

MINUTES OF THE WORKSESSION OF THE COUNCIL OF THE TOWN OF WARRENTON HELD ON
MAY 4, 2017

A worksession of the Council of the Town of Warrenton was held on May 4, 2017 in the Council Chambers.

Councilmembers present: Vice Mayor Sunny Reynolds, presiding, Councilmembers Sean M. Polster, Jerry M. Wood, Brett A. Hamby, Alec P. Burnett, Robert H. Kravetz and Kevin T. Carter.

Also present: Brannon Godfrey, Town Manager, Whitson W. Robinson, Town and Evelyn J. Weimer, Town Recorder.

The Vice Mayor called the worksession to order.

Zoning Map Amendment 2016-01 – Walker Drive Planned Unit Development Rezoning

Ms. Schaeffer came forward to give the staff presentation and noted that it was quite lengthy. Ms. Reynolds suggested that summary be discussed rather than the entire report. A copy is part of the permanent meeting file. She gave a refresher of the Planning Commission decision for denial of the project as it was not clear, not enough detail, concern for the sewer needs, the reason for the zoning to change from industrial to a more commercial and the information to make a decision is incomplete. Ms. Schaeffer stated that what the Planning Commission had noted in their denial is what staff has been working on the last few weeks. She indicated that the Planning Commission recommended that the site entrance "A" be a roundabout and a roundabout analysis had been submitted. The design guidelines have been modified but Planning Commission member Maas had submitted her concerns for Council consideration. (A part of the official record).

Ms. Schaeffer stated that the 10% land use variance continues to be a concern since there is already a lot of flexibility built into the project. She said that staff asked the applicant to bring down the percentage. She stated that it needs better illustrations to indicate the mix of uses noting what is industrial and what is commercial. The open space requirement is unclear with the replacement of the land use charts. Staff needs the open space cited on the plans. Deviation of 10% of the land use submitted should be lower for more predictability. The definition of entertainment uses and health and fitness would have to be worked out with the applicant.

Mr. Wood asked if there was a definition for health and fitness and Ms. Schaeffer noted that it was in the zoning ordinance. She felt that the prohibition was not necessarily in the Town's best interest so that there was no need of furnishing any additional health and fitness in the area. The Town did not have to accept the proffer. When staff talked to the applicant regarding removing certain uses for predictability, the staff did not anticipate the one that would be very good economically for the Town would be taken out. Mr. Wood noted that the reason he asked was when the Boys and Girls Club was purchased it was assumed that they were a health and fitness facility, then as it proceeded, the Club had to wait a few years to get a special use permit. Ms. Schaeffer stated she would have to check on it. The Town Attorney

noted that there could have been a covenant submitted by them. Ms. Schaeffer stated that the Boys and Girls Club may not fall into the definition of a health and fitness center but could fall under the definition of something along the lines of a community center.

Ms. Schaeffer highlighted the traffic analysis. She stated that she needed the proffers to be clearer on the transportation improvements, when they are going to happen, who is going to pay for them, and how it is going to work. She stated that right now the proffers are written in a way that is confusing and she felt it centered around the roundabout. She suggested to the applicant to remove the roundabout from the proffer discussion on transportation, then go intersection by intersection and note when this one is going to happen and who is paying for it. She stated if talking about East Lee Street and Meetze Road here are all of the different things she has to consider and unless otherwise provided what should happen. She stated that the way she sees is the applicant installs a signal before a roundabout is fully designed and constructed at Walker Drive and E. Lee Street and petitions the Town for reimbursement. She felt that the applicant had addressed everything that was requested but the timing and who pays for it is still unclear.

Ms. Reynolds noted it is very confusing not knowing if there is going to be a roundabout or a light. Ms. Schaeffer noted that additional guidance from the Council on what they would like to see there would help staff and the applicant.

Ms. Schaeffer showed the applicant's roundabout design and VDOT's roundabout design. She showed the conceptual roundabout submitted by VDOT has a proposal which addresses the right turn lane separate from the roundabout. It reduces the right of way a little. She highlights the options that Council has 1) do nothing, 2) signalize the intersection, or 3) roundabout. She stated that do nothing is not an option. She was not sure the signalization would get the Town where the development should be because the queuing would be longer and drivers would sit at the light longer. She stated that she had asked for cost estimates and the quotes are \$550,000 with no fire/police or no pedestrian accommodations.

Ms. Reynolds asked if it would have to be triggered by the Town of Warrenton. Mr. Robinson stated that he did not think the applicant cares and does not want the Town to debate it for several years. Ms. Reynolds stated that the entrance into the development should be a roundabout. Mr. Foote noted that the applicant's position is they are fine with roundabouts but it has to be warranted. He stated that it is uncertain what the Town wanted and the Town has to make a choice. Ms. Reynolds stated that if the Town decides they want a roundabout it is a vote by the Town Council. Mr. Polster stated that the CIP talked about the intersection of Lee Street and Walker Drive having a placeholder for a roundabout in 2020. Mr. Tucker stated that there is a placeholder in the CIP now. Mr. Wood noted that he thought it was a foregone conclusion there would be a roundabout and Ms. Reynolds noted that it was her impression that there was definitely going to be a roundabout into the development.

Ms. Schaeffer noted that she would like some guidance on the pro rata share that would be accepted by the Town. She stated for the applicant to say they are only going to pay a pro rata share based on traffic that is there now plus Warrenton Crossing when it is built is in the

background traffic. She asked Council if they were comfortable with a pro rata share if the pro rata share is based off of current counts. She stated staff and VDOT would like to see a flat number amount so everyone knows what they are playing with. She asked to know the actual dollar amount because what if Warrenton Crossing never happens.

Mr. Foote stated that the development would not be the creator of all the traffic in the roundabout. He asked what would be a fair percentage to be paid by the applicant. He stated that the cost of the roundabout is unknown and that what they do in other jurisdictions is pay a percentage of the cost of a roundabout based on their percentage of the traffic of the buildout of all the projects which stoked the analysis. He stated that if they pay for 100% of something they should be able to ask for some dollars back. Mr. Robinson asked if Mr. Foote was on the record saying he is comfortable with the Council denying the petition. Mr. Foote stated that in other jurisdictions he has tried to reach agreements with the governing bodies and that they would require that of another applicant. He stated that he had to protect his client from giving \$700,000 and having every person travel through that intersection who would benefit. Mr. Foote wanted Council to understand what position the applicant would be put in. Ms. Reynolds stated that there is traffic there right now that has nothing to do with the development and Mr. Foote stated it would benefit from the roundabout. He stated that from the perspective of someone who has done this so many times, that makes it a public responsibility.

Mr. Robinson noted he had some timing concerns. He stated that if there was going to be discussion at the June Council worksession he asked that the proffers have the "I's dotted and the t's crossed" before publishing them. He asked if there was a possibility of taking the transportation section to the June worksession but that he and Mr. Foote should nail down something on Monday.

Mr. Foote stated that the applicant could not pull the 41st building permit until 75,000 sq. ft. of non-residential development has occurred. He stated that the proffers state that at 30,000 sq. ft. of non-residential development all of the traffic measures have to be installed.

Mr. Carter asked Mr. Foote what percentage Mr. Foote felt the applicant should be responsible for and Mr. Foote stated that the traffic analyst decides this. Mr. Robinson expressed his concern that much more was discussed without VDOT present. Ms. Reynolds suggested that a special worksession be held when VDOT's information is received just on transportation before June and Mr. Carter agreed.

Ms. Reynolds stated additional discussion would occur on design and one of the things already covered was "may" wording be replaced. She stated that "simulated wood" means nothing to her and Ms. Schaeffer stated that it is fiber cement board. Ms. Reynolds commented that under the "elevation" section she wanted to emphasize she did not want something that looked like a strip mall and it could be handled with different elevations. Ms. Reynolds commented about the 30 foot landscaping easement and asked Ms. Schaeffer the existing code of landscaping easements. Ms. Schaeffer noted it was 30 feet but it is more of an enhanced easement. Mr. Polster asked if it was a condition and Ms. Schaeffer noted that it was part of the package. The square footage of the central plaza was discussed. Mr. Foote noted that the area

would be 50 feet by 50 feet. Ms. Reynolds noted that there was something which indicated that the splash pad would be a certain size and Mr. Foote stated it would be 50 feet minimum. Mr. Robinson asked who would maintain it and Mr. Foote indicated that there would be a property owners' association.

Ms. Reynolds noted she wanted a crosswalk from Walker Drive across Lee Street and up to Falmouth Street. Mr. Foote stated that it is shown on the transportation plan and provided on Hidden Creek Road and Walker Drive. He stated that there is a graphic which shows how you can walk into Town. Ms. Schaeffer noted that it what they are proffering and what they are proffering is what everybody else has done. She stated that she gets what he is trying to do with the exhibits but what is being proffered with the design guidelines does not conform with this which shows only the projects which exist but does not show how they are tying in with this. Ms. Reynolds noted that the Town is working very hard on walkability and the crosswalk is needed. Ms. Reynolds asked that the post zoning master development plan should be made clear and Mr. Foote stated that they do lots of bubble plans and he explained the process in Frederick County, Virginia. Ms. Schaeffer asked if in the post zoning master development plan it showed the whole site and Mr. Foote stated that it would not because it is unknown what is coming next. Ms. Schaeffer noted that she did not know what it is going to show her. Mr. Robinson stated that he had a concern that was more along the lines, "we are going to show it to you, but we are not going to comply to it." Mr. Foote stated that he could not make it more definitive and binding because neither of us believes it is legal for him to do that without the Town changing the ordinance. Mr. Robinson stated that Council in the past had a situation where a development was required to go through the ARB but not be approved by the ARB. Mr. Foote asked if he changed the proffer to require Town Council approval would the Town Attorney tell the Council to make an exception. Mr. Robinson noted he was thinking more along the lines of administrative review and substantial conformance. Mr. Foote noted that if he could make it something the Town would be happier with it would be great. Ms. Reynolds noted a site plan may be enough. Ms. Schaeffer stated that she and Mr. Foote have had this conversation and other jurisdictions have ordinances which are more up to date and comprehensive. She stated that she would feel better about it if there was an agreement to do it land bay by land bay. Mr. Foote offered to talk about doing it land bay by land bay. Mr. Robinson stated that his concern was that if you get one little parcel you are going to keep piecemealing it and make it more difficult.

Ms. Reynolds noted that under "street cleaning" there was a time limit of 10 p.m. to 6 a.m. She was hoping that the cleaning would not occur at 6 a.m.

Mr. Hamby asked if the meeting with VDOT would occur prior to the next regularly scheduled Council worksession. Mr. Foote was unsure. Mr. Robinson stated that his understanding was that there would be an opportunity to meet sooner rather than later to finalize that particular aspect of a roundabout or special worksession would be held. He was concerned with the timing of it to have the proffers available at the public hearing. Mr. Foote suggested meeting soon. Mr. Hamby indicated he wanted to make sure that before going to public hearing that from Walker Drive into the site was taken care of and coming back out to Walker Drive and Lee Street there is some type of timetable that notes when something will be

done. Mr. Kravetz noted that some idea of what it would cost is needed. Ms. Schaeffer reiterated that she is looking for guidance on whether Council preferred a light or a roundabout. She said if it is a roundabout she needed to work with the applicant negotiating who is paying for what. Ms. Reynolds felt that staff was going to recommend a roundabout, VDOT was going to recommend a roundabout and an estimated cost is needed. Ms. Schaeffer stated that the cost would take design which would take time and effort that we did not have. Mr. Carter noted he would like to see a roundabout but did not want the developer to pay more than they should and the Town should pay the rest. He said it is an important intersection. Ms. Schaeffer noted that the base cost of a roundabout may be between \$800,000 and \$1 million. Ms. Schaeffer stated that with a light the cost would be \$500,000 with another \$50,000 for design for a bare bones one.

Mr. Polster stated that the PDQN can be done by bay and asked how should it be shown. Mr. Foote stated that a portion of it would have to be rezoned. Mr. Polster stated that there is a walking trail that fronts the property and it would create more interference with pedestrians. Mr. Foote noted that staff preferred it in that location. Ms. Schaeffer stated that staff preferred the trails on the back of the property and sidewalks on the front. Ms. Reynolds said that Chief Battle may not prefer the trails behind due to safety issues. Chief Battle stated that there was a discussion that a barrier would obscure the area from the bypass and you could not get a clear look in. Ms. Schaeffer stated that could be worked on a little more and there may be an opportunity for better connectivity within the development.

Mr. Kravetz said that most of his questions had been answered but noted that he would like the refuse pickup time adjusted. Mr. Wood stated that he was concerned about the 40 customers in Section E being metered and that had been taken care of. He had no problem with a roundabout on Walker Drive at the entrance. He stated that as far as the other he could not go forward with his conservative background without knowing a cost and the percentage the developer would pay. He stated that he had talked about the eight foot asphalt trails and five foot sidewalks. He questioned whether the painted masonry blocks would be used. Ms. Schaeffer noted that they had wanted to avoid cinder block meeting the definition of masonry.

Mr. Burnett stated he would like to talk about the entertainment factor. He questioned why it was seven years before a movie theater would be included. He stated that one of the key elements of the project is entertainment. Mr. Foote stated he would have to take that matter back to the applicant.

Mr. Burnett asked if the building materials would apply to the fountain and pavers in the central plaza. Mr. Foote stated that any ambiguity in a proffer is always subject to determination by the zoning administrator.

Mr. Foote came forward and asked if there were any specific issues to address. He stated that it is not true that ten landowners were not subject to the proffers and it was four owners inside one of the condo buildings. He stated that they are subject to the proffers because their uses are limited by the proffers. What they are not subject to is the cost of any of the proffers. He stated that Ms. Schaeffer had suggested that the eight foot trail be moved

from the buffer and the applicant agreed to that. He stated that the wording “may” would be changed to “will.”

Ms. Reynolds asked if Mr. Foote wanted the matter moved to public hearing and a worksession will be held on the VDOT matter prior to that. There was discussion of a date for the worksession. Mr. Robinson noted his concern was the advertisement of the public hearing and the application would have to be pretty solid. A special worksession could be required. After discussion, it was noted that the public hearing could occur in July.

Follow Up Items from Budget Worksession

The Manager stated that the next three items concerned the budget and that there was a budget meeting scheduled for May 15. It was decided that the item would be discussed at the next worksession.

Additional Funding Request from Boys & Girls Club

This item will be discussed at the next worksession.

Warrenton Library Capital Funding

The Vice Mayor stated that the item would have to go to public hearing because of the way the money is divided.

The Manager stated that the amount requested for the library (\$1 million), even though divided into thirds, the amount would be above 1% of the total budget and would require a public hearing. There was discussion as to whether it was necessary to give one third this year if it is just going to sit in the bank. Ms. Reynolds noted that the library thought it would help with their fundraising if they had gotten the contribution from the Town.

Request from John Marshall Commemoration Committee

The Town Attorney stated that a request was received from the County Bar Association to align a John Marshall commemorative flag with the American flag on the brackets along Main Street to celebrate John Marshall’s birthday on September 23. He stated the concern had been raised, which he concurs with, that it would set a precedent for other organizations to put flags up and down Main Street. Mr. Gary Pearson noted that he had requested joint funding between the Town and County. Mr. Robinson asked if the County had appropriated the money and Mr. Pearson noted that they had not. The Town Attorney noted that the funding is a part of it but the biggest concern is the precedence issue. Mr. Pearson stated that the most famous native son of Fauquier County is John Marshall and the Commemoration Committee is trying to recreate something that happened 30 years ago. Mr. Pearson suggested that the event could be downsized to have about 13 flags around the courthouse. Ms. Reynolds was very concerned about the requests that the Town would receive to display flags and she was not sure how to turn them down. She suggested flags be put on stakes and put them around the John Marshall statue. Mr. Kravetz agreed that displaying the flags on stakes around the statue was a solution. Mr. Robinson noted that he would attend the next Commemoration Committee meeting and

explain the Town's idea to them. Mr. Godfrey noted that he was happy to convey by letter the Council's feeling on the request.

Update on Farmers' Market

Ms. Reynolds noted that she attended the Farmers' Market and there was a great group of vendors. Ms. Schaeffer stated that the Wednesday market had been moved to the WARF. She indicated that a "Kids Connection" section had been established at the market and would be an area which would vary each month.

Update on Brentmoor/Mosby House

Mr. Robinson noted that the matter is moving forward and there is a real estate professional helping with it. He stated that he and the Town Manager had met with him and the real estate person outlined what his terms would be which included donating part of his commission back. Commission would be donated on one section but not on the other due to his staff's involvement. He met with Mr. Tucker on site and had some concerns about where to delineate the lines and side yard versus the proposed park. The realtor will try to forward a report to the Town Attorney soon. The Town Attorney also noted that he had received a management agreement from Mr. Birge Watkins. The Brentmoor Trust would be set up and they would do a stewardship agreement where they work on managing the house. Mr. Robinson noted he is leary of doing a lease hold. He explained that he is working the two paths so Council will have information it needs.

Historic District Worksession

Ms. Reynolds noted that she had requested that staff review the 2012 Historic District study to expand the historic district. She stated that she would like to revisit the matter and some thought processes be incorporated on historic overlays for the entrances into the Town. Ms. Reynolds stated that the Planning Director is looking for guidance from Council. Ms. Anna Maas, Planning Commission Member, has volunteered to help. Ms. Schaeffer came forward with a map showing the historic district lines over the years to date – 1982 expansion, 1990 expansion, 1994 expansion, 1996 expansion, and 2011 proposed expansion. She stated that in 2011 the proposed expansion was considered because the Town was considering applying for a grant and a survey would be necessary. She stated that there is not a survey available which would allow the Town to expand. Mr. Polster stated that it seemed to be way beyond the capacity to do this right now with everything else that is going on. Mr. Kravetz questioned why it was necessary. Ms. Schaeffer noted that it is not staff's recommendation to move forward with historic district expansion and that she was just bringing everyone "up to speed". She stated questions arose as to why the local district does not match the national district, what was the 2011 study, and if there was a full survey or no survey included. She stated that rather than a memo, a map was created showing all the information. She noted that areas were identified where they do not match and could they be made to match. She stated staff could apply for a grant to resurvey but the only thing staff feels is feasible at this point is to establish a working group to look up lining up the boundaries on key properties where it is missing. Then a grant can be applied for. She indicated that when the Town last applied for a grant, they were

marked down because of the lack of staff to handle a larger district. Staff recommended a working group be established to work with the Town Manager on priorities and make a recommendation to Council. Ms. Reynolds volunteered to work on the Committee and again noted that Ms. Maas was willing to serve.

Redevelopment, Zoning and Small Business

Mr. Godfrey stated that in the Broadview Avenue corridor in particular the Town is experiencing new interest in redevelopment of old properties. The building, zoning and utilities codes are sometimes impediments to using these in commercial venues. He indicated that there is an ability to make changes to the code, with Council's direction, particularly to the utility code to accommodate multiple businesses on a master meter. An overlay district can be created to relax site improvements through the zoning code. Now, the codes are being enforced as they are written. He did not want to simplify the process of revising the codes because while it facilitates new commercial growth, it does not necessarily incentivize complete redevelopment, in other words, demolition of building and construction of new buildings. He stated that there are examples and they have all come within the last couple of months. The Manager asked for guidance as to whether or not to revise the zoning and utility codes to accommodate and facilitate this kind of redevelopment or stick with existing codes. Mr. Carter stated that he favored changing it to be a view of what the Town wants. Ms. Reynolds stated that the revitalization of Broadview is extremely important.

Ms. Schaeffer stated that when a development comes in and changes its use it triggers every code, including zoning, building, public safety, and transportation. She stated in one case a company changed the use and opened up their business. Ms. Schaeffer stated that if an individual wants to rent a building where numerous retail businesses want to occupy, it requires changes in various codes, zoning, building, public safety, etc. She noted that she needed guidance as to how far the staff should go in relaxing the codes. Mr. Polster stated that Council looked to Ms. Schaeffer for her recommendation. Mr. Carter asked if an overlay could be done and the Manager stated that that is one way to get the zoning code applied in a certain way. Mr. Polster asked if staff could bring options. Ms. Schaeffer stated that some people feel it is important to uphold the codes to the highest standard to encourage when it redevelops that it redevelops to the right thing. She stated that at change of use it triggers every code adopted.

Mr. Hamby stated that the change in businesses on Broadview Avenue raises the question whether the Code should be made better, easier, different to give incentives to bring up to the Code. Ms. Schaeffer stated that it is smaller businesses trying to go into smaller spaces. She spoke to some of the incentives such as shared parking which could be offered, however, there is no ability to do so at the present time. Mr. Kravetz noted that Ms. Schaeffer and Mr. Godfrey should make recommendations on tweaking the ordinances. It was decided the matter would be discussed more at the June worksession.

Lidl Comp. Plan Amendment

Ms. Schaeffer noted that a Comp. Plan Amendment was needed prior to the application moving forward with zoning. The Comp. Plan Amendment will be included on the May 9 Council

agenda. She stated that the amendment to the Comp. Plan should be started by Council and Mr. Kravetz was sponsoring the amendment. Ms. Schaeffer stated that the back part of the Lidl property is residential and to convert to a commercial use it needs to be compatible with the future land use. It was noted that the rezoning and Comp. Plan amendment would run concurrently.

Committee Meeting Schedule Options

Ms. Reynolds noted that the Town Manager had provided choices and stated that she had added an option of the committees meeting every other month. She stated each Committee chair could speak for themselves but she felt Utilities and Public Safety could meet every other month. Mr. Kravetz noted he would support that option. Mr. Polster stated that he did not have a regular schedule for the Committee on Health, Parks and Recreation. He was supportive of having all meetings on one day because it would be easier to know ahead of time what it is. Mr. Burnett stated that it would be easier if he knew the day and could plan ahead to take a day off. Mr. Carter stated his preference was to hold two meetings 5 p.m. and 6 p.m. on days of the Council meeting and on the day of the worksession do the same thing. Mr. Polster pointed out that with his schedule he has to take leave on Tuesdays and Thursdays and would have to do so or miss the meeting. Mr. Polster asked if there was a reason to have Council worksessions on Thursday and regular Council meetings on Tuesday. He noted that the County has all its meetings on one day. Ms. Reynolds noted that she could not do an all day meeting.

Mr. Godfrey noted that there seemed to be a consensus to hold the committee meetings every other month.

There being no further business, the meeting adjourned at 9:07 p.m.

Evelyn J. Weimer, Town Recorder