



TOWN OF HAYMARKET TOWN COUNCIL

SPECIAL MEETING ~ AGENDA ~

Shelley M. Kozlowski, Clerk of Council
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, December 18, 2017

7:30 AM

Council Chambers

I. Call to Order

II. Pledge of Allegiance

III. New Business

1. Rezoning Application #ZTA2017-001
2. Rezoning Application #ZTA2017-002
3. Zoning Text Amendment #ZTA2017-003

IV. Adjournment

Received: 11/14/2017
by Emily Lo
Paid: 11/14/2017

3.1.a

- Check Appropriate Item(s):
- Amendment to Zoning Map
 - Zoning Text Amendment
 - Special Use
 - Variance
 - Appeal of Administrative Decision

Office Use Only:

Date Received: 2-6-17

Application Number: Ø ZTA# 2017-0

Fees Received: Ø \$ 3,000

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: 14851, 14845, 14871 Washington St.
- 2) Present Zoning: R1 3) Acres: approx 0.7774 acres
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

1-B Property – (Omit for zoning text amendments)

- 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: William Rafferty
 Address: 7571 Falkland Drive, Gainesville, VA 20155
 Phone Number: 703-380-0665
- 2) Agent Information (if any):
 Name: _____
 Address: _____
 Phone Number: _____
Brafferty@styleroofing.com
- 3) Owners of all property included in this application (omit for zoning text change):
 Name: Maria Rafferty
 Address: 7571 Falkland Drive, Gainesville, VA
 Phone Number: 703-909-3067
 Name: _____
 Address: _____
 Phone Number: _____
raffertyclan@netzero.com

Attachment: Rafferty's Application ZTA#2017-001 (3394 : Rezoning Application #ZTA2017-001)

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 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: _____ Interest: _____

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: _____

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: _____

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 _____

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.

Attachment: Rafferty's Application ZTA#2017-001 (3394 : Rezoning Application #ZTA2017-001)

- 1) a) Existing Zoning: R-1 b) Proposed Zoning: B-1
- c) Existing Use: Residential
- d) Proposed Use: Business
- 2) 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.) Attached to Application*

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? _____
- 2) What is the nature of the proposed change? _____
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 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.

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

Attachment: Rafferty's Application ZTA#2017-001 (3394 : Rezoning Application #ZTA2017-001)

- 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.

Attachment: Rafferty's Application ZTA#2017-001 (3394 : Rezoning Application #ZTA2017-001)

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**:

Mania O'Sullivan Rafferty

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

Co applicant

c) Date: NOVEMBER 14, 2017

Notary Seal

2) a) Signed and sworn before me this: NOVEMBER 14, 2017

b) Signature of **Notary**:

Roberto C Gonzalez



Roberto C Gonzalez
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7593227
My Commission Expires
12/31/2018

* Note: the property #'s of 14851 + 14845 may be reversed.

Attachment: Rafferty's Application ZTA#2017-001 (3394 : Rezoning Application #ZTA2017-001)



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

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Town Council
FROM: Emily Lockhart, Town Planner
DATE: December 11, 2017
SUBJECT: 14845, 14851, and 14871 Washington Street Rezoning Application

APPLICATION SUMMARY:

The Rafferty's are submitting an application to rezone approximately 0.7774 acres from the Residential R-1 zoning district to the Town Center District B-1 zoning district. The parcels are located along Washington Street, side by side 14845, 14851, and 14871 Washington Street. Across the street 14850 Washington Street and 14860 Washington Street are both zoned Town Center District B-1 zoning district. The applicant intends to sell the properties.

When considering rezoning applications, the Planning Commission and Town Council must review the applications in accordance with Sec. 58-3.9 of the Zoning Ordinance as stated below.

"Sec. 58-3.9 - Matters to be considered in reviewing proposed amendments. Proposed amendments shall be considered with reasonable consideration for the:

- (1) Existing use and character of the area;
- (2) Suitability of the property for various uses;
- (3) Trends of growth or change;
- (4) Current and future requirements of the Town as to land for various purposes as determined by population and economic studies and other studies;
- (5) Transportation requirements of the community and the Town's requirements for parks, playgrounds, recreation areas, other public services, or the conservation of natural resources and preservation of floodplains; and
- (6) Conservation of properties and their values and the encouragement of most appropriate use of land throughout the Town.

These considerations shall include but are not limited to comprehensive plans or their parts, capital improvement programs, relation of development to roads and construction programs, and the proximity of the development to utilities and public facilities."

The subject property is designated by the Comprehensive Plan as transitional commercial; as shown in the revised Planned Land Use Map dated January 4, 2016 (See Attached map for details). The Comprehensive Plan's guidance regarding the development of these planned areas is as follows (excerpt from Chapter 3.4, Land Use Plan).

“Continued scattered commercial development in the Town, with resultant problems such as parking, traffic congestion and noise, should be discouraged. To accommodate future commercial development the plan recommends that major commercial growth be limited to those areas designated as the Town Center and the Planned Interchange Park. These areas are located primarily along Washington Street which should be promoted as the Town’s “main street”. Consideration should be given to the addition of a transitional commercial district zone along Washington Street east of the Town Center to create a more cohesive mix of low intensity commercial uses either in existing historic structures or new structures consistent with styles that reflect a post-Civil War era.

Transitional Commercial – The plan calls for low-intensity commercial uses to serve as a distinct transition between low and moderate density residential areas and high-intensity commercial uses within the neighborhood/Town Center and Planned Interchange Park. Conversions of existing residential structures to commercial uses are encouraged and should continue the open, small town atmosphere and sense of place. New structures or additions to existing structures should be permitted under the guidance of the Architectural Review Board and should take into account the impact of parking, lighting, and screening requirements of commercial uses when adjacent to planned residential areas...”

The applicant is asking for Town Center B-1 Zoning District. By-Right uses will include:

Sec. 58-10.2 - Use regulations. The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment

Guest room

Civic

Civic use

Club

Cultural services

Educational facility, primary/secondary

Recreation facility, public

Shelter

Commercial

Bed and breakfast

Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)

Business, short-term rental (STRB)

Business support service

Communications service

Consumer repair service

Day care center

Farmer's market
Financial institution
Hotel
Office, general
Personal improvement services
Personal services
Restaurant, general
Restaurant, mobile
Restaurant, small
Store, general
Store, grocery
Store, liquor
Store, neighborhood convenience
Studio, fine arts
Veterinary hospital/clinic
Miscellaneous
Utility service, minor

STAFF RECOMMENDATION:

Staff has suggested to the applicant that a proffer statement excluding certain business uses from the B-1 Zoning District may aid in providing a buffer transition between Town Center B-1 zoning district and the neighboring R-1 zone.

Staff supports the proposed rezoning application based on the above criteria and recommends that the Town Council refer the application to the Planning Commission for public hearing and consideration.

DRAFT MOTION:

"I move the Council refer rezoning application, ZTA#2017-001 to Amend the Zoning Map for 14845, 14851 and 14871 Washington Street forward to the Planning Commission for public hearing and consideration."

Or An alternate motion.



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

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Town Council
FROM: Emily Lockhart, Town Planner
DATE: December 11, 2017
SUBJECT: 14841 Washington Street and 6802 Saint Paul Drive Rezoning Application

APPLICATION SUMMARY:

Acie Watts Jr. is submitting an application to rezone approximately 0.5774 acres from the Residential R-1 zoning district to the Town Center District B-1 zoning district. The parcels are located on the corner of Washington Street and Saint Paul Drive. Across the street 14850 Washington Street and 14860 Washington Street are both zoned Town Center District B-1 zoning district. The applicant and his family recognize the historic value of the structure that currently sits on the property and have submitted a written statement to proffer to the historic home. The applicant intends to sell the property.

When considering rezoning applications, the Planning Commission and Town Council must review the applications in accordance with Sec. 58-3.9 of the Zoning Ordinance as stated below.

“Sec. 58-3.9 - Matters to be considered in reviewing proposed amendments. Proposed amendments shall be considered with reasonable consideration for the:

- (1) Existing use and character of the area;
- (2) Suitability of the property for various uses;
- (3) Trends of growth or change;
- (4) Current and future requirements of the Town as to land for various purposes as determined by population and economic studies and other studies;
- (5) Transportation requirements of the community and the Town's requirements for parks, playgrounds, recreation areas, other public services, or the conservation of natural resources and preservation of floodplains; and
- (6) Conservation of properties and their values and the encouragement of most appropriate use of land throughout the Town.

These considerations shall include but are not limited to comprehensive plans or their parts, capital improvement programs, relation of development to roads and construction programs, and the proximity of the development to utilities and public facilities.”

The subject property is designated by the Comprehensive Plan as transitional commercial; as shown in the revised Planned Land Use Map dated January 4, 2016 (See Attached map for details). The Comprehensive Plan's guidance regarding the development of these planned areas is as follows (excerpt from Chapter 3.4, Land Use Plan).

“Continued scattered commercial development in the Town, with resultant problems such as parking, traffic congestion and noise, should be discouraged. To accommodate future commercial development the plan recommends that major commercial growth be limited to those areas designated as the Town Center and the Planned Interchange Park. These areas are located primarily along Washington Street which should be promoted as the Town’s “main street”. Consideration should be given to the addition of a transitional commercial district zone along Washington Street east of the Town Center to create a more cohesive mix of low intensity commercial uses either in existing historic structures or new structures consistent with styles that reflect a post-Civil War era.

Transitional Commercial – The plan calls for low-intensity commercial uses to serve as a distinct transition between low and moderate density residential areas and high-intensity commercial uses within the neighborhood/Town Center and Planned Interchange Park. Conversions of existing residential structures to commercial uses are encouraged and should continue the open, small town atmosphere and sense of place. New structures or additions to existing structures should be permitted under the guidance of the Architectural Review Board and should take into account the impact of parking, lighting, and screening requirements of commercial uses when adjacent to planned residential areas...”

The applicant is asking for Town Center B-1 Zoning District. By-Right uses will include:

Sec. 58-10.2 - Use regulations. The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment

Guest room

Civic

Civic use

Club

Cultural services

Educational facility, primary/secondary

Recreation facility, public

Shelter

Commercial

Bed and breakfast

Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)

Business, short-term rental (STRB)

Business support service

Communications service

Consumer repair service

Day care center

Farmer's market
Financial institution
Hotel
Office, general
Personal improvement services
Personal services
Restaurant, general
Restaurant, mobile
Restaurant, small
Store, general
Store, grocery
Store, liquor
Store, neighborhood convenience
Studio, fine arts
Veterinary hospital/clinic
Miscellaneous
Utility service, minor

STAFF RECOMMENDATION:

Staff has suggested to the applicant that a proffer statement excluding certain business uses from the B-1 Zoning District may aid in providing a buffer transition between Town Center B-1 zoning district and the neighboring R-1 zone.

Staff supports the proposed rezoning application based on the above criteria and recommends that the Town Council refer the application to the Planning Commission for public hearing and consideration.

DRAFT MOTION:

"I move the Council refer rezoning application, ZTA#2017-002 to Amend the Zoning Map for 14841 Washington Street and 6802 Saint Paul Drive forward to the Planning Commission for public hearing and consideration."

Or An alternate motion.

- Check Appropriate Item(s):
- Amendment to Zoning Map
 - Zoning Text Amendment
 - Special Use
 - Variance
 - Appeal of Administrative Decision

Office Use Only:

Date Received: 11/06/2017

Application Number: ZTA#2017-002

Fees Received: \$3,000

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: 14841 Washington St. # 6802 Saint Paul Dri
- 2) Present Zoning: Residential 1 3) Acres: 0.5774 acres
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.
GPIN 7297-99-7943 ; GPIN 7297-99-7336

1-B Property – (Omit for zoning text amendments)

- 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: ACIE M WALK
Address: 14841 WASHINGTON ST
Phone Number: 503 485 7717
- 2) Agent Information (if any):
Name: _____
Address: _____
Phone Number: _____
- 3) Owners of all property included in this application (omit for zoning text change):
Name: _____
Address: _____
Phone Number: _____
Name: _____
Address: _____
Phone Number: _____

Attachment: Watts application ZTA#2017-002 (3392 : Rezoning Application #ZTA2017-002, Referral to the Planning Commission)

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 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: _____ Interest: _____

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: _____

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: _____

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 _____.

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.

- 1) a) Existing Zoning: R-1 b) Proposed Zoning: B-1
- c) Existing Use: Residential
- d) Proposed Use: Commercial
- 2) 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.) Narrative Attached

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? _____
- 2) What is the nature of the proposed change? _____
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 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.

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

Attachment: Watts application ZTA#2017-002 (3392 : Rezoning Application #ZTA2017-002, Referral to the Planning Commission)

- 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**: Dei M Watts

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

c) Date: _____ *Notary Seal*

2) a) Signed and sworn before me this: December 13, 2017

b) Signature of **Notary**: [Signature]



Roberto C. Gonzalez
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7593227
My Commission Expires
12/31/18

Proffer Statement

~~that would exclude certain uses from the B-1 zoning designation.~~

Too Whom it may concern:

~~the~~ We would like to keep the house Under article B1 district by-right. Under Section 58-10.2. This is a historical house and we would like to ~~day~~ keep it that way. Lets a big part of Haymarket and if tore down there will be nothing left of Haymarket.

Thank you,
The Watts family



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

Emily Lockhart
TOWN PLANNER

MEMORANDUM

TO: Town Council
FROM: Emily Lockhart, Town Planner
DATE: December 14, 2017
SUBJECT: 6680 Fayette Street, Zoning Text Amendment Application, ZTA2017-003

APPLICATION SUMMARY:

Andrea and Jim Payne are submitting a zoning text amendment application. The applicants are requesting a modification to the definition of accessory apartment, to include an apartment on the second story of a commercial building that is ancillary to the principal use. Additionally, the applicants are requesting the for "dog day care center" to be added to the zoning ordinance definitions and by-right uses in the Town Center B-1 District.

STAFF RECOMMENDATION:

Staff supports the proposed zoning text amendment for the accessory apartment definition to include accessory apartments on the second floor of commercial structures and ancillary to the principal use. This type of mixed-use development was previously permitted in the zoning ordinance and currently is listed as a by-right use in the Town Center B-1 district. In the updated zoning ordinance, the definition of accessory apartment restricts the use to residential homes. The text amendment would change the definition to include the ancillary use in the B-1 district.

Staff recommends that the Planning Commission and Town Council consider the zoning text amendment for a dog day care center and take into consideration the noise abatement options, number of permitted dogs outside at any given time day or night, number of permitted dogs in the facility overnight for boarding purposes and hours of operation and drop off.

Staff recommends the Town Council refer the application to the Planning Commission for public hearing and consideration.

DRAFT MOTION:

"I move the Council refer zoning text amendment application, ZTA#2017-003 to Amend the Zoning and Subdivision Ordinance forward to the Planning Commission for public hearing and consideration."

Or An alternate motion.

RECEIVED

DEC 08 2017

TOWN OF HAYMARKET
Office Use Only:

Date Received: Dec 08, 2017

Application Number: ZTA2017-003

Fees Received: \$ 2,500.00

Check Appropriate Item(s):

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

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: 6680 Jayette St
- 2) Present Zoning: B-1 3) Acres: .098
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.

1-B Property – (Omit for zoning text amendments)

- 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: A Dog's Day Out Haymarket
 Address: 6680 Jayette Street
 Phone Number: 703 929 6333
- 2) Agent Information (if any):
 Name: _____
 Address: _____
 Phone Number: _____
- 3) Owners of all property included in this application (omit for zoning text change):
 Name: ~~Amundson, John~~ _____
 Address: _____
 Phone Number: _____
 Name: _____
 Address: _____
 Phone Number: _____

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

RECEIVED

3.3.b

DEC 08 2017

TOWN OF HAYMARKET

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

- 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: _____ Interest: _____

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: Owners of 6680 Jayette Street

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: _____

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 12/7/17

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.

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

DEC 08 2017

TOWN OF HAYMARKET

- 1) a) Existing Zoning: _____ b) Proposed Zoning: _____
 c) Existing Use: _____
 d) Proposed Use: _____
- 2) 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? Sections 58-1.5, Section 58-10.2
- 2) What is the nature of the proposed change? Accessory apartment in B-1, Addition of Dog Day Care Center
- 3) Attach the exact language suggested by the application to be added, deleted, or changed in the Town Code.
- 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.

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

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

TOWN OF HAYMARKET

- 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.

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

RECEIVED
DEC 08 2017

3.3.b

TOWN OF HAYMARKET

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**: James By

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

c) Date: _____ *Notary Seal*

2) a) Signed and sworn before me this: 12/08/2017

b) Signature of **Notary**: Amina Ansary

AMINA ANSARY
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JUNE 30, 2020
COMMISSION # 7509320

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

DEC 08 2017

TOWN OF HAYMARKET

Authorizing Resolution of ADDO Haymarket, Inc.

This Authorizing Resolution is made this 7th day of December, 2017 by the undersigned, Secretary of ADDO Haymarket, Inc. (hereafter, the "Company").

BE IS RESOLVED that James Payne, who is the President of the Company, is authorized to execute all documents necessary or required to execution on Application for Zoning Text Amendment including, but not limited to the documentation provided by the Town of Haymarket.

BE IT FURTHER RESOLVED, all actions taken by James Payne as President of the Company, in furtherance of the Application for Zoning Text Amendment, prior to the date of hereof are hereby ratified, confirmed and approved.

WITNESS the following signatures and seals as of the day and year first above written:

ADDO Haymarket, Inc.

By: Andrea B. Payne

Andrea B. Payne

Its: Secretary

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

RECEIVED

3.3.b

DEC 08 2017

TOWN OF HAYMARKET

Tax Map Number: 7298-80-6954
Grantees' Address: 15073 Valballe Court
Haymarket, VA 20169
Consideration: \$400,000
Assessed Value: \$95,800
Title Insurance Underwriter:
Fidelity National Title Insurance Company

Prepared by:
Timothy M. Purnell, VSB#40870
Purnell, McKennett & Menke, PC
P.O. Box 530
Manassas, VA 20108
Return to:

Deed

THIS DEED, made and entered into this 13th day of March, 2017, by and between MELISSA P. OTWELL, sole surviving heir of RUSSELL V. OTWELL, who departed this life on November 4, 2015, hereinafter referred to as GRANTOR; and ADDO HAYMARKET, INC., a Virginia Corporation, hereinafter referred to as GRANTEE;

WITNESSETH:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the GRANTOR does hereby grant, bargain, sell and convey with SPECIAL WARRANTY OF TITLE, unto the GRANTEE, all that certain lot or parcel of land, together with improvements thereon, being situate in Prince William County, Commonwealth of Virginia, and more particularly described as follows:

Beginning at a pipe found in the westerly right-of-way line of Fayette Street and 215 feet from the northern right-of-way line Washington Street (State Route 55), a corner to JB III, LLC and the southwest corner of the herein described parcel, thence with the northern line of JB III, LLC and Russo N. 49 degrees 29'15" W. 328.44 feet to an iron pipe found in the line of Smith & Peete Trustees a corner to Russo, thence with the line of Smith & Peete Trustees N. 36 degrees 49'17" E. 128.58 to an iron pipe found being a corner to Bailey; thence with the line of Bailey and a portion of an existing fence line S. 49 degrees 54'51" E. 328.41 feet to an iron pipe set in the western right-of-way line of Fayette Street, thence with said right-of-way line along Fayette Street S. 36 degrees 53'07" W. 131.40 feet to the point of beginning containing 42,612 square feet or 0.9782 acre of land.

AND BEING the same property conveyed to Russell V. Otwell by deed dated October 11, 2005, recorded as Instrument Number 200510120175959, among the

PAGE 1 OF 2

201703130019487
Prince William County, VA
03/13/2017 03:28 PM Pgs: 2
R. S. FitzSimmonds III, Clerk
Grantor Tax: \$400.00



BOX 16

Return to: Stonewall Title & Escrow, Inc.
9300 Grant Avenue, Suite 102
Manassas, Virginia 20110
703-330-8047 ST26105CTS

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

RECEIVED

DEC 08 2017

3.3.b

TOWN OF HAYMARKET

aforementioned land records, and having the street address of 6680 Fayette Street, Haymarket, Virginia 20169.

AND FURTHER BEING the same property which became the sole property of Melissa Otwell upon the death of her husband, Russell V. Otwell on November 4, 2015, whose Will was recorded in Instrument Number 201512160102795, among the land records of Prince William County, Virginia.

This conveyance is made subject to the covenants, conditions, restrictions, easements and rights of way of record.

WITNESS the following signatures and seals:

Melissa P. Otwell
MELISSA P. OTWELL

Commonwealth of Virginia,
City of Manassas, to-wit:

I, the undersigned, Notary Public in and for the jurisdiction aforesaid, do hereby certify that MELISSA P. OTWELL, whose name is signed to the foregoing Deed, personally appeared before me and acknowledged the same. Given under my hand and seal this 13th day of March, 2017.

Mina Croson
Notary Public

My Commission Expires: April 30, 2020
(SEAL)



19 November 2017



Emily Lockhart, Town Planner
Town of Haymarket
15000 Washington Street, Suite 100
Haymarket, VA 20169

Dear Ms. Lockhart,

Thank you for meeting with us on Friday, November 17th. As discussed, we would like to propose the following text change amendments to the Town Ordinance that were overlooked during the recent approval. We have highlighted the changes to the text below. Please let us know if you have any questions.

The first proposed change references the apartment in the B1 Commercial Zone:

Sec. 58-1.5 - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply. Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" is permissive.

Accessory apartment –A separate, independent dwelling unit located on the same property as the primary dwelling unit or a portion of a structure designed as a dwelling unit, and ancillary to the principal use of the structure subject is to one or many of the following:

- a. A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or,
- b. A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit located above a detached accessory unit; that shall be no more than one half the size of the finished square footage of the primary dwelling unit located on the subject property. Occupancy of such accessory apartments shall be limited to no more than one family (as defined) or up to three persons (as permitted by code), and shall not be rented in less than six month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined); or,
- c. A dwelling unit as ancillary use on the second floor of structures designed for other commercial uses; not more than 40 percent of the gross floor area of any structure may be devoted to apartment use.

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

TOWN OF HAYMARKET

The second proposed change is for the addition of Dog day care center to the Personal Services Town Center B-1 and the B-1 By right uses –

Sec. 58-1.5 - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply. Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" is permissive.

Dog day care center – A facility operating with the primary purpose of providing dog day care and grooming with ancillary services of overnight boarding and/or training. The facility will limit the number of dogs to 85 that can be cared for overnight. The facility must have incorporated sound proofing technologies/building materials that provides a NRC (Noise Reduction Coefficient) rating of .80 or better.

Personal services – Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; dog day care centers; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

Sec. 58-10.2 - Use regulations.

The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment
Guest room

Civic

Civic use
Club
Cultural services
Educational facility, primary/secondary
Recreation facility, public
Shelter

Commercial

Bed and breakfast
Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)
Business, short-term rental (STRB)
Business support service
Communications service
Consumer repair service
Day care center
Dog Day care center
Farmer's market
Financial institution

RECEIVED
DEC 08 2017
TOWN OF HAYMARKET

- Hotel
- Office, general
- Personal improvement services
- Personal services
- Restaurant, general
- Restaurant, mobile
- Restaurant, small
- Store, general
- Store, grocery
- Store, liquor
- Store, neighborhood convenience
- Studio, fine arts
- Veterinary hospital/clinic

Miscellaneous

- Utility service, minor

Respectfully,

Jim & Andrea Payne
A Dog's Day Out Haymarket

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

RECEIVED

3.3.b

DEC 08 2017

TOWN OF HAYMARKET

2-B Zoning Text Amendment

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.

The proposed change to the Accessory apartment is actually already being utilized in the Town of Haymarket in other commercial zones. The spirit of the ordinance existed in the previous version of the zoning ordinance and was an oversight in not being included in the current version. In reference to the property owned by ADDO Haymarket, Inc. the accessory apartment is to be utilized in support of the business function as a care taker. The business operations plan includes the apartment on the 2nd floor to be occupied by a full time resident. The resident will have duties in conjunction with the overnight operations taking place inside the building within the facility and other duties as assigned.

The positive impact to the community is that someone will be at the facility overnight. This ensures the dogs well-being is monitored in case of an emergency. This is a positive differentiation of how A Dog's Day Out manages their business versus other Dog Day Care Centers. There is no known negative impact to the community.

The proposed addition of Dog Day Care Center would allow for the addition of ancillary overnight boarding services that were not defined in Dog Beauty Parlor definition. The justification is that in the B-1 Zoning District there is a precedent of VCA Healthy Paws Medical Center offering day care, overnight boarding and extended boarding. These are services for clients that are outside of veterinary needs. There are no complaints about these services within the B-1 District.

Upon receipt of the loan settlement for the construction efforts, A Dog's Day Out Haymarket provided The Town of Haymarket the bond letters required and we were informed at that time there was an issue identified in the ordinance that conflicted with our ability to have dogs boarded overnight. This kennel ordinance has a portion of its definition that describes where 3 or more dogs are kept overnight for a fee. The kennel ordinance is currently defined in the Industrial Zone District.

Given there has been significant staffing turnover within the Town staff supporting these functions, there has been gaps in continuity to communicate our use in the Dog Beauty Parlor. The current Town Planner, Emily Lockhart recommended that we propose a zoning text amendment that would support an insertion of Dog Day Care into the Personal Services category.

Additional justification is that the reference to overnight boarding was made at the onset of A Dog's Day Out Haymarket application for rezoning to B-1 in the category of Dog Beauty Parlor by then Town Planner & Zoning Administrator, Marchant Schneider, in July 2016. On August 31st, Matt Caudle read into record Marchant Schneider's letter as he was held up in traffic and unable to attend. One item in his letter stated the following: ***Designation as Dog Beauty Salon. I have made the determination as zoning administrator that the unique characteristics of the proposed business qualifies this designation.*** We had discussed during the rezoning process on multiple occasions all services provided by our business were communicated and can be found on Town of Haymarket recorded videos.

Attachment: ZTA2017-003, ADDO Application (3393 : Zoning Text Amendment #ZTA2017-003, Referral to the Planning Commission)

Attached is a list of those videos with timestamps for the record. A Dog's Day Out haymarket received approval in October of 2016 from the Town Council to rezone to B-1. The months followed with multiple meetings to support Preliminary Site Plan, Architecture Review Board Meetings for the building design and Final Site Plan were all approved in the Winter/Spring/Summer of 2017.

The positive impacts for the community are not only for area residents to have a clean, safe, trustworthy facility to bring their dogs within the Town of Haymarket but will attract nearby residents into town to purchase other goods and services that will support other Haymarket small businesses. A Dog's Day Out will bring approximately 12 new jobs to the Town. A brand new attractive building will be erected in a current vacant lot that is a substantial financial commitment to the town. This would be a win for the Town as well who given new development would attract additional small businesses to continue to revitalize the town. There are no known negative impacts. Should this not be approved, A Dog's Day Out would not be able to continue moving forward.

As many of the Planning Commissioners have stated, we have gone above and beyond in order to accommodate Town suggestions on our business moving forward. We have spent a great deal of money that was not initially budgeted to make this business work within the Town requirements. We respectfully request your approval on the Zoning Text Amendment attached and look forward to discussing at the December 18, 2017 Planning Commission Meeting and January 3, 2018 Public Hearing.

Video recording information

July 5th 2016 Joint Meeting TC/PC

14.42-Marchant-Rezone

16.40-Marchant-dog day care

18.00-Andrea-talks about boarding overnight

20.29-Conner Leak talks about Drop off time

26.33-Kathy Pasanello Talks about Doggie Day Care

27.00-Kathy Pasanello ask question about 24hr coverage

27.03-Andrea talks about apartment and overnight

27.19-Maureen Carrol-Ask about all hours pick up time

28.27-Marchant talks about boarding and Vet clinic and residential to the rear

30.05-Steve Shannon says he would like to use facility (Traffic, Parking, sidewalks) are of concern to him at this time.

31.50-Steve Shannon applauds the type of business

July 6th 2016 PC



- 44.09-Andrea talks about apartment and overnight
- 44.32-Andrea talks about overnight dogs
- 48.30-Steve Shannon talks about circular driveway
- 50.09-Andrea Talks about Services (Boarding Overnight)
- 56.36-Matt Caudle likes plan personally
- 59.52-Steve Shannon- loves idea of our business
- 1.14-Matt Caudle talks about Healthy PAWS
- 1.14:47-Marchant talks about noise from Healthy Paws
- 1.14:42 James Carrol ask Marchant about Noise from Healthy Paws to his residence
- 1.16.57-Steve Shannon-Talks about no dogs past 7pm
- 1.18:34-Carols went to Ashburn Facility

Aug 31st 2016 PC

- 2.28-Brian Garcia Speaks in favor of ADDO
- 8.10-Chief Nobel talks and says he cannot speak negatively on traffic impact
- 14.24-Steve Shannon talks about noise and thinks noise/traffic not a problem
- 16.15-Steve Shannon says "He would use that place"
- 17.30-Maureen/James Carrol visited ADDO Ashburn and experienced no noise issues
- 18.52-James Carrol says "We have done Yeoman's like work"
- 21.15-Matt Caudle read Marchant Letter recommending ADDO to be moved forwarded
- 23.40-Matt Caudle says Applicants have done everything we have ask them to do
- 25.00 Vote taken by PC
- 25.37-Motion passes
- 25:48 Matt Caudle says He hopes to board a dog or get a groom there sometime