello, Commissioner
<b>AYES:</b>	Caudle, Carroll, Carroll, Pasanello, Panthi, Shannon

Submitted:

Approved:



Shelley M. Kozlowski, Clerk of the Council



Matt Caudle, Chair