



PLANNING COMMISSION REGULAR MEETING

18 Court Street

Tuesday, November 28, 2023, at 7:00 PM

MINUTES

A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS

HELD ON November 28, 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; Rob Walton, Community Development Director.

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, November 28, 2023. The Planning Commission meeting was called to order.

APPROVAL OF THE MINUTES.

August 22, 2023, Draft Planning Commission Minutes.

Without objection, Chair Lawrence asked for approval of the minutes. Minutes were adopted 5-0.

September 19, 2023, Draft Planning Commission Minutes.

Without objection, Chair Lawrence asked for approval of the minutes. Minutes were adopted 4-0-1. Chair Lawrence abstained due to not being present at meeting.

PUBLIC HEARINGS.

1. SUP 2023-02 Walmart Amendment. The Applicant, Wal-Mart, is requesting a Special Use Permit (SUP) Amendment to SUP #10-04 to allow for upgrades to the existing store by implementing the following improvements: 1) expanding the store by approximately 6,151 square feet to accommodate a merchandise pick-up staging area, which will require the relocation of an existing outdoor storage area, 2) re-stripping portions of the parking area in order to provide spaces for customers picking up pre-ordered merchandise, and 3) modifying the exterior Store elevations to include an addition and new colors at 700 James Madison Highway.

Ms. Casey Squyres gave a brief presentation.

Ms. Elizabeth Briones, the Applicant's Representative, gave an overview of the application, speaking to transportation circulation, relocation of outdoor storage, elevation earth tones.

Commissioner Ainsworth questioned which SUP revision plan was being looked reviewed. Staff and the Applicant clarified.

Chair Lawrence opens the Public Hearing at 7:14 PM.

No one from the public spoke to the application.

Chair Lawrence closed the Public Hearing at 7:14 PM.

Vice Chair Stewart spoke to the progress of the application since the work session and thanked the Applicant for working with staff.

Motion to recommend approval to Town Council made by Vice Chair Stewart, seconded by Commissioner Ainsworth.

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

Nays: N/A

Abstention: N/A

Absent: N/A

The motion passed 5-0.

2. ZOTA-23-2 - A Zoning Ordinance Text Amendment Regarding Assembly Uses in the Industrial District. A public hearing for revisions to Zoning Ordinance Article 3, Section 3-4.12 – *Industrial District* to address allowable Assembly uses in the District. The Ordinance currently permits several uses as by-right Permitted Uses where people gather for social, entertainment, cultural, educational and recreational purposes, where these uses are classified as Assembly uses by the Building Code. The Building Code classifies Churches as an Assembly use, however Churches are not listed as either a Permitted Use or a Permissible Use in the Industrial District. A text amendment to Section 3-4.12 was initiated by Town Council on May 9, 2023. The Planning Commission held a work session on August 22, 2023 and on September 19, 2023.

Ms. Heather Jenkins gave a brief presentation.

Mr. James Lawrence opens the public hearing at 7:27 PM.

No members of the public spoke to the application.

Chair Lawrence closed the Public Hearing at 7:28 PM

Chair Lawrence favors Option A as it aligns with Fauquier County.

Commissioner Ainsworth asked if any new building may be proposed within the I district under either option? Ms. Jenkins stated yes.

Commission Ainsworth agrees with Option A.

Vice Chair Stewart agrees with Option A.

Commissioner Barbour agrees with Option A.

Commission Lasher stated he asked a number of questions during work session and offered staff thanks for working through them. He supports Option A.

Commissioner Ainsworth motions to recommend approval to Town Council of Option A that:

- Revises the Legislative Intent in Section 3-4.12.1 to include limited assembly uses to the descriptive paragraph, to more closely match the mixture of use categories that are currently allowed in the district as well as the existing assembly-type businesses that are established in the district.
- Adds Churches as an allowable use in the Industrial district.
- Includes a threshold for all allowable assembly uses, set at 10,000 square feet or more of building area, or more than 300 persons, where any assembly use meeting this threshold will require the approval of a Special Use Permit by Town Council per Section 3-4.12.3.

Seconded by Commissioner Barbour.

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

Nays: N/A

Abstention: N/A

Absent: N/A

The motion passed 5-0

WORKSESSION ITEMS.

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. Arcola Towers LLC (Applicant)/James P. Downey (Representative)

Ms. Heather Jenkins gave a brief introduction.

Commissioner Ainsworth questioned the origin of the existing ordinance. Ms. Jenkins stated she would need to research.

Chair Lawrence discussed the review of other jurisdictions' ordinances, their set back requirements, and intents. He asked if this text amendment can only apply within the PSP or would it need to be applied across zoning districts where telecommunication towers are allowed.

Ms. Jenkins will consult with the Town Attorney but the Applicant's request is only for PSP District.

Chair Lawrence asked if the Virginia Department of Transportation (VDOT) has reviewed the application for the specific telecommunications tower request on their PSP property. Ms. Jenkins stated this is VDOT's preferred location on the property as contained in the staff report.

Mr. James Downey, Applicant's Representative, introduced Mr. Jonathon Yates, Attorney for Arcola Towers, who spoke to the need for telecommunication towers and strain on the cellular networks. Monopoles are now designed to collapse within a certified fall zone within the designated property. Some jurisdictions add protective percentages or setbacks to fall zones.

Chair Lawrence inquired what the definition is of a certified fall zone.

Mr. Yates explained the fall zone and standards set under ANSI wind speeds and that ASCE certifications meet the wind speeds.

Lawrence asked if the VDOT location is reachable by an out-of-control vehicle.

Mr. Yates stated it could be. He went on to review lessons learned from Hurricane Katrina.

Chair Lawrence asked are generators needed and how to address the volume issues.

Mr. Yates indicated that generators test about once a week and come on when power is out. He thought they were about 60 dba at the property line.

Commissioner Lasher inquired about tracking of antenna failure rates in Town.

Mr. Yates will research.

Commissioner Lasher reminded the room this work session is for zoning ordinance amendment, not a specific telecommunications tower site application.

Commissioner Ainsworth indicated this is for all PSP District zoning within the Town, including PSP parcels adjacent to residential and commercial zones.

Chair Lawrence would like to hear from an impartial third-party expert for failure rate data, who allows for this in other localities, and other concerns.

Commissioner Ainsworth requested meeting minutes for previous telecommunication text amendments.

Commissioner Lasher asked how many acres are impacted by this request in PSP.

Ms. Jenkins stated this would apply to all PSP parcels.

Chair Lawrence thanked the Applicant.

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

2. SUP 23-03 226 E. Lee Street ADU - 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.

Ms. Casey Squyres introduces the application.

Commissioner Barbour asks about potential restrictions of who lives in the ADU and how many people.

Vice Chair concerned about number of parking spaces and asked if this was driven by Zoning Ordinance.

Ms. Harris explains the entitlement, if approved, runs with property and building code determines the occupancy.

Commissioner Lasher asked if there is a requirement for percentage threshold for adaptive reuse. ADU fills missing middle and could be rented.

Ms. Squyres states there is not a percentage threshold but encourage as much as possible.

Commissioner Ainsworth asks if the ADU would create a separate, sellable property.

Ms. Jenkins states it is not eligible for subdivision at this time.

Commissioner Ainsworth asked if adjacent property owners had been approached by the Applicant.

Ms. Harris stated adjacent property owners are notified at public hearing.

COMMENTS FROM THE COMMISSION.

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

Vice Chair Stewart thanks Town staff for holiday lighting displays.

Vice Chair Stewart stated he is struck by the need to update the ADU Zoning Ordinance and is considering putting together a subcommittee of Commissioners.

Chair Lawrence would like a work session on capacity, maintenance, expansion of water and sewer issues.

COMMENTS FROM THE STAFF.

Ms. Jenkins states FEMA released updated maps and will be brought forward to Planning Commission for an ordinance update.

Ms. Harris requested the Planning Commission consider its December meeting schedule.

The Planning Commission determines it has a quorum for the December 19 meeting date and cancels the December 26 meeting.

Ms. Harris reminds the Planning Commission of its organizational meeting in January and Annual Report photo.

Ms. Harris indicates a current application for the Taylor Middle School SUP is under agency review.

ADJOURN.

Vice Chair moves to adjourn, seconded by Commissioner Lasher. Chair James Lawrence, with no further business, this meeting was adjourned at 8:33 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 November 28, 2023.

Steve Ainsworth, Secretary
Planning Commission

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