



TOWN OF HAYMARKET PLANNING COMMISSION
PUBLIC HEARING/REGULAR MEETING
~ AGENDA ~

Emily Lockhart, Town Planner
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Thursday, July 25, 2019

7:00 PM

Council Chambers

I. Call to Order

II. Pledge of Allegiance

III. Minutes Approval

IV. Citizen's Time

**V. Public Hearing SUP#2019-001 AMENDED Williams Holdings. 6604 & 6608
Jefferson Street**

**VI. Public Hearing ZTA#2019-001 Zoning Text Amendment B-1 Height
Regulations**

VII. Agenda Items

1. SUP#2019-001, AMENDED, Williams Holdings, 6604 & 6608 Jefferson Street
2. ZTA#2019-001 Zoning Text Amendment B-1 Height Regulations

VIII. New Business

1. RV/Camper/Other Recreational Vehicle Ordinance

IX. Old Business

X. Architecture Review Board Update

XI. Town Council Update

XII. Adjournment



Emily K. Lockhart
Town Planner and Zoning Administrator

MEMORANDUM

TO: Planning Commission

FROM: Emily K. Lockhart

DATE: June 3, 2019

SUBJECT: **AMENDED** SUP#2019-001 – 6604 Jefferson Street and 6608 Jefferson Street, Williams Holdings, Mixed-Use Development

Application Summary:

Applicant, Williams Holdings, has resubmitted the attached Special Use Permit application with the following revisions to the previous application.

Snapshot of Previous Plan:

- Prior plan was a 44,000-sf building
- Requested a special use permit for the residential condos above the commercial retail uses
- Requested variances for the following;
 - Parking reduction requirements from ordinance standards
 - Shared parking model
 - Overflow at adjacent or nearby public lots less than 100 feet away
- Requested setback requirements on the side and rear be reduced to commercial standards

Snapshot of Revised Plan:

- Revised drawing reduces the size of the building to 29,029-sf
- Request for a special use permit for residential townhomes/condos above the commercial retail uses
- No parking variances required
- Request reduction to setback of the south property line (side that abuts the residential zone) for a driveway to the residential properties

The applicant's intent is to meet growing housing needs for adult populations while providing pedestrian friendly retail spaces that encourage access by foot.

The applicant has provided a Development Narrative, updated Proposed Concept Plan and additional documents to support the mixed-use development.

The Zoning Ordinance requires the following standards are considered and met prior to approval.

- (1) *The proposed use at the stipulated location shall be in accordance with the official policies of an adopted comprehensive plan, and with any specific element of such plan.*
- (2) *The proposed use shall be in accordance with the general purpose and intent of the applicable zoning district requirements.*
- (3) *The proposed use shall not adversely affect the use or values of surrounding properties and structures.*
- (4) *The proposed use shall not adversely affect the health, safety or general welfare of persons residing or working in the neighborhood.*
- (5) *Pedestrian and vehicular traffic generated by the proposed use shall not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*
- (6) *Utility, drainage, parking, loading and other necessary facilities provided to serve the proposed use shall be adequate.*

In addition, Article XIX, Use & Design Standards (Sec 58 -19.2.)

h) Additional standards for the B1 district.

- (1) *Any new buildings shall be street-oriented with pedestrian entrances from the street, and compatible with the surrounding development.*
- (2) *Maximum lot coverage: Forty-five percent including building and all paved areas.*

(t) Retail. The following general standards shall apply to all retail uses:

- (1) *No outdoor display of goods shall be permitted.*

Comprehensive Plan Excerpts

Historical Walking Central Portion of Town

This portion of Haymarket houses the old Town Hall, now the Haymarket museum, and the historic old post office. Development here should be carefully considered and should reflect the architecture that lines Washington Street and defines historic Haymarket. Architectural styles and building sizes should include Colonial, Federalist, and Folk Victorian with Greek revival and Italianate architectural details. Visual interest should be encouraged through the use of height variations ranging from one to three stories. Retail and professional buildings should be arranged in a “walk-around” manner, with parking off-site. In essence, development in this area should create a town center with a historical feel in which residents and visitors can walk, shop, eat, conduct business and relax. Restoration of the old post office will be required as part of any development plan. Consideration must be made to the utility of maintaining town hall in this portion of town or moving it to another location. From this point in town, all other structures should begin to look “newer”.

Town Planner Analysis of Impacts

- (1) *The proposed use at the stipulated location shall be in accordance with the official policies of an adopted comprehensive plan, and with any specific element of such plan.*

Response: The Comprehensive Plan provides the following statement for the purpose and the intent of the Neighborhood Town Center as proposed in the 2008 Comprehensive Plan:

Neighborhood/Town Center – Development of a center within the Town is proposed to provide a convenient focus for community activities and services such as neighborhood stores, offices and restaurants. A cluster of dwellings, stores, and local institutions has grown at the intersection of Washington Street and Jefferson Street as a result of convenient location, traffic flow, and nearby residential development. In addition, some portions of Washington Street west from the intersection of Washington Street and Hunting Path are proposed as Neighborhood/Town Center commercial areas with a visual connection of brick sidewalks and period street furniture.

Features of community development needed to strengthen Haymarket’s Town Center include:

- 1. Provisions for expansion of retail stores and offices serving Town residents in a manner consistent with an appropriate village character for the Center;*
- 2. Provision of additional off-street parking and loading facilities to serve commercial development, including a public parking lot to limit parking needs at individual sites;*
- 3. Preservation of architecturally significant structures including older residential and commercial structures as well as the Old Town Hall and Old Post Office buildings;*
- 4. Beautification activities including additional landscaping, new street furniture (lights, benches, trashcans) and brick sidewalks;*
- 5. The elimination of distracting signs;*
- 6. Repair and improve maintenance of sidewalks serving the residents adjacent to the Town Center;*
- 7. The construction of new structures that are carefully integrated with older, existing buildings and do not overpower the existing Streetscape or pose a threat to the center’s character.*

With the above intent in mind, it is the Town Planner’s understanding that the proposed mixed-use development will provide an expansion of retail services to the Town, offer off-street parking to service the development, architectural features to celebrate the Town’s history, and a walkable destination for current and future residents.

- (2) *The proposed use shall be in accordance with the general purpose and intent of the applicable zoning district requirements.*

Response: The Zoning Ordinance provides the following statement for the purpose and the intent of the Town Center Business District;

ARTICLE X. - TOWN CENTER DISTRICT B-1

Sec. 58-10.1. - Intent.

The Town Center District, B-1, provides primarily for retail shopping and personal services to be developed either as a unit or in individual parcels oriented to attracting pedestrian shoppers, tourism and local convenience. Recognizing the economic value of the existing historical area, it shall further be the intent of the district to encourage the retention and rehabilitation of structures and uses in the district that have historic and/or architectural significance. The range, size, hours of operation, lighting, signs and other developmental aspects of permitted uses may be limited in order to enhance the general character and historic nature of the district.

It is the Town Planner's understanding that the proposed mixed-use development will be in accordance with the general purpose and intent of the B-1 zoning district by providing additional retail shops and services to the Town residents which will also act as attractive pedestrian destinations. The residential portion of the project will provide an opportunity to blend the Town Center district with the surrounding residential district to create a less intrusive blending of the districts.

The applicant has amended the Special Use Permit Application to request 7 residential townhome style units above the commercial retail in response to the public comments at the previous public hearing. The applicant has addressed a significant concern of staff and the Commission by decreasing the number of residential units proposed.

(3) The proposed use shall not adversely affect the use or values of surrounding properties and structures.

The proposed use fronts Jefferson Street with a commercial business located at 6590 Jefferson Street and a residential use at 6610 Jefferson Street. Across Jefferson Street are several commercial properties with a variety of retail businesses, professional offices and small restaurants. The parcels abutting the property on the rear are three residential lots, currently under development.

The proposed mixed-use structure will comprise of 7 townhouse structures above the first-floor retail uses. The structure's elevations will be visually appealing on all sides and conform to all Architectural Review Board requirements and guidelines.

There is no indication the proposed-mixed-use structure will decrease the values of the surrounding properties, however for the most accurate information an additional study on the economic value would need to be performed. There is an indication that the residential property located at 6610 Jefferson Street could be affected by the development's traffic flow and commercial uses during the pm hours. However, the proposed commercial development is a by-right use.

(4) The proposed use shall not adversely affect the health, safety or general welfare of persons residing or working in the neighborhood.

There is no indication of any adverse effects on the health, safety, or general welfare of the persons residing or working in the neighborhood based on the SUP Package submitted for the mixed-use structure.

(5) Pedestrian and vehicular traffic generated by the proposed use shall not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

The proposed mixed-use development will provide off-street parking for the retail spaces and the residential units. The applicant is no longer requesting a parking waiver for the on-site parking requirements as the amended application meets the zoning requirements for parking. The townhouse units require 2.25 spaces per dwelling unit (inclusive of .25 spaces for guests, with the proposed 7 units the applicant would be required to provide 2 visitor spaces) (Sec 58-6.1) and the retail space requirements vary based of the use type from 1 space per 300 GFA (Office/Low Intensity) to 1 space per 100 GFA (restaurant use). Pedestrian traffic will have access to the property via the sidewalk improvement project along Jefferson Street.

The vehicular traffic along Jefferson Street will be impacted with the new entry/exit and added vehicular trips. Proper traffic studies and impact analysis shall be prepared along with projected vehicle trips per day. Since Jefferson Street is a high-volume route, it will be pertinent to not impede traffic, rather the improvements shall enhance the movement and flow through the site and intersections.

(6) Utility, drainage, parking, loading and other necessary facilities provided to serve the proposed use shall be adequate.

Utilities, drainage, loading zones and other necessary facilities will be addressed at the site plan phase. The parking shall be addressed by the Planning Commission during the SUP process, as the parking currently proposed may not adequately suffice. It is recommended that the applicant provide a shared parking agreement as a means of justification for the waiver and as a point of discussion for the Planning Commission.

Planner Recommendation:

The applicant has significantly modified the proposed plan to address the Planner's concerns, Planning Commission comments and the public's concerns. As the plan is currently presented, with 7 residential structures and first floor retail, the planner is in support of the project.

Specific areas of concern from the previous plan included; the building mass, the lack of green space, the amount of impervious surfaces, the quantity of residential units, traffic flow and parking deficiencies. The applicant has worked to amend the proposed building to better address each area of concern. The Town Planner has one outstanding concern regarding the flow of the traffic along the site, however, this concern can be addressed through VDOT review and Town review of the official site plan. As proposed the Town Planner recommends approval of the plan.

In general, the Town Planner is in support of the project as it will enhance the Town Center and provide a blended mixed-use development to our Town Core.

The Town Planner recommends the Planning Commission hear new public comments, ensure comments are adequately addressed and recommend approval to the Town Council.

Draft Motion:

“I move the Planning Commission recommend approval to Town Council for the 7 residential townhome units above commercial retail at 6604 and 6608 Jefferson Street, with the condition that the applicant follow the proposed concept plan submitted in the application materials.”

A downtown live/work/stroll project

Williams Holdings



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

OUR VISION

- A visionary project to bring strolling traffic to the downtown of Haymarket and improve the quality of life for those who would like to live downtown and enjoy an easy walk to restaurants and shopping.
- Seek to build 7 townhomes with 8 commercial spaces on the ground floor in the front on property currently zoned B1.
- The project will bring additional revenue streams to downtown Haymarket and interest to invest in future downtown live/work projects

Property Demographics

100.76 + 98.78 = 199.54 7.1.b



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

6604 & 6608 Jefferson Street Property Photo next to Neighbor 6610 Jefferson Street



Neighbor
House

Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

6604 & 6608 Jefferson Street Property Photo next to Neighbor 6590 Jefferson Street

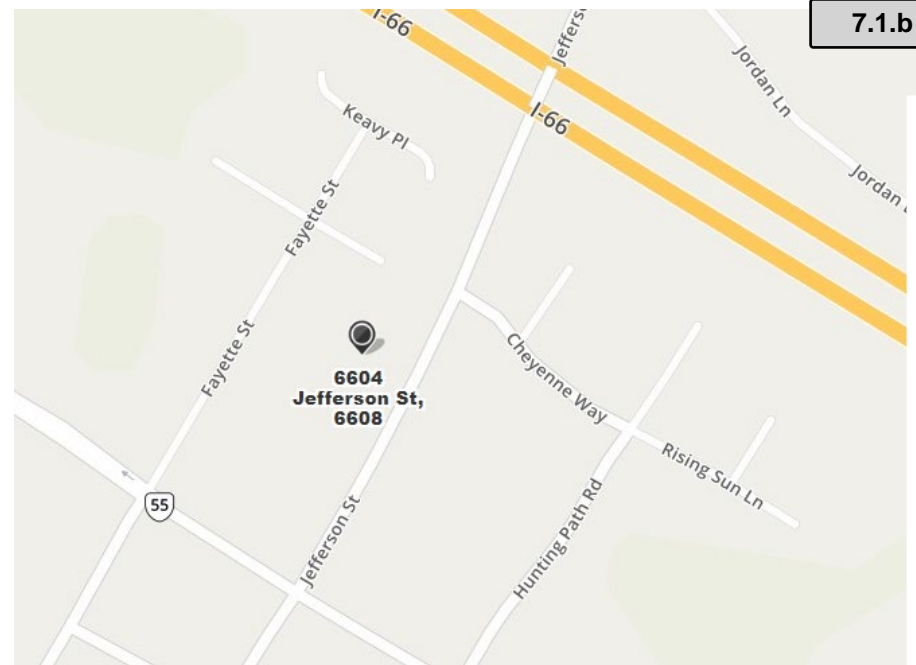


7.1.b

Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

Neighbor through trees

Request approval of the Special Use Permit



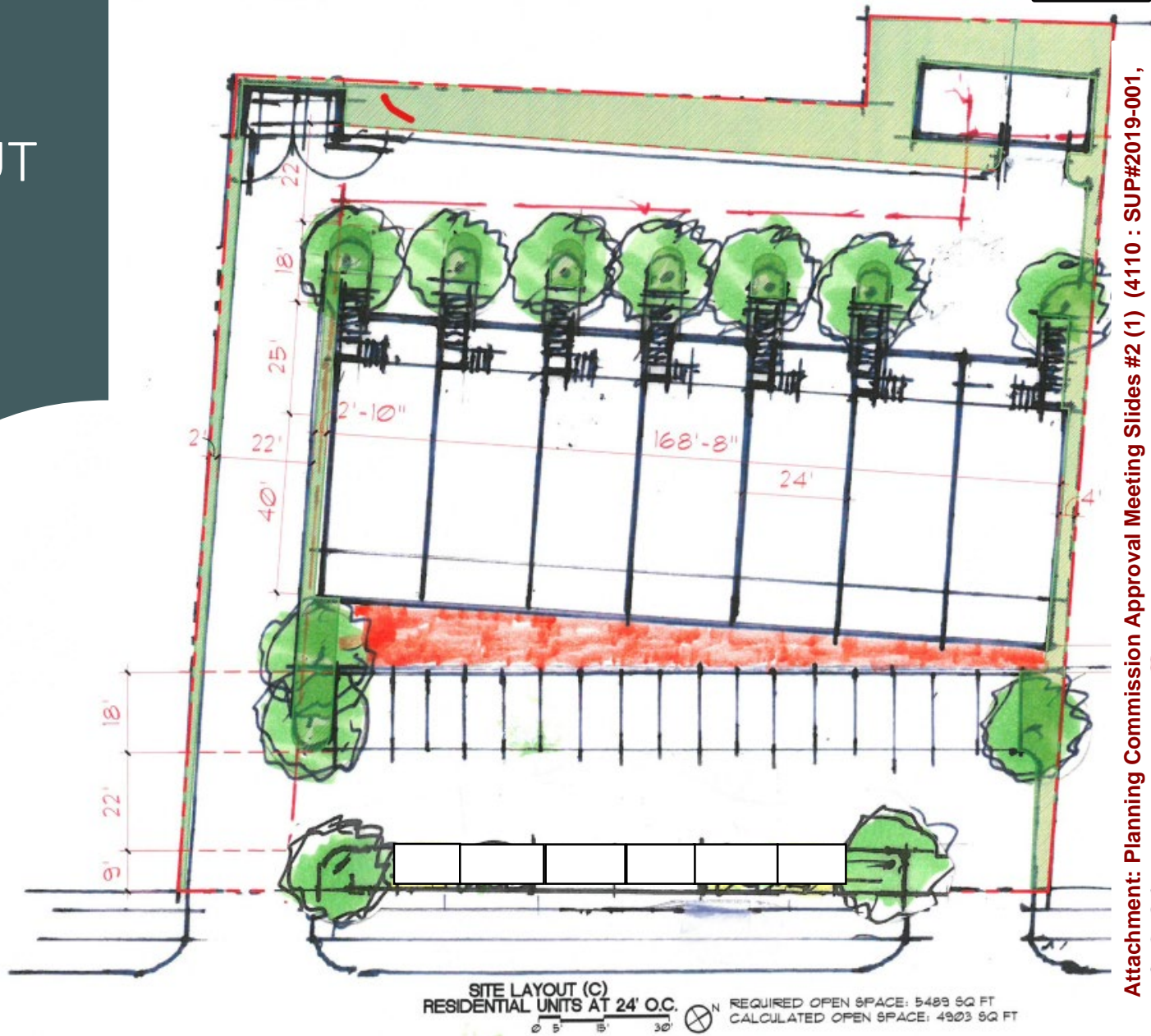
ACQUISITION OF JEFFERSON PROPERTY

The Jefferson Property consists of an assemblage of land totaling approximately 199.54 acres on Jefferson St. This project is located in the town of Haymarket.

Special Use Permit Request

- Revised drawing reduces our original building proposed size of the building by almost half to approximately 29,000 sf
- Request for Special Use Permit stands for Mixed Use of retail and residential
- No Parking variances required
- Request reduction to setback for driveway to residences allowed to traverse over the 25' side setback.

SITE LAYOUT



SITE LAYOUT (C)
 RESIDENTIAL UNITS AT 24' O.C.  REQUIRED OPEN SPACE: 5489 SQ FT
 CALCULATED OPEN SPACE: 4903 SQ FT

Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

SCOPE



- Mixed use of residential and retail
 - Each townhome will be approximately 3000-3200 sf with 2 car garages and contain an internal elevator
 - Townhomes will park 4 per unit to include driveway
 - Each commercial unit will be approximately 950-960 sf with parking in the front of the building
 - Commercial parking expected at 23 spaces
- Green space requirements met
- Expected completion: Fall 2020
- Mixture of brick and hardiboard type siding

Partner with local a builder

- We are in negotiations now with a local builder known in Haymarket to build the building structure
- 7 townhomes and one apartment unit, all with a garages and entrances in the rear to not disturb residential neighbors
- Approximately 7 commercial units in the front downstairs only with parking in the front

Timeline

Land Acquisition

June 2019

Special Use Permit Application

June 2019

Site Plan Submission

Aug 2019

Site Plan Approval

Nov 2019

Site Development/Construction

Nov 2019

Production Sales

Nov 2019

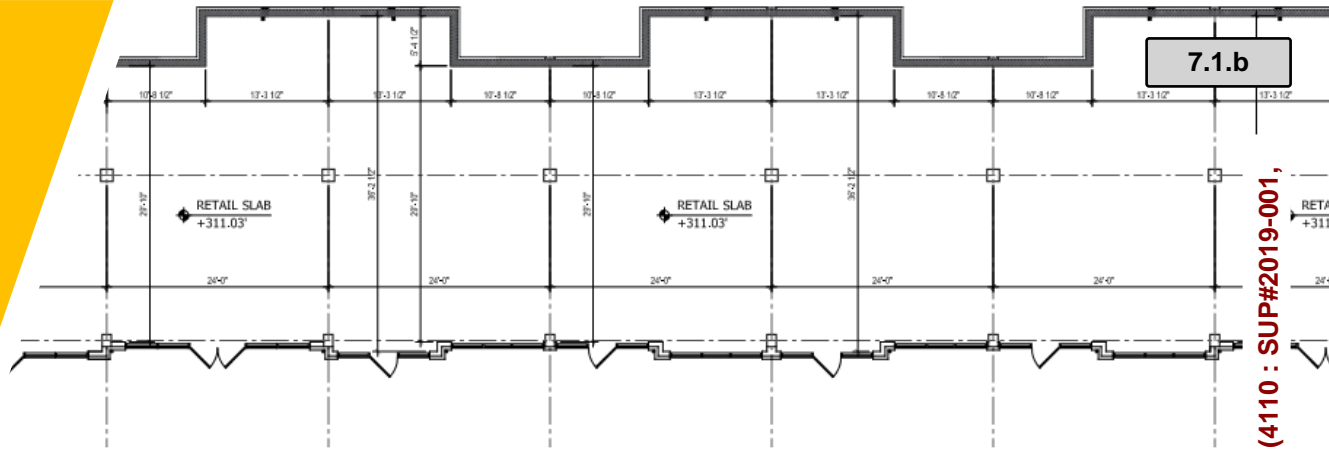
Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

Residential Entrance Concept

In rear of building



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,



Townhome Elevation Layout Concept Front with Commercial



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

Townhome Elevation Concept Front with Residential

7.1.b



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,



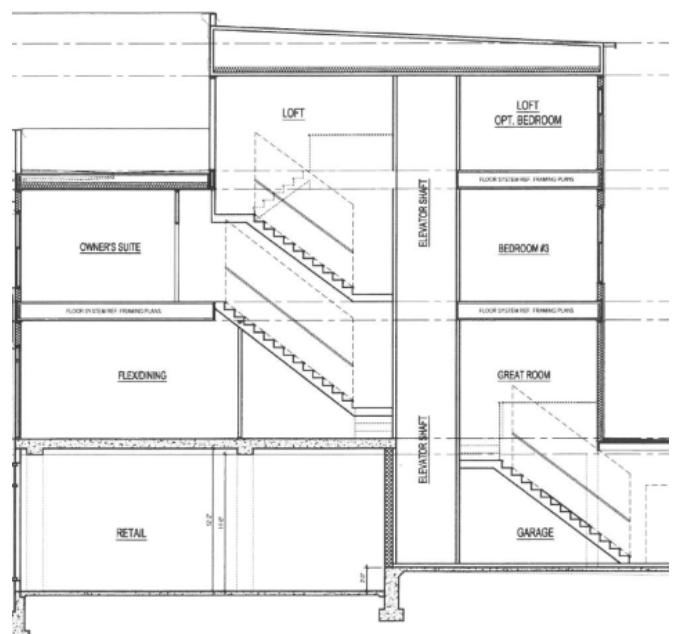
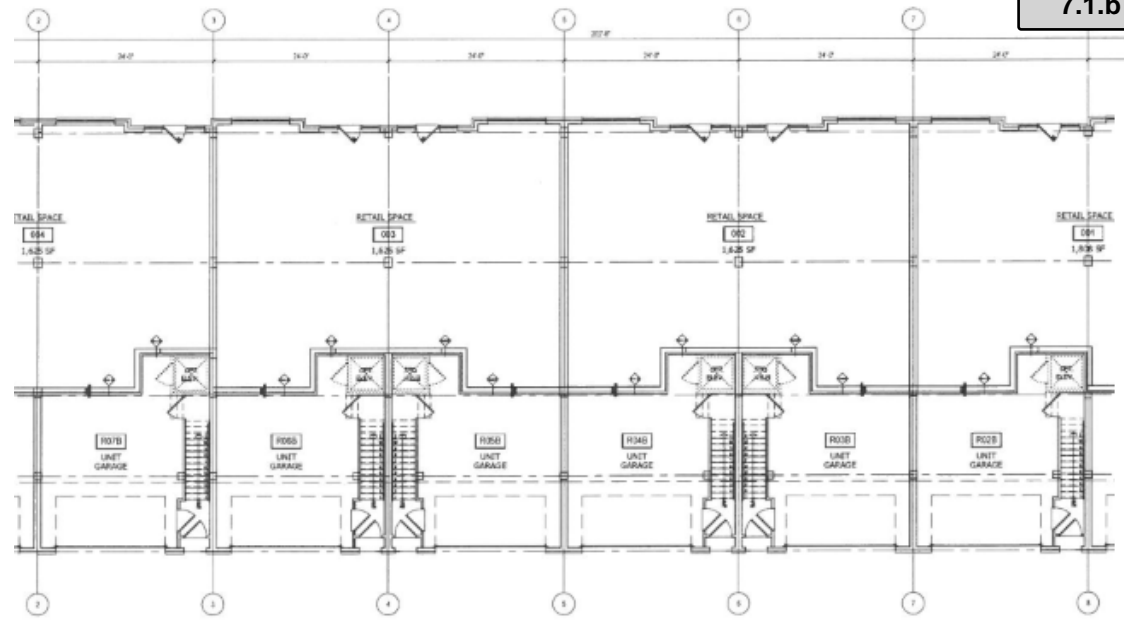
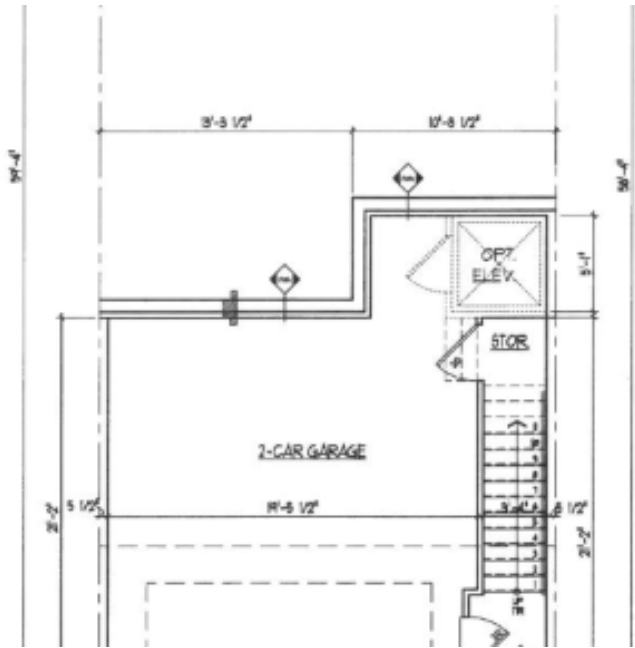
3
A-100
SCALE: 1/8" = 1'-0"
KTND03gA100, Retail A

BUILDING 'A' - LEFT SIDE ELEVATION



4
A-100
SCALE: 1/8" = 1'-0"

BUILDING 'A' - RIGHT SIDE ELEVATION



Townhome Layout Concept

Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

SAMPLE CONCEPT ELEVATION



Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

WILLIAMS HOLDINGS PRIOR PLAN AND CHANGES MADE FROM COMMUNITY COMMENTS

PREVIOUS PLAN

- Prior plan was a 44,000 sf building
- Requested Special Use Permit for a Mixed Uses of retail and residential
- Requested variances for
 - Parking reduction requirements from ordinance standard
 - Shared parking model
 - Overflow at adjacent or nearby public lots less than 100 feet away
- Requested setback requirements on the side and rear be reduced to commercial standards

REVISED PLAN

- Revised drawing reduces the size of the building by almost half to approximately 29,029 sf
- Request for Special Use Permit stands for Mixed Use of retail and residential
- No Parking variances required
- Request reduction to setback for driveway to residences allowed to traverse over the 25' side setback.

Summary of May Meeting to address community concerns

WE HEARD THE CITIZENS

Planning Commission Meeting Public Comments	Does the new concept resolve?	Resolved
Will there be a sidewalk in front of the property to walk into the town center?	Yes, the sidewalk project will not be interrupted	✓
Will the building fit on the lot? Is it too large?	The structure has been revised to townhomes over retail reducing the mass of the building	✓
Building is mixed use with residential and commercial. Town should move to do what brings the best economic growth to the town and increase tax base.	The building is zoned B-1. the commercial requirements apply to setbacks and variances with this zoning.	✓
What is the measure for shared parking? Concerns about the shared parking model.	This is no longer required. There is sufficient parking for the revised structure.	✓
Can you address the traffic congestion?	This is no longer an issue. <ul style="list-style-type: none"> • The revised structure reduces the # of residents by almost half and will not impact the traffic congestion. • The town plan to widen the lanes by adding a right turning lane at the light will move traffic more fluidly to support. • VDOT can adjust the signalization configuration to move traffic at the light. 	✓
Concern to remove the setback requirements.	Request setback usage for driveway into residential townhomes be allowed over the side 25 foot setback.	Partial

Attachment: Planning Commission Approval Meeting Slides #2 (1) (4110 : SUP#2019-001,

Other Information and Questions?

- The town has an easement settlement to repave the driveway. This improvement will still be needed. We would like to work with the town on the design that will fit with our ingress/egress designs.
- We would build the building on the front property line in accordance with the existing town guidelines
- Questions?



WILLIAMS HOLDINGS

6604 and 6608 Jefferson St.

Revisions to meet community concerns

WILLIAMS HOLDINGS PRIOR PLAN AND TODAY'S REVISIONS

PREVIOUS PLAN

- Prior plan was a 44,000 sf building
- Requested Special Use Permit for a Mixed Uses of retail and residential
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 - Parking reduction requirements from ordinance standard
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WE HEARD THE
CITIZENS

WILLIAMS HOLDINGS

WHAT WERE THE CONCERNS

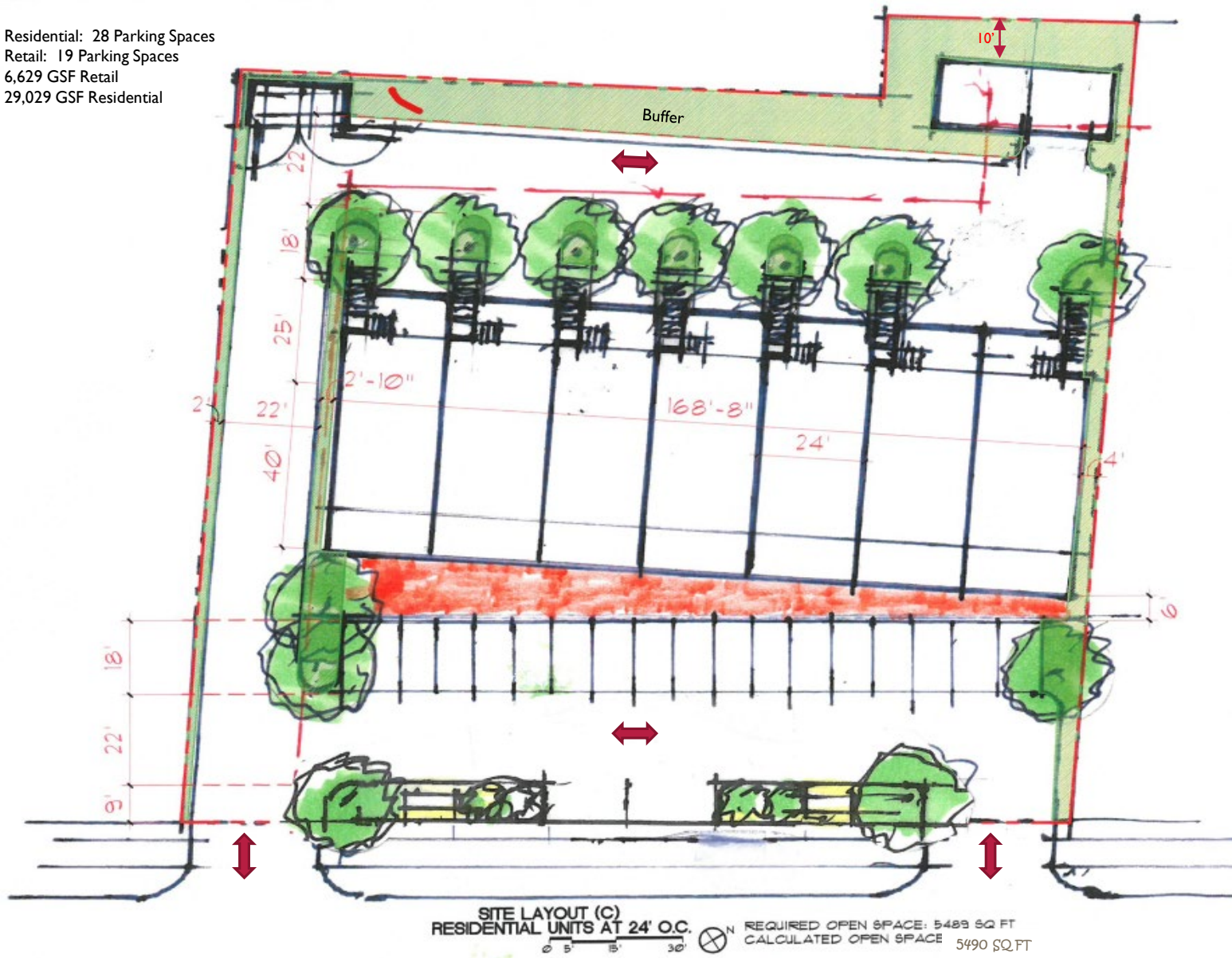
Planning Commission Meeting Public Comments	Does the new concept resolve?	Resolved
Will there be a sidewalk in front of the property to walk into the town center?	Yes, the sidewalk project will not be interrupted	✓
Will the building fit on the lot? Is it too large?	The structure has been revised to townhomes over retail reducing the mass of the building	✓
Building is mixed use with residential and commercial. Town should move to do what brings the best economic growth to the town and increase tax base.	The building is zoned B-I. the commercial requirements apply to setbacks and variances with this zoning.	✓
What is the measure for shared parking? Concerns about the shared parking model.	This is no longer required. There is sufficient parking for the revised structure.	✓
Can you address the traffic congestion?	<p>This is no longer an issue.</p> <ul style="list-style-type: none"> • The revised structure reduces the # of residents by almost half and will not impact the traffic congestion. • The town plan to widen the lanes by adding a right turning lane at the light will move traffic more fluidly to support. • VDOT can adjust the signalization configuration to move traffic at the light. 	✓
Concern to remove the setback requirements.	Request setback usage for driveway into residential townhomes be allowed over the side 25 foot setback.	Partial Packet Pg. 29

HIGH LEVEL SCOPE

- Mixed Use retail space 6,629 sf in front with townhouses and retail on the lower level in the front of the building
- Residential space 22,400 sf in rear
- Reduced to almost half the size 29,029 sf
- Maximize green space with new sidewalk project
- No parking variances needed
- Green space meets requirement with tall trees
- Expected completion: Fall 2020 or sooner
- Mixture of brick and hard board/wood like siding

SITE LAYOUT

Residential: 28 Parking Spaces
Retail: 19 Parking Spaces
6,629 GSF Retail
29,029 GSF Residential



Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,

RENDERINGS OF CONCEPTS FRONT VIEW



Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,

RENDERINGS OF CONCEPTS BIRDS EYE VIEW



Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,

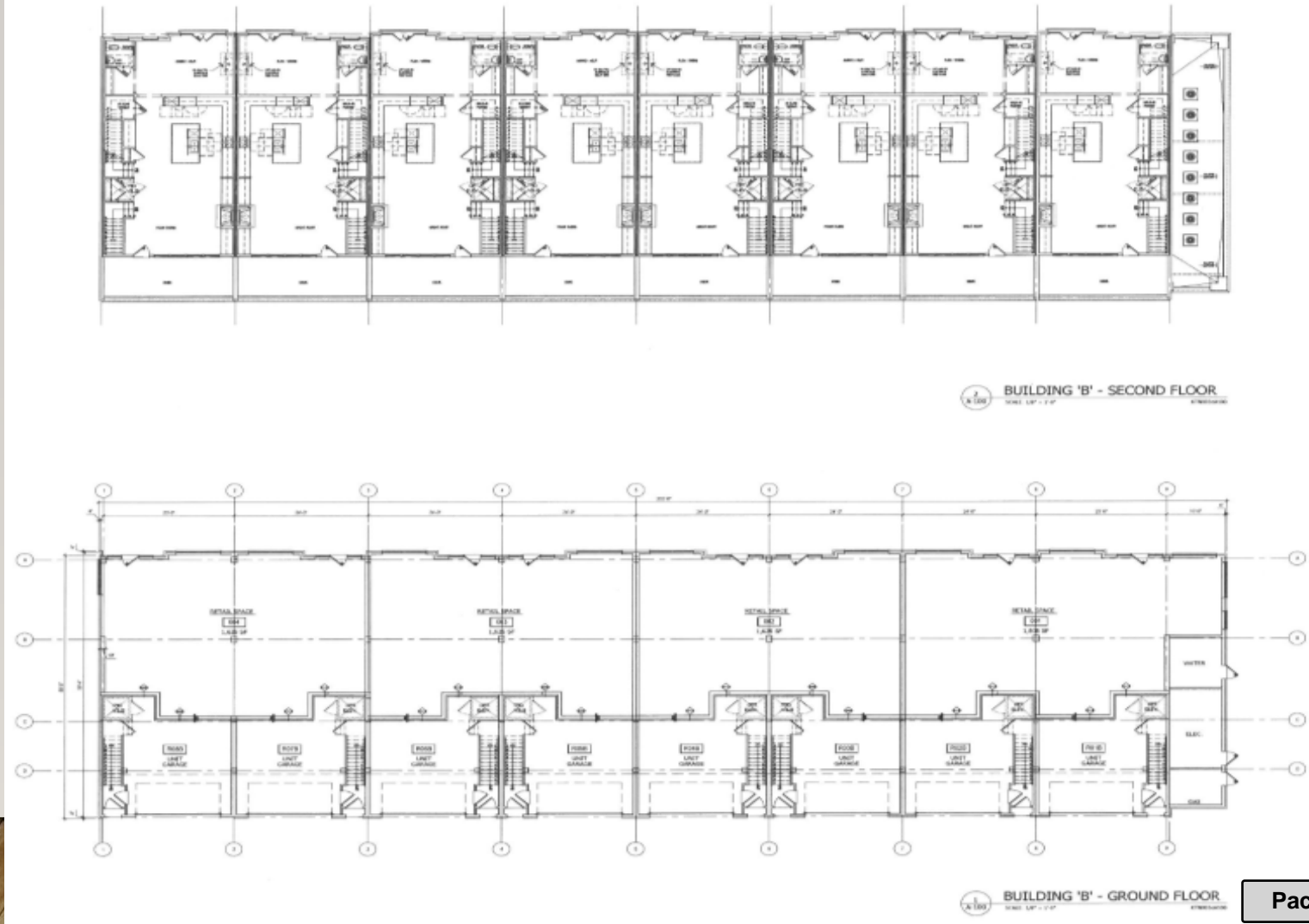
CONCEPT OF INTERIOR ELEVATION



BUILDING 'B' SECTION
SCALE: 1/4" = 1'-0"
DATE: 11/15/19

Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,

SAMPLE LAYOUT OF PROPOSED CONCEPT



Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,



PHOTOS OF FINISHED PRODUCT
CRESCENT PLACE LEESBURG

Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,

PHOTOS OF FINISHED PRODUCT RESIDENTIAL ENTRANCES AT CRESCENT PLACE IN LEESBURG



Attachment: AMENDED SUP Revision Update 5-15-2019 (002) (4110 : SUP#2019-001,

Concept of Residential Entrance

PHOTOS OF FINISHED PRODUCT REAR



Neighbors in rear will see this 50' away from the rear fence.



Town of Haymarket
15000 Washington Street, #100
Haymarket, VA 20169
703-753-2600

Emily K. Lockhart
TOWN PLANNER
ZONING ADMINISTRATOR

MEMORANDUM

TO: Planning Commission
FROM: Emily K. Lockhart, Town Planner
DATE: July 8, 2018
SUBJECT: Zoning Text Amendment, ZTA#2019-001

APPLICATION SUMMARY:

Applicant, Haymarket Hotel Venture, LLC has proposed a Zoning Text Amendment for Section 58-10.7 Height Regulations, in the Haymarket Zoning Ordinance. The proposed amendment is as follows from the applicant;

“Proposed Zoning Text Amendment Submitted by Haymarket Hotel Venture, LLC

I. Amend Section 58-10.7 Height Regulations to add the underlined wording as follows;

Permitted uses in the B-1 district may be erected up to 50 feet in height from grade: building not more than four stories above grade. For buildings over 50 feet in height, or more than four stories, approval shall be obtained as a special use. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls may be permitted per the building code above the height of the building on which the walls rest

Applicant’s Justification Statement

Haymarket Hotel Venture, LLC (the “Applicant”) requests a zoning text amendment (ZTA) to Zoning Ordinance Section 58-10.7. This provision sets forth height regulations for the Town Center B-1 District. It seems an anomaly that the counterpart height limitation provision for the Business Commercial District B-2 District (Section 58-11.7) contains a provision that allows an increase in height above fifty (50) feet by special use permit while this height regulation provision for the B-1 District does not. It is important to note that existence of such a provision would not automatically allow an increase above fifty (50) feet, but only in the legislative discretion of the Town Council upon recommendation of Staff and the Planning Commission after required public hearings.

Fairness and uniformity of commercial district Zoning Ordinance provisions justifies the ZTA for Town-wide application. But the catalyst for the request must fairly be said to be Applicant's plan for construction of a hotel on the Payne property site across from Town Hall. The size limitations of the site after necessary dedications and setbacks means that the proposed hotel must be built to six stores or approximately sixty-five (65) feet (exclusive of parapet wall) in order to achieve the 126 rooms necessary to meet demand. There currently is no mechanism in the B-1 District for the Applicant even to request an increase in height above fifty (50) feet. The ZTA would provide the Applicant such a mechanism through the legislative special use application procedure, including advertised public hearings before the Planning Commission and Town Council. Again, approval of this ZTA would not grant a height increase but only enable a landowner like the Applicant to request one.

STAFF RECOMMENDATION:

Staff supports the proposed **zoning text amendment** for the addition of the provision to allow applicants in the B-1 to apply for a Special Use Permit to allow for a structure greater than the currently permitted 50-foot height. This provision will give the applicant the opportunity to apply for the request and discuss the plans and concepts with the Commission and Council through the Special Use Process. The Zoning Text Amendment is not a guarantee that the structure in excess of 50 feet will be approved, rather it is a tool to allow the applicants to apply and start the dialogue. If approved this provision will be affective for the B-1 zoning district and will allow all B-1 property owners, the opportunity to submit a Special Use Permit.

This definition will provide clarification and general updates to the Town's Zoning Ordinance. Staff's support of the Zoning Text Amendment does not mean an endorsement of any future Special Use Permits for a structure in excess of 50 feet on any property located within the Town of Haymarket. Support of the Zoning Text Amendment is strictly for the purposes of clarifying the Town's Ordinance and providing tools for property owners that are in keeping with surrounding jurisdictions. Additional conditions or performance standards can be applied to the ZTA or a SUP at the time of its review. Appropriate performance standards or conditions would be in regard to setbacks, screening, architectural height variations, landscaping, etc.

DRAFT Motions:

"I move the Planning Commission recommend approval to the Town Council to approve ZTA#2019-001 to add the following provision to Sec 58 - 10.7 to the Town Code; For buildings over 50 feet in height, or more than four stories, approval shall be obtained as a special use"

OR

“I move the Planning Commission recommend denial to the Town Council to deny ZTA#2019-001 to add the following provision to Sec 58 - 10.7 to the Town Code; For buildings over 50 feet in height, or more than four stories, approval shall be obtained as a special use”

RECEIVED JUN 14 2019
E-MAILED JUN 14 2019

7.2.b

HAYMARKET HOTEL VENTURE, LLC
820 Shades Creek Parkway, Suite 2300
Birmingham, AL 35209

Emily Lockhart, A.I.C.P.
Town Planner/Zoning Administrator
P.O. Box 1230
Haymarket, VA 20468

June 12, 2019

Re: Letter of Authorization for Gifford R. Hampshire and Blankingship & Keith, P.C.
to Submit Applications for Amendment of Zoning Map Amendment and Special
Use Permit on Behalf of Haymarket Hotel Venture, LLC.

Dear Ms. Lockhart:

This is to confirm that Gifford R. Hampshire and the firm of Blankingship & Keith, PC
are authorized to submit zoning text amendment and special use permit applications on behalf of
Haymarket Hotel Venture, LLC.

Thank you for your attention to this matter.

Sincerely,

Haymarket Hotel Venture, LLC

By: Haymarket Hotel Venture, LLC, an Alabama Limited Liability Company, and its
Manager

By: 

Printed Name: William B. Murray

Its Manager

Attachment: Haymarket Hotel Venture Zoning Text Amendment Application (4111 : ZTA#2019-001 Zoning Text Amendment B-1 Height

Check Appropriate Item(s):
& Amendment to Zoning Map

- Zoning Text Amendment
- Special Use
- Variance
- Appeal of Administrative Decision

Office Use Only:
Date Received:
Application Number:
Fees:

Part 1 – to be completed by ALL applicants

1-A Identification of Property - For zoning text amendments, this is the property in which the applicant has an interest, which will be affected by the text change. For all other applications, it is the land, which is covered by the application.

- 1) Number and Street: 6707 Fayette Street; 15010 Payne Lane; 6706 Jefferson Street; 15001 Washington Street; 15011 Washington Street
- 2) Present Zoning: B-1 3) Acres: 2.31
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

1-B Property - (Omit for zoning text amendments) **N/A**

- 1) The deed restrictions, covenants, trust indentures, etc. on said property are as follows (or copy attached); if NONE, so state: _____
- 2) a) Has this property or any part thereof ever been considered for Variance, Special Use, Appeal of Administrative Decision or Amendment to the Zoning District Map before?
 - YES NO
 - b) date: _____ c) Former Application No. _____
 - d) What was the disposition of the case? _____
 - e) Former Applicant Name: Former Address: _____
Former Phone: _____

1-C Identification of Applicant- All applicants must have standing (an interest in property that will be directly affected by requested action)

- 1) Applicant Information:
 - Name: Haymarket Hotel Venture, LLC
 - Address: 820 Shades Creek Parkway, Birmingham, AL 35209
 - Phone Number: (720) 252-8033
- 2) Agent Information (if any):
 - Name: Gifford R. Hampshire, Esq., Blankingship & Keith, P.C.
 - Address: 4020 University Drive, Suite 300, Fairfax, VA 22030
 - Phone Number: (703) 691-1235
- 3) Owners of all property included in this application (omit for zoning text change):
 - Name: Payne Development, LLC
 - Address: 7034 Fisher Island Drive, Miami Beach FL 33109
 - Phone Number: (202) 443-7882
 - Name: _____
 - Address: _____
 - Phone Number: _____

Attachment: Haymarket Hotel Venture Zoning Text Amendment Application (4111 : ZTA#2019-001 Zoning Text Amendment B-1 Height

- 4) If applicant is a Land Trust or Partnership or if the subject property is owned or controlled by a Land Trust or Partnership, List name and interest of ALL Land Trust Beneficiaries or Partners and attach evidence that the person submitting the application on behalf of the Land Trust or Partnership is authorized to do so.

Trustee/Partner Name: _____
 Address: _____
 Phone Number: _____

Beneficiary/Partner Name: _____
 Address: _____
 Phone Number: _____ Interest: _____

Beneficiary/Partner Name: _____
 Address: _____
 Phone Number: _____ Interest: _____

- 5) Does the applicant have a proprietary interest in the land or land improvements? YES NO
 (In the case of a zoning text amendment, this means at least one parcel of land is subject to the text change).
 If YES, state interest and attach documentation: Contract Purchaser (Contract is proprietary information and will not be provided).
 If NO, state what interest otherwise qualifies the applicant to apply:

- 6) Names of the owners of improvement(s) on the property in this application if different from above: (Omit for zoning text amendment)

Name: _____
 Address: _____
 Phone Number: _____

Name: _____
 Address: _____
 Phone Number: _____

- 7) If the applicant is a corporation, attach the evidence that the person submitting the application on behalf of the corporation is authorized to do so.

See Authorization letter dated: June 12, 2019

Part 2 — Complete ONLY portion(s) of Pages 3, 4 & 5 pertaining to your case. (as checked at top of Page 1)

2-A Rezoning - (Amendment to the zoning district map) - Applications for Amendments to the Zoning District Map are heard by the Planning Commission which makes a positive or negative recommendation to the Town Council. Only the Town Council has authority to grant or deny amendments to the Zoning District Map.

- a) Existing Zoning: _____ b) Proposed Zoning: _____
- c) Existing Use: _____
- d) Proposed Use: _____

- 1) a) The following are submitted with this application:
 Preliminary Site Plan Rendering or Perspective Other
- b) Are there any land use intensity (LUI) requirements? YES NO
- c) Attach brief justifying this request. This brief should include an analysis of how the rezoning

application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-B Zoning Text Amendment - Applications for amendments to the zoning text are heard by the Planning Commission, which makes a recommendation to the Town Council. Only the Town Council has the authority to change the zoning text, which is done by passing an amendment to the Town Code.

- 1) What section(s) of the Town Code is proposed to be amended? 58.1-10.7
- 2) What is the nature of the proposed change? To allow for special use permit application for buildings over 50' in height
- 3) Attached the exact language suggested by the application to be added, deleted, or changed in the Town Code. See Attached.
- 4) Attach a written statement, which justifies the proposed change. The statement should also identify potential positive and negative impacts (if any) of the proposed change to the applicant's property, nearby properties, and the entire community if the application is approved or if it is denied. See attached.

2-C Special Use Request — Special Use requests are heard by the Planning Commission, which makes a positive or negative recommendation to the Town Council. Only the Town Council has the authority to grant or deny a Special Use.

- 1) Are development plans submitted with this application? (Staff member will explain.)
 Yes No
- 2) Parking Requirements:
 - a) Proposed number of parking spaces to be provided: _____
 - b) Number of parking spaces required by Town Code: _____
 - c) Attach tabulation of total land area and percentage thereof designated for various uses _
 - d) Are there any land use intensity (LUI) requirements? Yes No If yes, attach data.
- 3) Estimated cost of proposed Special Use project: a) Land: \$ _____; Improvements \$ _____
b) Estimated completion date: _____
- 4) Submit a brief justifying the reasons for this request. This brief should include an analysis of how the rezoning application is supportive or not supportive of relevant goals, objectives, policies or programs in the Comprehensive Plan. (Staff will assist.)

2-D Variance Request - Variances are granted or denied by the Zoning Board of Appeals (ZBA). Reversal of ZBA decisions may be secured only through the judicial system.

- 1)
 - a) All information required may be shown on one sheet if appropriate.
 - b) Check characteristic(s) of the property preventing it from being used in accordance with the terms of the Town Code (Zoning Ordinance):
 Too Narrow Elevation Soil Too Small Slope
 Subsurface Too Shallow Shape Other (attach specifics)
 - c) Attach a description and/or drawings of the item(s) checked, giving dimensions were appropriate.
- 2) Attach requirements for the appropriate zoning district from which relief is sought as described in the Town Code.
- 3) Attach a brief explanation how the above site zoning conditions prevent any reasonable use of the land under the terms of the Town Code (Zoning Ordinance).
- 4)
 - a) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having proprietary interest in the land after the zoning article or applicable part thereof became law? YES NO
 - b) If NO, explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variance).
 - c) Are the conditions on the property the result of other man-made changes (such as relocation of a road or highway, etc.)? YES NO

- d) If YES, attach descriptions and maps where appropriate.
- e) Do the above-described conditions of hardship for which this request for variance is filed apply only to this property? If YES, attach an explanation. YES NO
- 5) Which of the following modifications will allow a reasonable use of the land?
 - Change in the setback requirements change in lot coverage requirements
 - Change in height requirements change in area requirements
 - Other (attach description)
- 6) a) Attach description of proposed use.
- b) Is proposed use permitted in the zoning district? YES NO
- c) Will the granting of a variance in the form requested be in harmony with the general purpose and intent of the zoning article and district statement of intent and not be injurious to the neighborhood or detrimental to the public welfare? YES NO
- d) Attach a brief elaborating on this last point.

2-E Appeal of Administrative Decision - Administrative decisions are reviewed by the Zoning Board of Appeals (ZBA). Such administrative decisions may be reversed or sustained by the ZBA. Reversal of ZBA decision may be secured only through the judicial system.

- 1) Date of administrative decision leading to this appeal: _____
- 2) Attach a brief, which specifically states the decision the administrative official made the reasons given for the decision and specifically what you are herewith appealing. Elaborate on the reasons for this request and why the Zoning Board of Appeals in your opinion should overrule the administrative official's decision.

Part 3 -To be completed by ALL applicants

AFFIDAVIT- This part of the application must be notarized. Do not sign until in the presence of a Notary Public.

- 1) To the best of my knowledge, I hereby affirm that all information in this application and any attached material and documents are true:

a) Signature of **applicant**: _____

b) Signature of **agent** (if any): _____

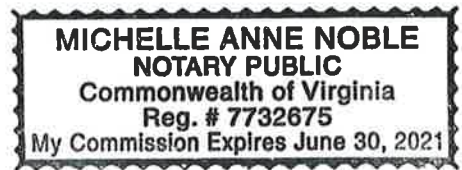
G. W. Hamp S
Gifford R. Hampshire

2)

a) Signed and sworn before me this: June 13, 2019

b) Signature of Notary: _____

Michelle Anne Noble



Attachment: Haymarket Hotel Venture Zoning Text Amendment Application (4111 : ZTA#2019-001 Zoning Text Amendment B-1 Height

- **Sec. 58-10.7. - Height regulations.**

Permitted uses in the B-1 district may be erected up to 50 feet in height from grade: building not more than four stories above grade. For buildings over 50 feet in height, or more than four stories, approval shall be obtained as a special use. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls may be permitted per the building code above the height of the building on which the walls rest

JUSTIFICATION STATEMENT FOR ZONING TEXT AMENDMENT

Haymarket Hotel Venture, LLC (the “Applicant”) requests a zoning text amendment (ZTA) to Zoning Ordinance Section 58-10.7. This provision sets forth height regulations for the Town Center B-1 District. It seems an anomaly that the counterpart height limitation provision for the Business Commercial District B-2 District (Section 58-11.7) contains a provision that allows an increase in height above fifty (50) feet by special use permit while this height regulation provision for the B-1 District does not. It is important to note that existence of such a provision would not automatically allow an increase above fifty (50) feet, but only in the legislative discretion of the Town Council upon recommendation of Staff and the Planning Commission after required public hearings.

Fairness and uniformity of commercial district Zoning Ordinance provisions justifies the ZTA for Town-wide application. But the catalyst for the request must fairly be said to be Applicant’s plan for construction of a hotel on the Payne property site across from Town Hall. The size limitations of the site after necessary dedications and setbacks means that the proposed hotel must be built to six stores or approximately sixty-five (65) feet (exclusive of parapet wall) in order to achieve the 126 rooms necessary to meet demand. There currently is no mechanism in the B-1 District for the Applicant even to request an increase in height above fifty (50) feet. The ZTA would provide the Applicant such a mechanism through the legislative special use application procedure, including advertised public hearings before the planning Commission and Town Council. Again, approval of this ZTA would not grant a height increase but only enable a landowner like the Applicant to request one.