

Town of Haymarket Town Council Meeting
Monday, October 24, 2011
15000 Washington Street, Haymarket, Virginia 20169
Mayor Pamela E. Stutz

Roll Call

Tobias, Leake, Cole, Stutz, Kenworthy, Weir
Scarborough-Absent

Public Hearings

Purchase Options for 2011 Police Cruiser Purchase – Public Hearing #1

The Mayor opens up the first public hearing regarding the purchase options for the 2011 police cruiser acquisition. Options are to: Buy it outright, finance it alone, or bundle the two 2009 cruisers with the new cruiser into one finance option.

The Mayor calls for anyone wishing to speak on the purchase options
No public comment

Wal-Mart – Public Hearing #2

The Town has advertised a public hearing to get input from its residents on a proposed Super Wal-Mart that is to be built outside the Town limits at Market Center Land Bay 3
Input from residents Wal-Mart Supercenter

Karen Weldon – Representing Shoppes @ Haymarket

She would like to know what the town can do, if anything, to stop Wal-Mart from coming. She is concerned of the negative impact the store could have on small shops and the neighboring grocery stores.

Bill Hunt - Madison Street

He is a 50 year resident of the Town. He believes that Wal-Mart will be good for Haymarket and Prince William County. There will be traffic, but there will be traffic anyway. He believes that Wal-Mart will stimulate the local business economy. He thinks it is a good thing for everyone.

Water Supply Plan – Public Hearing #3

In November 2005, the Commonwealth of Virginia enacted the Local and Regional Water Supply Planning (WSP) Regulation (9 VAC 25-780-10).

The purpose of the Regulation is to: ensure adequate and safe drinking water, encourage, promote, and protect all other beneficial uses of the Commonwealth's water resources; and encourage, promote, and develop incentives for alternative water sources.

The Mayor calls for anyone wishing to speak on the Water Supply Plan
No public comment

Weir moves to add Wal-Mart to tonight's agenda for discussion, Kenworthy seconds;

Ayes: 5 Nays: 0 Absent: Scarborough

Citizen's Time

No public comment

Commercial Transitional Zoning District - ZTA

Weir Motions

WHEREAS, the Town of Haymarket, Virginia, the Town of Haymarket is empowered by the Commonwealth of Virginia to make and adopt a comprehensive plan for the town; and **WHEREAS**, amendments to the Town of Haymarket Comprehensive Plan were adopted by the Town Council on September 8, 2008; and **WHEREAS**, Comprehensive Plan Chapter 3.4, Land Use Plan, and Figure 15, Planned Land Use Map, describes and identifies a "Transitional Commercial" land use category; and **WHEREAS**, the text of the Plan states a zoning ordinance amendment implementing this land use category is anticipated following the adoption of the plan; and **WHEREAS**, the Planning Commission, pursuant to § Sec. 58-425, held a public hearing on October 5, 2011, and has recommended the adoption of the attached Article IV, Transitional Commercial Zoning District text; and **WHEREAS**, a Town Council's public hearing was held on October 5, 2011, and interested citizens were heard; and **WHEREAS**, the public necessity, convenience, general welfare and good zoning practice are served by the text amendment; **NOW, THEREFORE, BE IT ORDAINED** that the Town of Haymarket, pursuant Article XI, Chapter 58 of the Code of Haymarket, does hereby amend the text of § Chapter 58 to create Article IV, Transitional Commercial Zoning District and associated text, Cole seconds;

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Police Cruisers

Tobias motions to enter into a finance agreement with The Fauquier Bank for a period of three (3) years at a rate of 3%, financing a total of \$55,440 for the purchase of a 2011 Dodge Charger Police Cruiser and to refinance two existing loans with SunTrust for two 2009 Police Cruisers, Kenworthy seconds; Discussion: Leake asks how much the prepayment penalty will be on the two existing loans for the 2009 cruiser purchases. Tobias responds that it was in the paperwork provided at the October 5, 2011 Town Council Meeting.
Tobias-Yes, Leake-no, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Structural Engineer Quotes

DRH Design Group is the firm that the Town Manager recommends proceeding with for structural engineer services. However, the Town Manager recommends proceeding with only the Old Post Office, not the Hulfish House at this time.

Cole motions to retain the services of DRH Design Group for the analysis of both the Old Post Office and the Hulfish House, Leake seconds.

Discussion: Tobias ask that the Town Manager reply to the Engineers that the Town would like them to denote that the intended use for the Old Post Office is light retail and also clarify in their report the requirements that would be needed for uses on the second story of each building.

Cole amends his motion to include the discussion points, Leake amends his second; Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Memo of Understanding - Prince William Soil & Water Conservation District

Tobias motions to adopt the Fiscal Year 2012 Memo of Understanding with the Prince William Soil & Water Conservation District for Erosion & Sediment Control plan review and inspection services, Weir seconds;
Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Water Supply Plan

Weir moves to defer the Northern Virginia Regional Water Supply Plan to November 7, 2011, Tobias seconds;
Ayes: 5 Nays: 0 Absent: Scarbrough

**Email Weir the link to the entire plan

Building Official's Report – James Lowery

Mr. Lowery anticipates occupancy for the Alexandra's Keep townhomes to be around February 2012.

Tobias asks when Piedmont Tire & Auto will open. Mr. Lowery believes sometime in November 2011.

Wal-Mart

Weir is concerned about the grid-lock that this project will create.

**John Bennett will be able to report to Council at the November meeting on his discussion with the County Attorney regarding this matter.

Town Planner

He comments that there are other opportunities for the Town. Find Wal-Mart's representative and express the Town's concerns. He believes we should create a venue to communicate with Wal-Mart directly.

Mayor Stutz

Comments that we have been contacted by Supervisor Stirrup's office, who is asking what the Town would like. The Mayor has told them that a traffic study is what the Town would like to see done. Mayor also said we would like to have some discussion with respect to the original proffers.

Tobias

He agrees with the Town Planner and recommends reaching out to Wal-Mart to work together.

**Mayor asks that the development outline be made available on the internet

Town Manager's Report – Gene Swearingen

- **Absentee Voting**
Museum is closed until mid-November to accommodate the voting equipment
- **Brick Sidewalks**
Holly will be looking at the quotes for the sidewalks
- **Audio Video Solutions**
The Town Manager has received a quote to have the equipment moved

Leake motions to appropriate up to \$1,100 to move the meeting recording equipment, Weir seconds;

Discussion: **Tobias had this been done the right way when it was first installed, we would have this additional cost of \$1,100

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Tobias asks if the Town Manager has any additional information from Comcast. The Town Manager responds that communications have been very slow with Comcast. **Tobias asks for resolution from Comcast about the PEG Channel. **Schedule for November agenda

- **LODA & UDA Resolutions**
The Town has received a letter from Governor McDonnell regarding unfunded mandates. @ 11 a.m. Please announce it to the public that this is potentially a "meeting". The Mayor asks the clerk to advertise that Council Members could be on the same phone call.

Council Members

- **Tobias**
**Status of medical retirement plan for employees – November 7

**Council directs that the office must be staffed at all times with 2 people. Effective November 1, 2011. Mayor would like it effective this week.

**Ask Chief to have a status of the sale of the 1998 surplus police cruiser
- **Leake** – nothing
- **Cole**- nothing
- **Kenworthy** – nothing
- **Weir** – Roberts Rules – Mayor asks that they get together and decide and then have the proper set on file

**Please get a security box over the thermostat.

Town of Haymarket Town Council Meeting
Monday, October 24, 2011
15000 Washington Street, Haymarket, Virginia 20169
Mayor Pamela E. Stutz

Weir motions to enter into closed session pursuant to 2.2-3711 (A7) consultation with the Town Attorney regarding Town Charter provisions relating to subdivision of land and commercial zoning of a property that joins the town; and (A3) discussion and consideration of acquisition of public property and any matters relating to annexation, Cole seconds;

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent, Stutz-Yes

Weir motions that the Council of the Town of Haymarket does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempt from the open meeting requirements by Virginia law were discussed in the closed session, to which this certification applies, and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by Council, Scarbrough seconds;

Tobias-Yes, Leake-Yes, Cole-Yes, Scarbrough-Absent, Kenworthy-Yes, Weir-Yes, Stutz-Yes

Tobias motions to instruct the clerk to advertise a public hearing for Tuesday, November 15, 2011, for the Institution of Eminent Domain/Condemnation Cases, including filing Certificates of Take and then initiating and completing condemnation proceedings for VDOT Universal Project Code (UPC) No. EN96-233-128, P103, R201, C502, Route 55 (Washington Street), State Project EN96-233-128, C502 (Haymarket Streetscape Project), as shown on Sheet No. 3, 4, 4B, 5(2), and 5(3) of plans on file with the Town of Haymarket and the Virginia Department of Transportation, and involving the following subject parcels, to-wit:

Parcel 001; 14891 Washington Street, Haymarket, VA 20169; GPIN: 7297-99-4363; record owner: John R. Evans and Marika Pardo Evans, Tobias seconds;

Tobias-Yes, Leake-Yes, Cole-Yes, Kenworthy-Yes, Weir-Yes, Scarbrough-Absent

Weir motions to adjourn the continuation meeting of October 24, 2011 @ 9:25 p.m., Kenworthy seconds;

Ayes: 5 Nays: 0 Absent: Scarbrough

Submitted:

Approved:


Jennifer Praeli, Town Clerk


Pamela E. Stutz, Mayor

ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 58 OF THE CODE OF HAYMARKET, VIRGINIA, TO CREATE NEW ARTICLE IV, TRANSITIONAL COMMERCIAL ZONING DISTRICT

WHEREAS, the Town of Haymarket, Virginia, the Town of Haymarket is empowered by the Commonwealth of Virginia to make and adopt a comprehensive plan for the town; and

WHEREAS, amendments to the Town of Haymarket Comprehensive Plan were adopted by the Town Council on September 8, 2008; and

WHEREAS, Comprehensive Plan Chapter 3.4, Land Use Plan, and Figure 15, Planned Land Use Map, describes and identifies a "Transitional Commercial" land use category; and

WHEREAS, the text of the Plan states a zoning ordinance amendment implementing this land use category is anticipated following the adoption of the plan; and

WHEREAS, the Planning Commission, pursuant to § Sec. 58-425, held a public hearing on October 5, 2011, and has recommended the adoption of the attached Article IV, Transitional Commercial Zoning District text; and

WHEREAS, a Town Council's public hearing was held on October 5, 2011, and interested citizens were heard; and

WHEREAS, the public necessity, convenience, general welfare and good zoning practice are served by the text amendment;


NOW, THEREFORE, BE IT ORDAINED that the Town of Haymarket, pursuant Article XI, Chapter 58 of the Code of Haymarket, does hereby amend the text of § Chapter 58 to create Article IV, Transitional Commercial Zoning District and associated text.

Done this 24th day of October, 2011

TOWN OF HAYMARKET, VIRGINIA

BY 
Mayor

ATTEST


Clerk

Voting Aye: TOBIAS, LEAKE, COLE, KENWORTHY, WEIR
Voting Nay: _____
Abstaining: _____
Absent: SCARBROUGH

ARTICLE IV. TRANSITIONAL COMMERCIAL ZONING DISTRICT

Sec. 58-136 Intent

The primary purpose of this district is to create a low-intensity office, commercial and mixed use area as a transition between residential and commercial areas. The uses in the district should buffer residential areas from the commercial core by minimizing traffic, lighting and hours of operation, by establishing buffers and by establishing other site specific development standards to minimize the impact on adjacent residential uses. To enhance its compatibility with its residential surroundings, any development should be located in existing buildings wherever possible. Adaptive reuse of existing structures is to be encouraged if impacts are mitigated.

Sec. 58-137 Use Regulations

In the transitional commercial district, a building or land shall be used exclusively for one or more of the following uses; provided that the gross usable floor area shall not exceed 1500 square feet, except for churches:

- (1.) bakeries
- (2.) barbershops
- (3.) florists shops
- (4.) professional offices
- (5.) art galleries
- (6.) small appliance repair shop
- (7.) stores or shops boutique in nature
- (8.) studios
- (9.) antique stores
- (10.) Nonprofit, community service organizations
- (11.) farmers market
- (12.) single-family dwellings
- (13.) bed and breakfast
- (14.) mini-library
- (15.) municipal building
- (16.) public park
- (17.) churches

Sec. 58-138 Special Uses

The following uses shall be permitted in the transitional commercial district with a special use permit:

- (1.) estate sale
- (2.) outdoor crafts
- (3.) secondhand retail sale

- (4.) neighborhood utility facility
- (5.) other low intensity commercial uses if a finding can be made that such use will not unreasonably interfere with or devalue adjacent and nearby residential uses
- (6.) uses set forth in Section 58-137 where the gross usable floor area is greater than 1500 square feet if a finding can be made that such use will not unreasonably interfere with or devalue adjacent and nearby residential uses

Sec. 58-139 Requirements For Permitted Uses

(a) Before a building permit shall be issued or construction commenced on any permitted use in the transitional commercial district, or a permit issued for a new use or new occupancy resulting in a change of use, a site plan prepared in accordance with article XIII of this chapter shall be submitted to the planning commission for review. The planning commission shall refer these plans and its recommendations to the town council. Modification of the plans may be required by the planning commission and/or the town council.

(b) Landscaping appropriate to the site and use may be required in addition to the landscaping required under other provisions of the Town Code. Landscaping must take into account the need for a reduction of reflective areas and traffic impacts and the requirements of section 58-13. There shall be a landscaped buffer of not less than 25 feet at any property line adjoining residential uses.

(c) Sufficient development standards, in addition to all other development standards of the Town Code, shall be provided:

(1) to adequately screen and mitigate the impact of permitted uses on any adjacent residential uses; and

(2) for off-street parking of vehicles incidental to the business, its employees and clients. Parking shall be at the side or rear of a new building to encourage development patterns that are more consistent with the historic core such as retail and office uses with entrances from the street and sidewalk. Parking requirements may be reviewed on a case by case basis. The number of spaces may be reduced or eliminated for good cause shown based on the type and nature of the use and if an adaptive reuse of a structure is used.

Sec. 58-140 Area Regulations

(a) For lots in excess of one acre, no more than 50 percent of the gross area shall be comprised of residential uses.

(b) For residential uses, the minimum lot area shall be 10,000 square feet.

Sec. 58-141 Setback And Yard Regulations

- (a) Front. Structures in the transitional commercial district may be located to within ten feet of any street right-of-way, provided all sidewalk, easement and streetscape requirements are met.
- (b) Side. Side yards shall have the same regulations as front yards when abutting a street right-of-way. There are no side yard regulations when abutting adjoining similar commercial uses. There shall be a side yard of 25 feet or more when abutting a residential district.
- (c) Rear. Rear yards shall have the same regulations as side yards.

Sec. 58-142 Height Regulations

Permitted and special uses shall be less than 30 feet in height from grade and all buildings not more than two stories above grade.

Sec. 58-143 Other Applicable Requirements

- (a) Article IX, Signs and Nameplates, of this chapter shall apply.

(b) all other development standards and requirements of the Town Code shall apply if not inconsistent with the provisions of this Article.

Sec. 58-144 Coverage Regulations

Maximum structure or building coverage shall not exceed 35 percent of the total lot area, except for adaptive uses of existing structures. Total impervious coverage of a lot shall not exceed 85%.

Sec. 58-145 Underground Utilities

Except for transmission power lines of 34,500 volts or greater, water towers, or other installations approved by the town council, all on-site utilities or utility facilities serving new uses or installed after the effective date of the ordinance except for good cause shown because of unusual soil or topographical conditions, or an adaptive reuse of an existing structure shall be installed underground, including among others, electrical, water, sewer, power, gas, telephone and cable utilities.