

Haymarket Town Hall-Mayor David P. Taylor
January 3, 2005 Continuation meeting of January 24, 2005
15016 Washington Street-Haymarket, VA 20169

Roll Call: Sikorsky, Tobias, Stutz, Taylor, Garcia, Jarboe, Weir

Mayor opens joint (Town Council & Planning Commission) public hearing on the Town's Zoning Text Amendments

John McBride: We are precluding luxury town-homes by deleting the existing height

Mike Gorman: Option of accessory buildings taller and set back to the lot

Douglas Burke, Architect: Design is about creating relationships, zones need the tools to create an existing fabric for the Town of Haymarket.

Mayor closes public hearing on the Town's ZTAs

Mayor opens joint (Town Council & Planning Commission) public hearing regarding the Proposed ARB Guidelines

In Favor: None

Opposed: None

Mayor closes joint public hearing on proposed ARB Guidelines.

Chair Nancy Bailey opens Planning Commission Meeting

Weir motions to forward the recommend ZtAs (attached) to the Town Council, Goodwin seconds

Ayes: 3

Nays: 0

Absent: Leonard

Weir motions to adjourn the PC meeting, Goodwin seconds

Ayes: 3

Nays: 0

Absent: Leonard

Mayor opens the Town Council Continuation Meeting

Stutz moves to enter into executive session pursuant to 2.2-3711

A1 Discuss and consider appointments to the BZA

Appointments to PC; Discuss and consider the performance of a named town employee

A3 Discussion and consideration of publicly held real property

A7 Consultation with attorney on matter requiring specific legal advise where such consultation with attorney in open meeting would adversely affect the Town;

Tobias seconds

Ayes: 6

Nays: 0

Absent: 0

Stutz motions certification of executive session, that the above referenced items were the only items discussed;

By a Roll Call Vote: Sikorsky-Yes, Stutz-yes, Tobias-yes, Taylor-Yes, Garcia-Yes, Weir-Yes

Haymarket Station Site Plans and Proffer Agreement:

Mayor speaks of concerns over the reduction of acreage, by Centex conveying Parcel A and Lot 53, with respect to the approved site plan

Councilman Weir expresses his concerns, in order the accommodate the 60 homes requires the entire acreage, there was an assertion made Wed. night that parcel A and Lot 53 were part of a contract agreement and that the agreement took place prior to the re-zoning. Wherein the ownership of parcel A in particular was to be retained, is circumventing the authority of the town.

The Mayor states he is troubled that it was predetermined that there was never intentions of Centex retaining these two parcels.

Garcia states he agrees with the Mayor and Weir and in his opinion we need to question the transfer of parcel A and insure that there are that there are sufficient buffers in place.

Stutz confers with all that has been said....

Mayor states that in order to resolve these issues, expectations need to be laid out. Mayor wants it acknowledged by the applicant that they intend to build 60 lots or they need to submit an amended site plan to be reviewed by the Council.

Weir motions to give the developer (Centex) until Feb. 7 to demonstrate compliance with the original site plan that was approved on 05/17/2004 through the re-acquisition of Parcel A and intention to comply with the site plan that the developer presented and had approved by the Town, or present a revised site plan containing the appropriate buffer areas with the appropriate acreage; should neither occur, the council take action as it deems appropriate on Feb. 7, 2005, Garcia seconds;

Ayes: 6

Nays: 0

Absent: 0

Sherwood Forest Subdivision Plan

Without objection from council it will be tabled until next meeting

ARB Guidelines

Town ZTAs

Sikorsky asks about grand-fathering, how will it be handled. Attorney comments that there is an entire body of law that determines grand-fathering. Sikorsky would like to understand grand-fathering before she votes.

Mayor asks that council come back prepared to review the items below for the February 7, 2005 Town council meeting.

- **Review PC, ARB, and BZA appointments
- **Town's ZTAs
- **Re Visit Haymarket Station Site plans and Proffers agreement
- **Sherwood Forest Subdivision/Site Plan
- **Clarification from PC Chair on what was passed in writing
- **Haymarket Industrial Park Bond Release
- **Greenhill Crossing Homeowner's Association
- **Harrover Re-Zoning

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Sikorsky comments on ARB Guidelines:

Page 5 Painting of Brick is not an option...she would like to know why they are trying to not allow painting of brick.

Red Rooster-Historical Building

Mayor comments that the Historic Commission needs to take responsibility for these structures (town owned historic structures)

Weir has the monetary contribution guidelines ready, but does not have the narrative necessary to provide to council. He would like council to go ahead and refer draft proffers to review

Tobias motions to initiate Planning Commission review of the ordinance that will update the Town's proffer system, Garcia seconds;

Discussion: Garcia asks when the narrative would be ready. Weir comments by next PC meeting.

Ayes: 6

Nays: 0

Absent: 0

Stutz: Sign proposals for Haymarket Town Hall.

Stutz motions to refer the Planning Commission to review and create language for business that are not located on Washington Street or James Madison Highway, Tobias seconds;

Ayes: 6

Nays: 0

Absent: 0

Tobias: Two proposals to replace computers, one is Gateway one is Dell.

Tobias motions to appropriate \$20,000 toward the purchase of new computers and a server and all necessary hardware to update the Town Hall offices, Stutz seconds. Tobias amends motion to stipulate that the funds are coming from monies received from a bank franchise tax that was not budgeted for (\$27,000), Stutz amends second;

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Weir-Yes, Jarboe-Yes

Tobias motions to appropriate \$3,500 toward the development and creation of the towns web site, Sikorsky seconds, Tobias amends second to include that before it gets published council is entitled to ultimate approval and that the funds come from the Bank Franchise Tax that was received (\$27,000).

Roll Call Vote: Sikorsky-Yes, Tobias-Yes, Stutz-Yes, Garcia-Yes, Jarboe-Yes, Weir-Yes

**Mayor instructs clerk to advertise the towing ordinance, and amendment to handicapped parking violation

Stutz motions authorization for the Mayor to hire a treasurer, Tobias seconds

Ayes: 6

Nays: 0

Absent: 0

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Tobias motions to authorize the clerk to switch payroll services, Stutz seconds

**Ayes: 6
Nays: 0
Absent: 0**

Weir motions to adjourn the meeting of January 3, 2005, continued on January 24, 2005, Stutz seconds;

**Ayes: 6
Nays: 0
Absent: 0**

Submitted:  _____, Clerk

Approved:  _____, Mayor

Planning Commission Report On Proposed Zoning Text Amendments By The Town Council

The Planning Commission has reviewed the proposed zoning text amendments forwarded by the Town Council and upon consideration and public debate recommends that the attached amendments (Appendix A) to sections 38-1, 38-7, 38-9, 58-98, 58-101, 58-102, 58-103, 58-136, 58-137, 58-138, 58-139, 58-140, 58-141, 58-142, 58-143, 58-177, 58-179, 58-182, 58-219, 58-260, 58-263, 58-303, 58-425, 58-506, 58-508, 58-701 of the code of ordinances of the Town of Haymarket Virginia be approved. The Planning Commission asserts that these amendments constitute sound zoning practice and are in the public benefit.

The Planning Commission also considered changes to sections 58-15 (b), 58-97, 58-98 and 58-101 (b)(3). The Planning Commission, upon consideration and public debate recommends that the attached amendments (Appendix B) to those sections not be made at this time for the ascribed reasons.

NOTE: deletions are indicated by struck-through red text, additions are indicated by blue text and explanations are indicated in bold, italic, underlined text.

Date

Nancy Bailey, for the Planning Commission

APPENDIX A

AN ORDINANCE TO AMEND AND REENACT SECTIONS 38-1, 38-7, 38-9, 58-98, 58-101, 58-102, 58-103, 58-136, 58-137, 58-138, 58-139, 58-140, 58-141, 58-142, 58-143, 58-177, 58-179, 58-182, 58-219, 58-260, 58-263, 58-303, 58-425, 58-506, 58-508, 58-701 OF THE CODE OF ORDINANCES OF THE TOWN OF HAYMARKET VIRGINIA.

Sec. 38-1. Definitions.

Subdivide means to divide in any fashion or partition any a-parcel of land. ~~into three or more lots or parcels of less than five acres each~~ for the purpose of ~~transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The word "subdivide" and any of its derivatives shall have reference to the term "subdivider" as defined in this section.~~ A plat of each such division shall be submitted for approval in accordance with Section 15.2-2258 of The Code of Virginia, as amended.

The intent of this amendment is to simplify the definition of "Subdivide".

Sec. 38-7. Improvements.

(b) Streets.

(1) Design; construction. All streets, ~~except for streets in small lot single family detached subdivisions whose streets shall be designated to the standards of single family attached dwellings, in the proposed subdivision~~ shall be designed and constructed in accordance with the standards set by the state department of transportation for acceptance into the state secondary road system, and at no cost to the locality.

(8) Private streets ~~and reservation strips.~~

a. No private street shall be permitted in a platted subdivision for detached single-family ~~dwelling units~~ ~~dwellings except for small single family detached units.~~ All other subdivided property shall be served by a publicly dedicated street or have access to a public street by a common drive, parking bay, or accessway serving not more than 40 dwelling units.

The intent of these amendments is to ensure that all streets are designed and constructed in accordance with the standards set by the state department of transportation for acceptance into the state secondary road system.

Sec. 38-9. Lots.

(d) Location. Each lot, except those occupied by attached single-family dwelling units ~~and small lot single family detached units,~~ shall abut on an existing or proposed public street. If the existing streets are not 50 feet in width, the subdivider shall make provisions, in the deeds to the lots, that all buildings be constructed so as to permit the widening by dedication of such roads or streets to a width of 50 feet or more as shown on the comprehensive plan.

The intent of this amendment is to ensure that all lots abut on an existing or proposed public street and to eliminate text that appears to allow private or substandard roads.

~~Article IV. Residential Multifamily District R-3~~

~~Sec. 58-136. Intent.~~

~~Sec. 58-137. Use regulations.~~

~~Sec. 58-138. Special uses.~~

~~Sec. 58-139. Area regulations.~~

~~Sec. 58-140. Frontage regulations.~~
~~Sec. 58-141. Yard regulations.~~
~~Sec. 58-142. Height regulation.~~
~~Sec. 58-143. General regulations.~~
~~Secs. 58-144-58-175. Reserved.~~

The intent of this amendment is to eliminate an unused zoning classification and provide for those uses envisioned as a result of the charette.

ARTICLE I. IN GENERAL
Sec. 58-1. Definitions.

ARTICLE III. RESIDENTIAL DISTRICT R-2

Sec. 58-98. Special uses.

The following uses shall be permitted in the R-2 district with a special use permit:

- (1) Estate/liquidation auction sale.
- (2) Outdoor craft and/or antique shows/sales.
- (3) Parades.
- (4) Lodging/bed and breakfast.
- (5) Mobile office/classroom shall only be permitted with a special use license with the following restrictions:
 - a. For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter;
 - b. For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.
- (6) Shared access driveways.

The intent of this amendment is to address concerns regarding the impact of shared access driveways on the quality of life.

Sec. 58-101. Yard Regulations

- (c.) *Rear.* Each lot intended for a permitted use, except a townhouse and a small lot detached single-family dwelling, shall provide a minimum rear yard not less than 25 feet in depth measured from the rear building line to the rear property line. Each townhouse and a small lot detached single-family dwelling shall have a rear yard of 20 feet ~~or more in which an open deck may encroach an additional ten feet towards the property line.~~ Accessory buildings 80 square feet or less may be located to within five feet of the rear property line.

The intent of this amendment is to standardize the deck requirements and eliminate a standard that conflicts with Sec. 58-15

Sec. 58-102. Height regulations.

For a main building in the R-2 district, the maximum height shall be 2 1/2 stories, but not over 35 feet; except that a building height may be extended to three stories or a maximum of 40 feet if each side yard is increased one-half foot for each additional foot of building height. ~~For lots containing garage townhouses or small lot single-family homes, the maximum height shall be three stories but not over 40 feet.~~ Accessory buildings shall be limited to a maximum height of ~~eight~~ fifteen feet within a required yard area.

The intent of this amendment is make the requirement in the R-2 the equivalent of the R-1.

Sec. 58-103. General regulations.

(d) When a private parking bay/accessway is used, the minimum width of unobstructed travel way shall be 22 feet; and no private parking bay/accessway and associated travel ways shall exceed 600 feet in length from its midpoint to a point where it intersects with a public street. All such parking areas must connect from their private streets with an approved dedicated public street designed and constructed in accordance with the state department of transportation standards.

The intent of this amendment is to provide for the safety of the residents of the town.

ARTICLE IV. RESIDENTIAL MULTIFAMILY DISTRICT R-3

Sec. 58-136. Intent.

The residential multifamily district R-3 is intended for use within those areas of the town where sufficient utilities, roads and services are planned to support the increased demand by the increased density. This article is designed to offer those amenities necessary for the occupants of the structures to live in a healthy environment without fear of encroachment of dissimilar uses.

(Code 1989, § 12-86)

Sec. 58-137. Use regulations.

In residential multifamily district R-3, structures to be erected or land to be used shall be for one or more of the following uses:

- (1) — Multifamily structures.
- (2) — Community recreation facilities such as swimming pools, playgrounds and tennis courts.
- (3) — Off-street parking areas.
- (4) — Public utility facilities.
- (5) — Private garages.
- (6) — Congregate/continuing care facility.
- (7) — Light fixtures shall be no higher than 16 feet. All lighting fixtures shall be approved by the architectural review board.

(Code 1989, § 12-87; Ord. of 7-6-1998, § 1(12-87); Ord. of 26-2001(4), § 12-87)

Sec. 58-138. Special uses.

The following uses shall be permitted in the R-3 district with a special use permit:

- (1) — Estate/liquidation auction sale.
- (2) — Outdoor craft and/or antique shows/sales.
- (3) — Parades.
- (4) — Mobile office/classroom shall only be permitted with a special use license with the following restrictions:
 - a. — For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter;
 - b. — For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.

(Ord. of 1-4-1993; Ord. of 11-26-2001(4), § 12-87.1)

Sec. 58-139. Area regulations.

(a) — Each multifamily structure in the R-3 district erected in the town after the effective date of the zoning ordinance of September 19, 1983, shall be located on a lot containing a minimum of 2,000 square feet per dwelling unit served by public water and sewer, with a maximum density of 12 units per acre.

(b) — Not more than 40 percent of the gross area of a lot may be covered by buildings, including accessory structures and parking areas. In computing the total coverage on any lot, an area of 400 square feet for off-street parking shall be included as a part of such coverage unless private garage facilities are otherwise provided.

(Code 1989, § 12-88)

Sec. 58-140. Frontage regulations.

All lots supporting multifamily structures in the R-3 district must have a minimum lot width on a public street of 100 feet, with access to such public street via a paved travel way not less than 25 feet in width.

(Code 1989, § 12-89)

Sec. 58-141. Yard regulations.

~~(a) — Front. No building in the R-3 district shall be located closer than 35 feet to a public street, and no parking area may be located closer than ten feet to a public street.~~

~~(b) — Side. No building, accessory structure or parking area shall be located closer than 25 feet to either side lot line.~~

~~(c) — Rear. Each lot shall have a minimum rear yard of at least 30 feet in depth.~~

~~(Code 1989, § 12-90)~~

~~Sec. 58-142. Height regulation.~~

~~No multifamily structure in the R-3 district shall exceed 35 feet in height or three stories when designed with half or more of the ground floor below grade.~~

~~(Code 1989, § 12-91)~~

~~Sec. 58-143. General regulations.~~

~~(a) — Every lot designed to support a multifamily structure in the R-3 district shall provide an active recreation area of not less than 2,000 square feet or a minimum of 50 square feet per unit, whichever is greater.~~

~~(b) — All exterior dumpster facilities shall be enclosed on all sides with a six-foot screened enclosure with appropriate access for pickup and a side-opening personal door for the convenience of the residents of the multifamily structure.~~

~~(c) — All multifamily structures shall have a roof with no less than a three-twelve pitch and architectural features that blend with the character of adjoining structures.~~

~~(d) — A site plan prepared in accordance with article XIII of this chapter shall be submitted and approved for any proposed new structures or for any interior or exterior alterations or improvements to an existing structure that would alter the physical size of the structure or changes the uses within the structure, i.e., retail to restaurant.~~

~~(Code 1989, § 12-92; Ord. of 3-19-1990; Res. of 4-2-1990; Res. of 6-4-1990)~~

~~Sees. 58-144-58-175. Reserved.~~

The intent of this amendment is to eliminate an unused zoning classification and provide for those uses envisioned as a result of the charette.

ARTICLE V. TOWN CENTER DISTRICT B-1*

Sec. 58-177. Use regulations.

A building or land in the B-1 district shall be used exclusively for one or more of the following uses:

(1) Apartments as ancillary uses on the second floor of structures designed for other commercial uses; not more than ~~50~~ 40 percent of the gross floor area of any ~~two-story structure, or 66 percent of any three-story structure~~ may be devoted to apartment use.

The intent of these amendments is to permit the Town of Haymarket to exercise greater control in planning for land use within its jurisdiction and foster a historic and small town atmosphere.

Sec. 58-179. Requirements for permitted uses.

(a) Before a building permit shall be issued or construction commenced on any permitted use in the B-1 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 for up to ~~30~~ 60 days. The planning commission shall refer these plans and its recommendations to the town council for consideration at its next regularly scheduled meeting. Modification of the plans may be required by the planning commission and/or the town council.

(d) The council shall act on any application received from the planning commission within ~~30~~ 60 days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a 30-day period. Failure on the part of the council to act on the application within the established time limit shall be deemed to constitute approval of the application.

The intent of these amendments is to permit the Town of Haymarket adequate review time to fully analyze land use applications.