



PLANNING COMMISSION REGULAR MEETING

21 Main Street

Tuesday, December 19, 2023, at 7:00 PM

MINUTES

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS HELD ON December 19, 2023, at 7:00 PM

Regular Meeting

PRESENT

Mr. James Lawrence, Chair; Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth, Secretary; Mr. Terry Lasher; Ms. Darine Barbour; Ms. Denise Harris, Planning Manager; Ms. Heather Jenkins, Zoning Administrator; Ms. Casey Squyres, Planner.

ABSENT

None

The minutes laid out will be a brief recap of the agenda items. Please see recorded video for more in-depth information.

REGULAR MEETING - 7:00 PM

At 7:00 PM on Tuesday, December 19, 2023. The Planning Commission meeting was called to order by the Chair.

APPROVAL OF THE MINUTES.

November 28, 2023, Draft Planning Commission Minutes.

With minor corrections on page 4 by Commissioner Lasher, Chair Lawrence asked for approval of the minutes. Commissioner Lasher motioned and Commissioner Stewart seconded. Minutes were adopted 5-0.

PUBLIC HEARINGS.

1. ZOTA 2023-01 A Zoning Ordinance Text Amendment to Reduce the Setback Requirement for Telecommunication Towers in the PSP (Public Semi Public) Zoning District. Zoning Ordinance Section 9-18.10 - *Setbacks* requires that all telecommunication towers in all zoning districts be set back from property lines at a distance no less than the height of the tower. The applicant is requesting that the setback requirement be reduced within the PSP – Public Semi Public Zoning District to allow a setback that is less than the height of the tower, with certification provided from an engineer that a lesser setback is appropriate due to the design of the tower. Arcola Towers LLC (Applicant)/James P. Downey (Representative)

Ms. Heather Jenkins gave a brief presentation and provided an update on developments since the work session.

Commissioner Lasher asked for clarification of the proposed setback on the specific VDOT site for the tower proposed by Arcola. The plans indicate 75'.

Mr. James Downey, Applicant's Representative, spoke to the proposed Zoning Text Amendment request. He reviewed State Code and the 1996 Federal Telecommunications Law, while questioning the interpretation provided by the Town's telecommunication consultant Cityscape. Mr. Downey brought up a 1998 Virginia Beach case law and argued the idea of "discrimination" applies to individual carriers, not the way the zoning ordinance treats different zoning districts. He introduced Mr. Jonathon Yates, Attorney for Arcola Towers, and Alex Leadore, an engineer for Morris & Richie Associates, Inc. Mr. Leadore reviewed his technical memo on structural standards for antenna supporting structures. Mr. Yates argued the Cityscape memo was faulty in its legal interpretation.

Secretary Ainsworth inquired how towers are designed to break or fall, and spoke to Cityscape memo indicating a 110% fall zone.

The Applicant explained the engineering theory behind fall zones.

Chair Lawrence indicated there are a lot of outstanding questions and differing legal opinions. He stated the Planning Commission would like more information to make an informed decision.

Chair Lawrence opens the Public Hearing at 7:36 PM.

No one from the public spoke to the application.

Chair Lawrence closed the Public Hearing at 7:37 PM.

The Applicant requested the Public Hearing be held open until the Planning Commission's February meeting due to being unavailable on the January date.

The Chair stated the Public Hearing is held open until the February Planning Commission meeting.

(Chair Lawrence discloses the next Public Hearing is his property, recuses himself, and leaves the room. Vice Chair Stewart takes the gavel.)

2. The Applicant, Jim and Nell Lawrence, are seeking a Special Use Permit to construct an Accessory Dwelling Unit (ADU) by converting an existing barn into a residence. The 1.3 acre property is zoned R6 (Residential) and is located within the Historic District at 226 E. Lee Street. The Future Land Use Map designates the property in the Old Town Character District as Medium Density. The motion passed 5-0.

Ms. Casey Squyres gave a brief presentation.

Vice Chair Stewart opens the public hearing at 7:43 PM.

Peter Lawrence, Applicant's relative from Berryville in Clarke County, read a brief statement asking for approval and explaining this application is to allow their elderly parents to move on to the property of a family member.

David Norden, 318 Falmouth Street, spoke to he is neither for nor against this specific application, however, he has found for properties located on Falmouth Street that if the owner does not live on site problems arise with renters. He asked if there was a means to require owner occupied housing with ADUs.

A citizen comment from Cather LLC at 236 E. Lee Street was submitted electronically asking for postponement of the application due to his inability to attend the public hearing.

Vice Chair Stewart closed the Public Hearing at 7:47 PM.

Secretary Ainsworth inquired about notice requirements.

Ms. Harris explained the Town follows State Code public notice requirements that lays out specific timeframes.

Commissioner Lasher asked about policies related to percentage of materials required in adoptative reuse.

Ms. Squyres explained there are no policies related to specific percentages of materials, instead the preservation community looks to the Secretary of Interior's guidance on best practices to maintain and reuse materials.

Vice Chair Stewart stated he had no issues with the application and found it to be consistent with the comprehensive plan's goals to allow people to age in place with dignity.

Secretary Ainsworth clarified the application will have a second public hearing before the Town Council for any interested citizens.

Secretary Ainsworth moved to recommend approval of the application with draft conditions of approval to Town Council; the motion was seconded by Commissioner Lasher.

Ayes: Mr. Ryan Stewart, Vice Chair; Mr. Steve Ainsworth, Secretary; Mr. Terry Lasher; Ms. Darine Barbour

Nays: N/A

Abstention: N/A

Absent: Mr. James Lawrence, Chair (Recused/Disqualified from voting)

The motion passed 4-0-1 (Lawrence recused)

(Vice Chair Stewart calls Chair Lawrence back into the room.)

WORKSESSION ITEMS.

1. Zoning Ordinance Text Amendment (ZOTA) Article 3-5 to Reflect Recently Updated FEMA Maps.
Ms. Heather Jenkins gives a brief presentation on the federal process to update the FEMA maps.

Vice Chair inquired about the FEMA maps along Broadview for review.

Commissioner Lasher asked if the 110 properties that received the mailing were new properties or all inclusive of existing and new.

Ms. Jenkins indicated the notice was all inclusive of existing and new parcels.

Commissioner Lasher asked for more information on how many acres of increase; of that how many acres are located on public land; impacts to stormwater; impacts to economic development for redevelopment.

Ms. Jenkins indicated staff would look into these questions.

Chair Lawrence asked how structures at Rady Park are impacted and for clarification of how notice was conducted.

Ms. Jenkins explained the notice was mailed in 2020 during FEMA's appeal comment period.

Public Hearing will be scheduled for January Planning Commission meeting.

COMMENTS FROM THE COMMISSION.

Each member of the Planning Commission expressed their appreciation of staff, thanks to have the opportunity to give back to the community, and happy holidays to all.

Chair Lawrence specifically thanked the other members of the Commission by stating that Commissioners Barbour and Lasher are welcome additions and his thanks for the continued work of his more experienced colleagues.

COMMENTS FROM THE STAFF.

Ms. Harris reminds the Planning Commission of its organizational meeting in January and Annual Report photo. Chair Lawrence also raises the need for the Planning Commission to review the Bylaws and examine the Code of Ethics in the coming year.

Ms. Harris reviews the draft PC meeting schedule for calendar year 2024.

Ms. Harris indicates the request for a water and sewer work session is scheduled for the January meeting.

ADJOURN.

Chair Lawrence moves to adjourn, seconded by Commissioner Lasher. Chair Lawrence, with no further business, this meeting was adjourned at 8:18 PM.

I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on December 19, 2023.

Steve Ainsworth, Secretary
Planning Commission

