



**Zarabi; Mr. Steven Ainsworth; Mr. Ryan Stewart**

**Nays:** None  
**Absent During Vote:**  
**Abstention:** None

## **APPROVAL OF MINUTES**

### **April 19, 2022 MEETING MINUTES**

Mr. Zarabi moved to approve the minutes and Mr. Lawrence seconded. All were in favor, no discussion, vote was unanimous as follows:

**Ayes:** **Ms. Helander, Chair; Mr. James Lawrence, Vice Chair; Mr. Gerald Johnston; Mr. Ali Zarabi; Mr. Steven Ainsworth; Mr. Ryan Stewart**

**Nays:** None  
**Absent During Vote:**  
**Abstention:** None

## **PUBLIC HEARING**

### **ZMA 2021-01/SUP2021-01 –North Rock Harris Teeter Service Station**

Ms. Helander introduces ZMA 2021-01/SUP2021-01 North Rock Harris Teeter Service Station.

Ms. Helander states the applicant is applying for a Zoning Map Amendment and Special Use Permit to allow for a fuel service station in the North Rock Shopping Center located at 530 Fletcher Drive.

Ms. Denise Harris provides a brief overview of the application. The Applicant, Harris Teeter, is requesting a Zoning Map Amendment that was approved in 1999 for the North Rock Shopping Center PUD under the 1991 Zoning Ordinance that required a Special Use Permit for a Service Station.

Ms. Harris states the proposal is to amend the 1999 Master Plan and proffers to allow for the service station where the current Master Plan allows for an approximately 3500 square-foot bank and drive through.

Ms. Harris states this amendment is to allow for an 8-pump fuel station with kiosk. The Applicant has submitted a Transportation Impact analysis with update and Geotechnical Reports as part of their application.

Ms. Harris presents the PUD with the proposed amend Master Plan and states the Master Plan shows residential with 11 acres of commercial, the latter of which relates to this application.

Ms. Harris notes the existing underground storage tank for the stormwater is the reason the fuel center could not be located in front of Harris Teeter specifically.

Ms. Harris states the Applicant submitted Geotechnical Report was sent out for peer analysis where soil test pits were conducted. Both reports provided recommendations, a number of which were incorporated into the draft Conditions of Approval.

Ms. Harris notes conflict points in the parking lot. The Applicant shifted the site from originally proposed location and worked to modify the parking lot to address some of the internal transportation concerns.

Ms. Harris states the existing 1999 proffers also contain architectural elements that the Applicant will need to meet. The Applicant provided elevations that would be conditioned as part of the Conditions of Approval.

Ms. Harris notes alternate material and finishes for Harris Teeter Service Station's in other municipalities.

Ms. Harris explains the Applicant is proposing in their sign package a monument sign to be located on the northwest side of the property. While it is allowed by the Zoning Ordinance, staff would prefer to see the monument sign located more adjacent to the use.

Ms. Harris states the draft Conditions of Approval take into account a number of the recommendations that were presented in the Geotechnical Report. Under site preparation, staff has drafted a condition that says no blasting shall be allowed on the SUP site and incorporates the recommendations from the Geotechnical Report.

Ms. Harris states a number of the techniques that were put forward within the Geotechnical Reports are incorporated into the Draft Conditions of Approval.

Ms. Harris reviews the remaining staff proposed Conditions of Approval.

Ms. Harris states the proffers amend the Master Development Plan to remove the 3500 square foot bank pad and insert instead a fuel station.

Ms. Harris introduces Ms. Jessica Pfeiffer.

Ms. Pfeiffer of Walsh, Colucci, Lubeley & Walsh, is here on behalf of the applicant, Harris Teeter. She introduces Garrett Markovitz with Harris Teeter, Chris Howell of Kimley Horn, Sarah Knox of Kimley Horn and John Foote of Walsh Colucci.

Ms. Pfeiffer gives a presentation overview of the proposal.

Ms. Pfeiffer states part of redesign was to ensure pedestrians can safely maneuver the site.

Ms. Pfeiffer explains the TIA prepared by Kimley Horn concluded that the gas station will have minimal impact on the study area intersections. Based on the trip generation rates, from the ITE Trip Generation Manual 10th edition.

Ms. Pfeiffer exhibits the relocation of the storm pipe, and slope to accommodate the fuel tanks.

Ms. Pfeiffer explains the elevations of the canopy and kiosk

Ms. Pfeiffer states Harris Teeter is interested in providing EVC spaces at this location and has reached out to multiple third-party providers to discuss.

Ms. Pfeiffer acknowledges condition four on the Proposed Conditions of Approval. She states the Geotechnical Report notes blasting should not be needed therefore would prefer the condition read that the Applicant will work with the town and obtain all necessary approvals and permits, as alternatives could be louder and more intrusive.

Ms. Pfeiffer acknowledges condition twelve related to the monument sign on the property. The Applicant has provided a revised condition to state an existing sign will be used if allowed by the shopping center otherwise the new monument sign will be installed as depicted.

Ms. Pfeiffer acknowledges condition thirteen and provides adjustments to allow for flexibility once the Applicant has a demolition plan prepared.

Ms. Pfeiffer acknowledges condition seventeen and provides adjustments to remove the word "kiosk".

Ms. Pfeiffer explains community outreach efforts.

Ms. Pfeiffer explains the proposed gas station is approximately 345 feet from the closest residential unit in the North Rock neighborhood.

Ms. Pfeiffer concludes this proposal develops underutilized site that has been marketed for over 10 years.

Ms. Helander asks for any questions.

Mr. James Lawrence requests Ms. Pfeiffer further explain condition amendments for number three and four.

Ms. Pfeiffer states there shouldn't be a problem with doing pedestrian improvements first but without a demolition plan, it's difficult to know the exact timing for phasing and staging.

Mr. Pfeiffer explains if the Applicant leaves they would need to take out the underground tanks and the pumps based on the Applicants lease agreement.

The shopping center does have the ability to keep the canopy and the kiosk if they would want to.

Mr. Lawrence asks for clarification on the condition requirement of removing underground tanks to the surface of the ground that would be everything underground as well.

Ms. Pfeiffer states yes that is the intent of this condition to remove the tanks.

Mr. Lawrence asks if it includes all other pertinences associated with tanks and pumps.

Ms. Pfeiffer states yes.

Mr. Lawrence do you know why the statement service to the is there.

Ms. Pfeiffer states they are unsure but could work with staff to ensure clarification.

Mr. Stewart asks why requirement wouldn't be to restore to its previous parking condition.

Ms. Pfeiffer states they will work with town staff.

Mr. Ali Zarabi expresses concern for use of an outdated 2019 TIA count.

Ms. Pfeiffer presents the proposed service station plan and covers the property location, North Rock Shopping Center lease plan and other tenants, property zoning, historic approved site plans, illustrative plan for proposed service station, pedestrian circulation, Special Use Permit plan.

Ms. Pfeiffer continues her presentation comparing current Special Use Permit plans with previously submitted plans.

Ms. Pfeiffer presents a traffic impact analysis prepared by Kimley Horn.

Ms. Pfeiffer proposes canopy design and signage.

Ms. Pfeiffer presents detailing distance between proposed service station and nearest residential community and shows an example of another service station.

Ms. Pfeiffer moves the presentation to outline distance of proposed canopy area from existing underground stormwater management detention facility.

Ms. Pfeiffer ends presentation and opens floor to questions.

Mr. James Lawrence asks what the intended hours of operation of the fuel station are.

Ms. Pfeiffer responds outlining proposed 24hr usage with manned hours between 6am and 10pm.

Ms. Pfeiffer introduces Ms. Sarah Knox.

Ms. Knox states this is based off VDOT data collection pre-covid that the 2019 counts would be more conservative than account collected today.

Mr. Zarabi asks for word meaning clarification.

Ms. Sarah Knox explained vehicle and pedestrian circulation patterns and easing of pressure points in traffic flow with proposed plan.

Mr. Lawrence asks if there is room for a separate turn lane on access road.

Ms. Knox responds that she would need to look at the specific data prior to giving an answer.

Ms. Denise Harris points out issues with the current parking mitigated by proposed traffic flow changes.

Mr. Ali Zarabi asks Ms. Knox to clarify patron use calculations.

Ms. Knox responds outlining data/patron groups used for planning.

Mr. Zarabi expresses agreement with the assumption that most patrons will be using the service station after using the shopping center vs specific fuel trips.

Ms. Knox responds incentive of rewards program for consumer to create specific trips.

Mr. Zarabi asks about circulation flow for customers going from shopping to fueling.

Ms. Knox responds that it would be comparable to current layout.

Mr. Zarabi asks if there would be conflict in traffic flow between consumers using station specific entrance and those coming from parking areas.

Ms. Knox responds that she is unsure if there would be any difference from current layout.

Mr. Lawrence asks if there are any thoughts on directing traffic through service station.

Mr. Steven Ainsworth asks about fire and rescue requirements, changes being made to parking islands, and lighting layout changes.

Mr. Ainsworth asks about considerations for solar panels on roof of canopy.

Mr. Morawetz responds there are currently no considerations for solar power, though can be looked at further.

Mr. Lawrence asks about contacting other tenants to ensure best possible to use.

Mr. Morawetz states contact with other tenants and North Rock.

Mr. Zarabi asks the impact or contribution this will have on the grocery stores business and what percentage of business will be fuel consumption.

Mr. Morawetz states the service station will be beneficial to overall business, but specific percentages are not an easily quantifiable calculation.

Mr. Lawrence asks what the proposed start date for construction would be.

Ms. Pfeiffer responds about 120 days after permit issuance.

Mr. Lawrence asks if there are any further questions.

Mr. Gerald Johnston asks if considerations have been given to directional traffic flow signage for the service station.

Mr. Morawetz responds directional traffic flow signage can be investigated but the proposed plan lends itself to a natural inline flow of traffic.

Mr. Johnston asks if profiles of stormwater pipe movements and fuel tank locations can be provided.

Ms. Pfeiffer states yes and elaborates that the slope of pipe will remain almost unchanged, and some length will be added.

Mr. Johnston asks for the proposed depth of the fuel tanks and depth of the stormwater detention facility.

Ms. Pfeiffer notes the fuel tanks will be located at a depth of 17' and the detention facility is at a depth of 7'.

Mr. Zarabi asks how the new entrance will be engineered in regard to the elevation change.

Ms. Pfeiffer states the entrance is going uphill but no details known.

Mr. Morawetz notes the entrance requires reworking the area for a comfortable grade change.

There were no further comments.

Ms. Helander opens the public hearing at for 7:46 PM.

Mr. Volpe at 94 North View Circle, in Northrock. Notes he has submitted written comments to the Planning Commission.

Mr. Volpe explains concerns regarding blasting with the existing retaining wall, gas fumes, noise, emergency spillage method steps, and no attendant.

Mr. Volpe notes the impact on nearby neighbors, pedestrian safety, and the economy stating strong opposition to the proposal.

Mr. Walton introduces Mark Smith.

Mr. Mark Smith, at 232 North View Circle, states concern regarding access and egress traffic backups on Fletcher Dr. and pedestrian safety.

Mr. Smith states the path for trucks come out around the front of Harris Teeter.

Mr. Smith states impact on community at large is objectionable.

Mr. Walton introduces RB Chudasama.

Mr. Chudasama, at 150 West Lee Highway, states he owns the BP gas station and the proposed service station will cause them to go out of business.

Mr. Walton introduces Roxanne Head.

Ms. Head, at 110 Northview Circle, states opposition for proposal citing concerns regarding safety, possible leakage, retaining walls, traffic and pedestrian safety, light pollution.

Mr. Walton introduces Tom Walsh.

Mr. Walsh, at 110 North View Circle, explains concerns regarding exiting, local businesses, revenue, traffic flow and lighting.

Mr. Walton introduces Steven Guyer.

Mr. Guyer, at 229 Winchester Street, states concerns for an incomplete plan, impacts to the retaining wall, emergency and personal traffic back up entering and exiting.

Mr. Walton introduces Peggy Recker.

Ms. Recker, at 214 View Circle, states concerns for an additional gas station.

Public hearing closed at 8:07 P.M.

Ms. Helander states the Commission will determine whether or not to deny or ask for a continuance.

Mr. Stewart states the Commission only published the staff report Friday about 3:30 P.M. Questions if decision should be made knowing members of the public may not have had adequate opportunity to review provided information.

Mr. Lawrence asks staff had an opportunity to do an impact study and get some type of estimate of the expected tax revenue from this use.

Ms. Harris states the Town does not provide impact studies.

Ms. Pfeiffer states no study was provided.

Mr. Lawrence asks for estimate of tax revenue based on similar locations.

Ms. Pfeiffer states no estimate provided.



Mr. Lawrence asks if 244 parking spaces will be provided after build out of the service station.

Ms. Pfeiffer states 244 spaces are before build out. Confirmation will be given the space will be overparked.

Mr. Lawrence discusses two lanes at the shopping center entrance to assure a turn lane and through lane be delineated.

Ms. Pfeiffer states applicant will work with staff to determine viability.

Mr. Lawrence asks about unattended gas spillage safety mitigation.

Ms. Pfeiffer states the gas station will be remotely monitored, with or without kiosk staff and shut off measures would be in place. Spill protocols are in place by the Department of Environmental Quality.

Mr. Lawrence asks about lighting and Town enforcement.

Mr. Walton states the canopy lights will be completely shielded. The applicant is limited per the Zoning Ordinance which is reviewed at the site plan stage.

Mr. Walton says the Town has ability to monitor and enforce and may hire a consultant to take light measurement readings for conformance.

Mr. Ainsworth states the current parking lot is like 24/7 so there's some element of light already coming out therefore the service station won't be a standalone source of light.

Mr. Walton affirms it will be adding light to the existing fixtures. Light measurement readings pre-development and post development can be sought.

Ms. Pfeiffer the lighting condition is stringent and taken directly from the Broadlands proposal in Loudon. Readings can be taken from this location.

Mr. Johnston asks about an emergency plan for ingress and egress and states concern for a bottleneck.

Mr. Johnston notes the current traffic complications.

Mr. Johnston asks for a new traffic study to be provided.

Mr. Stewart notes elements of the New Town Character District as listed in the 2040 Comprehensive Plan.

Mr. Stewart asks staff for concerns of having an auto centric use in relationship to the Comprehensive Plan and redevelopment goals.

Ms. Harris notes the Comprehensive Plan serves as a guide for a much larger area. New Town District envisioned the redevelopment which is more difficult for certain development areas.

Ms. Harris states the PUD is considered mixed-use therefore the service station is a single use within the larger mixed-use area. Improvement requirements are typically different between single use and entire redevelopment of the PUD area.

Mr. Ainsworth asks staff for clarification on review of site preparation impact on existing structures through the permitting process in relation to condition four.

Mr. Walton states a blasting permit would require impact information therefore would be regulated if condition four were to be changed.

Mr. Walton notes condition four was added for the uniqueness of the site.

Ms. Helander asks for final questions.

Ms. Helander calls for a motion.

Mr. Zarabi states consideration of addressing the economic impact criteria adopted as part of the processes.

Mr. Zarabi notes concern for the community, environment, and economy.

Mr. Zarabi moved to deny ZMA 2021-01 and SUP 2021-01 for the Harris Teeter Service Station.

Ms. Helander seconded.

Ms. Helander calls for discussion.

Mr. Lawrence notes the reasonability of complaints but states the decision to establish a business and whether they thrive or not is not up to the Commission.

Mr. Lawrence shares thoughts on use discrimination within the Commercial District as it was envisioned as a commercial use before.

Mr. Lawrence states opinion to have better communication with the Applicant to address concerns and issues.

Mr. Johnson states community concerns need to be addressed rather than being denied by the applicant.

Mr. Johnson states more information is needed for a more informed vote by the Commission.

Ms. Helander states Commission may need more time to consider all concerns, issues, and staff recommendations.

Mr. Ainsworth states the traffic impact study is an anecdotal discussion of the traffic problems expressed as a problem right. He suggests the overall traffic issue is separate and should be addressed by the owner before comes to a head.

Ms. Helander calls for a hand vote.

Ms. Helander restates the motion is to deny the Zoning Map Amendment 2021-01 and the Special Use Permit 2021-01 for the Northrock Harris Teeter Service Station.

**Ayes:** *Mr. Ali Zarabi*

**Nays:** *Ms. Helander, Chair; Mr. James Lawrence, Vice Chair; Mr. Gerald Johnston; Mr. Ali Zarabi; Mr. Steven Ainsworth; Mr. Ryan Stewart*

**Absent During Vote:**

**Abstention:** *None*

Mr. Lawrence motions the Planning Commission defer ZMA 2021-01 Sup 2021-01 to the next Planning Commission regular meeting and ask the Applicant to address the outstanding issues.

Ms. Helander asks the Applicant if they would agree to defer the decision until the next regular meeting. She notes that applicant gives a thumbs up in agreement.

Ms. Helander restates the motion table the applications until the August meeting.

Ms. Helander calls for a second.

Mr. Steven Ainsworth seconds.

Ms. Helander calls for a hand vote.

**Ayes:** *Mr. James Lawrence, Vice Chair; Mr. Gerald Johnston; Mr. Steven Ainsworth; Mr. Ryan Stewart*

**Nays:** *Mr. Ali Zarabi*

**Absent During Vote:**

**Abstention:** *None*

Mr. Ryan Stewart requests the public comment period remain open through the deferral.

Ms. Helander states public comment period will remain open until next month until a decision is made in August.

## **WORK SESSION**

- a. First work session to discuss an applicant initiated Zoning Ordinance text amendment to increase the apartment density in the central business district CBD a Zoning Ordinance text amendment has been submitted by Mr. Charles Mothersead to increase the density of apartments in the CBD from 25 units up to 50 units per acre on parcels up to 0.5 acre.

Mr. Mothersead states it was presented initially in February, March, and April.

Mr. Mothersead presents changes from the previous meetings, specifically related to comments from Town Attorney, Mr. Martin Crimm, related to existing statutes directly denying increase in an existing district for the purpose of a changing or altering the underlying density in the district.

Mr. Mothersead discusses modifications to the assert this comment.

Mr. Walton states notes Central Business District parcels in the analysis that could be foreseen with the increase. One parcel that wis just over half an acre could see 195 units.

Mr. Mothersead states this is the upper limit.

Mr. Walton notes staff will work with the Applicant to produce a complete analysis by the August meeting.

Mr. Zarabi notes appreciation for Town Attorney's comments.

Mr. Zarabi asks for comment about previous Commission concerns related to the access to public utilities and whether this was a strain on the town infrastructure.

Mr. Mothersead states the Department of Public Works has commented it would not cause any significant strain on the existing utilities nor require supplemental work to be done to facilitate the additional units involved.

Mr. Lawrence asks the Town Attorney compare comments from the initial application to the revised application.

Mr. Martin Crimm notes State Code requires uniformity. He states the most uniform would be to have 50 units per level regardless of parcel size.

Mr. Lawrence asks if there is a precedent for this.

Mr. Martin Crimm states he is not aware of a case any Supreme Court precedent.

Mr. Ainsworth asks about addressing the previous discussion about the comprehensive plan issues and the low income housing issues.

Mr. Mothersead speaks to the proposed rent structure compatibility with affordable housing.

Mr. Mothersead discusses other affordable housing considerations.

Mr. Ainsworth asks if there is a height limit on buildings.

Mr. Walton states all main business and all main buildings are allowed 45 feet by right and up to 75 feet with a Special Use Permit.

Mr. Ainsworth asks for clarification that 25 units could fit on 1/2-acre lot with commercial components.

Mr. Zarabi asks the Town Attorney if he considers the application to be in conformance with the Plan Warrenton 2040.

Mr. Crimm states he is not prepared to answer that question and it is the Planning Commissions responsibility to determine conformance with the Comprehensive Plan.

Mr. Crimm ask staff Town requirements for a minimum square footage for a residential dwelling.

Mr. Walton states he believes it's 300 square feet regulated by state building code.

### **Second work session zoning text amendment on property maintenance.**

Mr. Helander introduces the zoning text amendment on property maintenance.

Mr. Walton presents the Zoning Ordinance text amendment to Article 3 related to property maintenance and enforceable language in the Historic District.

Mr. Zarabi asks about Planning Commission process.

Mr. Walton states Zoning Ordinance text amendments do go before the Planning Commission for Town Council recommendation.

Mr. Walton notes Town Code changes go straight to Town Council.

Mr. Zarabi asks who would be enforcing these violations.

Mr. Walton states the Town has a zoning enforcement team within Community Development. Zoning acts as administrator to the Police Department signing notices of violation.

Mr. Zarabi asks when does the Architectural Review Board get involved in the process.

Mr. Walton states they review any changes within the Historic District if a structure is dilapidated.

Mr. Walton states if a structure is found to be dangerous and needs to be addressed immediately then the zoning administrator has the ability to make that determination override Board approval of demolition.

Mr. Zarabi asks if the Board can overwrite the demolition if it is determined that there is some significant value to a historic structure that may have been neglected.

Mr. Walton states this is to take immediate action so that a dangerous structure can be raised.

Mr. Helander asks the outcome of a property where the owner does not have insurance to do anything and how it can be enforced.

Mr. Crimm explains three possibilities of demolishing a historic structure,

Mr. Ainsworth asks about the appeal process for a Zoning Administrator determination.

Mr. Walton states a notice of violation regarding property maintenance can be appealed to the Board of Zoning Appeals.

Mr. Lawrence discusses neglected properties in the Historic District and the standards making fixes expensive but cannot demolish it because it's a contributing structure.

Mr. Walton states the Town has gotten more involved with property maintenance enforcement if it is danger to life safety.

Mr. Crimm notes a provision in your Zoning Ordinance about demolition by neglect as a zoning violation to allow a historic structure to gradually decay to the point where it's going to have to be demolished.

Mr. Crimm discusses options for possible Town assistance programs that can be discussed in the future.

Mr. Stewart asks Mr. Crimm the violation process and fining a property owner for noncompliance.

Mr. Crimm explains the fine process.

Mr. Helander notes the application will proceed to the next Planning Commission meeting.

### **Work session on training for the Freedom of Information act.**

Mr. Walton notes Kevin with Piedmont Environmental Council is recording FOIA training.

Mr. Crimm states the Virginia Freedom of Information act is found in the Virginia code at chapter 37 of title 2.2.

Mr. Crimm presents training for FOIA to the Commissioners.

## **COMMENTS FROM THE COMMISSION**

Mr. Zarabi asks why Public Utilities and Public Works Directors are not at the Planning Commission meetings as in the past.

Ms. Helander states Directors comment to staff.

Mr. Walton states directors can be asked beforehand to attend if there are specific questions that need to be addressed.

Mr. Zarabi comments the public is missing an opportunity to deal with the experts and that exchange would be beneficial to Planning Commission meetings.

Mr. Lawrence, no comment.

Mr. Johnson, no comment.

Mr. Stewart, no comment.

Mr. Ainsworth, no comment.

Ms. Helander states we meet next Tuesday.

## **COMMENTS FROM STAFF**

Mr. Walton states next Work Session meeting has two items for Waterloo Junction and the Amazon Data Center.

Ms. Harris states the Applicant for Waterloo Junction asked to go second.

Ms. Helander states it is the O'Brien's mixed-use proposal.

Ms. Harris announces the Eva Walker Park groundbreaking for the commemorative garden is this Friday at 10:00 AM then the following Friday will be the ribbon cutting at 10:00 AM.

Mr. Zarabi states he will not be in attendance at the August 23<sup>rd</sup> Work Session.

Ms. Helander states she will be in attendance at the August 23<sup>rd</sup> Work Session

## **ADJOURN**

Ms. Helander asks for a motion to adjourn

Motion to adjourn Mr. Stewart, Mr. Lawrence Seconds.

With no further business this meeting was adjourned at 9:37 pm.