



TOWN OF HAYMARKET TOWN COUNCIL

WORK-SESSION ~ AGENDA ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Tuesday, February 26, 2013

3:00 PM

Council Chambers

1. Call to Order

2. Agenda Items

A. Draft Town Council Packet for March 4, 2013

3. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare
- C. Katherine Harnest
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias
- G. David Leake

4. Adjournment



TO: Town of Haymarket Town Council
SUBJECT: Draft Town Council Packet for March 4, 2013
DATE: 02/26/13

Attached please find the draft packet for the regularly scheduled meeting of the Town Council on March 4, 2013.

ATTACHMENTS:

- 03-04-2013 TC Packet for Work Session (PDF)



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ AGENDA ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, March 4, 2013

7:00 PM

Council Chambers

1. Call to Order

2. Pledge of Allegiance

3. Public Hearings

- A. PC Public Hearing - Rezoning 14820 Washington Street, Trustees Haymarket Baptist Church
- B. Trustees Haymarket Baptist Church application to rezone 14820 Washington Street, GPIN #7397-09-2472, containing approximately .6998 Acres

4. Minutes Acceptance

- A. Mayor & Council - Regular Meeting - Jan 7, 2013 7:00 PM

5. Citizens' Time

6. Updates

7. Appropriations

- A. Street Light Repairs/Maintenance Request for Appropriations Jennifer Preli, Town Clerk
- B. Vehicle Repairs/Maintenance Appropriation Request Chief James E. Roop

8. Department Reports

- A. Police Report - March 2013 - Chief James E. Roop
- B. Treasurer's Report
- C. Engineer's Report - Holly Montague
- D. Town Planner's Report - Marchant Schneider
- E. Building Department Report - Staff
- F. Museum Report - FrannMarie Jacinto

9. Agenda Items

- A. Haymarket Baptist Church - REZ20121106 Marchant Schneider, Town Planner
- B. Bond Release - 15151 Washington Street Wood Village LLC, Dba Piedmont Tire & Auto
- C. Zoning Text Amendment - Amend B1 Zoning Marchant Schneider, Town Planner
- D. Zoning Permit Applications

10. Citizens' Time II

11. Closed Session

- A. Closed Session
- B. Certification of the Closed Session

12. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare
- C. Katherine Harnest
- D. James Tobias
- E. Mary Lou Scarbrough
- F. Milt Kenworthy
- G. David Leake

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

13. Adjournment

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TOWN OF HAYMARKET TOWN COUNCIL

REGULAR MEETING ~ MINUTES ~

David Leake, Mayor
<http://www.townofhaymarket.org/>

15000 Washington St
Haymarket, VA 20169

Monday, January 7, 2013

7:00 PM

Council Chambers

A Regular Meeting of the Mayor & Council of the Town of Haymarket, VA, was held this evening in the Board Room, Commencing at 7:04 PM

Mayor David Leake called the meeting to order.

1. Call to Order

Councilman Steve Aitken: Present, Councilwoman Rebecca Bare: Present, Councilwoman Katherine Harnest: Present, Councilwoman Mary-Lou Scarbrough: Present, Councilman Milt Kenworthy: Present, Vice Mayor Jay Tobias: Present, Mayor David Leake: Present.

2. Pledge of Allegiance

3. Minutes Acceptance

A. Mayor & Council - Special Meeting - Dec 13, 2012 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

4. Citizen's Time

John Cole - 6757 Fayette Street

Construction in Gainesville is coming along, which means when the grade separation is complete we can start the Train Horn Quiet Zone process. Vice Mayor Tobias suggests that Marchant Schneider, Town Planner take the lead on this matter.

Ken Schick - 14780 Jordan Lane

There is a pond where the power company has done some work and it will not drain properly since the work was performed.

A. Laurie Frasz

Vice Mayor Tobias asks that the letter from Ms. Frasz be entered into the record

5. Agenda Items

A. Uncollectible Monies

The Town Council authorizes the CPA, auditor, and tax collector to write-off an amount of \$3869.46 as uncollectible debt, pursuant to recognized accounting practices and federal and state laws. This amount is deemed uncollectible due to the longevity of the debt, entry error, and the nature of smaller invoices which would not be ripe for collection actions.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Milt Kenworthy, Councilman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Villages of Haymarket Phase II

Motion that the Town Council approves FSP#20121130, Villages of Haymarket - Phase II, Subdivision/Site Plan, prepared by the KDL Group, LLC, dated January 20, 2012, sealed November 29, 2012, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of a Storm water Management Facilities Maintenance Agreement providing for maintenance of all such facilities without cost to the Town for all on-site (and off-site, if applicable) storm water facilities to be installed in conjunction with the development of the subject property; and,
2. Recordation of an Agreement regarding the installation of off-site landscape improvements identified on Sheet 18 of the Subdivision / Site Plan; and,
3. The Applicant shall demonstrate compliance with Zoning Ordinance Section 58-718, requiring a minimum horizontal illumination of 0.4 foot-candle be provided along public and private streets in residential subdivisions and a minimum horizontal illumination of 0.6 foot-candle be provided at public and private intersection, at the time of Architecture Review Board (ARB) review of the buildings and structures (including the lot lamp posts) associated with the Subdivision / Site Plan; and,
4. The Applicant shall provide a future construction escrow in the amount of \$10,000 for construction by others of street widening and streetscape improvements along Washington Street. Such escrow is to be paid at the time of construction bonding for the Subdivision / Site Plan; and,
5. Payment of all costs, fees and expenses due the Town.

It is further moved that the Town Council approve the subdivision plat titled "Villages of Haymarket - Phase II", prepared by the KDL Group, LLC, dated May 2012, sealed November 30, 2012, and its associated Deed of Dedication, Subdivision, Easement, Supplementary Declaration and Vacation, subject to, BUT EXPRESSLY CONDITIONED UPON THE FOLLOWING:

1. Recordation of all plats and documentation in a form and substance as approved by the Town Attorney; and
2. Payment of all costs, fees and expenses due the Town; and
3. The foregoing two conditions to be completed and satisfied within 180 days of the date of Town Council approval, otherwise the approval to be void and of no further effect.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Katherine Harnest, Councilwoman
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

C. Historic District

Bob Weir, Chair of the Planning Commission has a presentation regarding the requirements of becoming a Certified Local Government (CLG). The Planning Commission recommends that if the Town Council is interested in pursuing the CLG status that first we must deal with reducing the historic district boundaries. The Town's entire boundaries are the historic district boundaries. Mr. Weir presents a slide show of other CLG's that all have a much small historic district than their Town or City boundaries.

D. Virginia Stormwater Management Program (VSMP) Authority Holly Montague, Town Engineer

Virginia has enacted legislation that will require municipalities to have their own Virginia Stormwater Management Program and become their own VSMP authority. There are time lines associated with enacting, however, we are not an MS4 Town, we have the option of saying we don't want to manage our own program, we want the County to manage it for us. DCR has not concentrated on non MS4 Towns and are encouraging the Town to apply for a one year extension.

Ms. Montague is asking for a directive to apply for a one year extension so that a more informed decision can be made at a later date.

E. Intent to Amend Section 30-8 Discharging Firearm or Pneumatic Guns

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, TOWN OF HAYMARKET, VIRGINIA (2004), AS AMENDED, BY AMENDING SECTION 30-8, RELATING GENERALLY TO DISCHARGING FIREARM OR PNEUMATIC GUNS.

That Section 30-8 of the Code of Ordinances, Town of Haymarket (2004), as amended, is amended, as follows:

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

Sec. 30-8 - Discharging fire arms, pneumatic guns, sling shots, grit shooters, bows and arrows, etc..

(a) If any person shall willfully discharge or cause to be discharged any firearm in the town, he shall be guilty of a class 1 misdemeanor. This section shall not apply to any law enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property, or is otherwise specifically authorized by law. The term "firearm" means any weapon that will or is designed to or may readily be converted to expel single or multiple projectiles by the action of an explosion of a combustible material; or the frame or receiver of any such weapon.

(b) No person shall discharge or use in the town any non-explosive weapon defined as a pneumatic gun (e.g. paintball gun, BB gun, pellet gun, etc.), slingshot, grit shooter, bow and arrow, or any other non-explosive device designed or intended to be used to launch or shoot projectiles, where such discharge or use is likely to do or cause injury to any person or property. Notwithstanding anything to the contrary, the use of non-explosive weapons by adults, minors under the age of 16 with the supervision of a parent or guardian, or minors over the age of 16 with the written consent of a parent or guardian shall not be prohibited at facilities approved for shooting ranges, on other property where firearms may be lawfully discharged, or on or within private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from causing injury to any person or property.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

F. Public Hearing for a request for exception to the zoning ordinance

The Town Council instructs the Clerk to advertise a public hearing for a request of waiver to the zoning ordinance for underground utilities at 15020 Washington Street, Old Post Office building.

6. Appropriations

A. Bull Run Middle School PTO Request of Proffer Funds

Tobias asks for what is the best method of distribution of the funds. Town Attorney recommends that we pay the PTO's directly.

Motion to appropriate \$20,244 to Buckland Mills Elementary School PTO, Tyler Elementary School PTO, Ronald Reagan Middle School PTSO and Bull Run Middle PTSO each of the with the condition that upon receipt of goods as indicated in their proposals to the Town, they will supply the Town with sufficient evidence of purchase

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

B. Buckland Mills PTO Request of Proffer Funds

C. Tyler PTO Request of Proffer Funds

D. Reagan Middle School PTO Request of Proffer Funds

E. PWC School's Request for Proffer Funds

F. Erosion & Sediment Control Inspection Services

Motion to authorize the Town Attorney to enter into negotiations to retain Soil Consultants, Inc. For erosion and sediment control inspection services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

G. Quarterly Appropriations

Authorize the appropriation of the 3rd quarter expenditures in the following amounts: Events: \$1,875; Museum: \$1,715.71; Operating: \$77,820.80; Public Safety: \$24,448.50; Public Works: \$32,372.25; Staff Wages & Benefits: \$190,744.50; Town Owned Property: \$86,418.50

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

H. Authorize the appropriation of funds for Streetscape Expenditures

Motions to appropriate \$2,500 from the Street Scape Expenditures line item for payment of legal services from Robert Dively

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Rebecca Bare, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias

7. Department Reports**A. Police Report - James E. Roop**

Deputy Greg Breeden announces that we have a new officer, Jason Davis. His start date is today.

B. Museum Report - FrannMarie Jacinto**C. Treasurer's Report****D. Town Engineer's Report - Holly Montague, Town Engineer****E. Town Planner's Report****8. Citizens' Time II**

Alex Czajkowski- Owner of Total Turf Sports

He is here asking for temporary use of Mr. Durham's building located at 15161 Washington Street

As a representative of Ronald Reagan Middle School, Michelle Baker says thank you to the Council for the funds that were appropriated tonight.

Kara Gallagher, Secretary Tyler PTO and a resident of the Town thanks the Town Council for their contribution this evening.

9. Closed Session**A. Closed Session**

Motion to enter into closed session pursuant to 2.2-3711 A(1) Town Manager position, Building Official position, and Assistant Clerk position; 2.2-3711 A(3) Lease negotiations with White Oak School & Villages of Haymarket Site/Subdivision Plan; and 2.2-3711 A

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jay Tobias, Vice Mayor
SECONDER:	Katherine Harnest, Councilwoman
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

B. Certification of Closed Session

Motion to certify that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rebecca Bare, Councilwoman
SECONDER:	Jay Tobias, Vice Mayor
AYES:	Aitken, Bare, Harnest, Scarbrough, Kenworthy, Tobias, Leake

C. Council Directives

Directive to Town Clerk to advertise for our open vacant town manager position, to advertise in whichever form she sees fit...

Directive to the Town Attorney to enter into lease negotiations with White Oak School, as discussed in closed session

Directive to the Town Attorney to work with staff to communicate with the tenant, Daytime Playtime and explain to them what our requirements are for early lease termination, effective January 15, 2013. The proposed settlement should exclude any late fees or penalty amounts that have been charged previously.

Direct staff to advise the vendor, Gossom and Costello Paving, that Council does not see it necessary, based on staff's arguments to extend an additional \$180 payment to hang the Town wreaths and banners. Our basis for that is it took considerable less time last year and the job was exactly the same this year; we don't understand the added cost therefore we don't believe we should be responsible for it.

Direct staff to come up with a list of jobs and/or chores that a public works department would be in charge of, for instance minor snow plowing, hanging Town decorations, minor maintenance needs that the Town has in the past contracted with a local company and put that together for councils review, via email with the intent of advertising for that to become a contractual obligation with the Town.

Direct Town Attorney to issue a cease and desist order as well as file a formal order of complaint with the trademark attorney's office with regard to pending trademarks that could interfere with our trademark of Haymarket day.

Directive for building inspection service as well as Erosion & Sediment Control inspection services. Negotiate with Lisa for building inspection services

Financial auditor, cursory yet detailed financial review of the Town's books from July 1, 2012 to December 31, 2012

For the record: the application was received today, also for the record, we have been in discussion with this applicant

10. Councilmember Time

- A. Steve Aitken
- B. Rebecca Bare
- C. Katherine Harnest
- D. Mary Lou Scarbrough
- E. Milt Kenworthy
- F. James Tobias
- Tobias recommends that direct staff can feel free to communicate that to any council member
- G. David Leake

11. Adjournment



TO: Town of Haymarket Town Council
SUBJECT: Street Light Repairs/Maintenance Request for Appropriations
DATE: 03/04/13

Attached please find a quotation from Dominion Electric Supply Company. Dominion Electric is Haymarket's authorized dealer of Hanover Light Supplies. Globe replacement was necessary as a result of damages from Hurricane Sandy. Although the globes have been replaced, this order replenishes the Town's inventory. Flag pole holders were ordered for poles missing holders. Banner arms were ordered to replace damaged arms and for missing banner arms.

The banner arms and globes will be reimbursed by VML minus a \$500 deductible; the deductible will be reimbursed by FEMA, through the Town's request for local assistance from Hurricane Sandy damages.

It is recommended that the Town Council authorize and appropriate an amount not to exceed \$6,000 to Dominion Electric Supply Company for street light maintenance. Funds to come from the Street Scape Expenditures line item.

ATTACHMENTS:

- Dominion Globe Replacement (PDF)

DOMINION

ELECTRIC SUPPLY COMPANY INC.

4080 WESTFAX DRIVE
 CHANTILLY VA 20151
 703-631-8300



2.A.a

Quotation

QUOTE DATE	QUOTE NUMBER
01/03/2013	S101738307
ORDER TO: DOMINION ELECTRIC CHANTILLY 4080 WESTFAX DRIVE CHANTILLY VA 20151	PAGE NO: 1 of 1

Printed 17:26 01/03/201

QUOTE TO:

TOWN OF HAYMARKET
 15000 WASHINGTON STREET, #100
 P.O. BOX 1230
 HAYMARKET, VA 20168

SHIP TO:

TOWN OF HAYMARKET
 15000 WASHINGTON STREET, #100
 P.O. BOX 1230
 HAYMARKET, VA 20168
 703-753-2600

ORDERED BY		CUSTOMER PO NUMBER		JOB / RELEASE NUMBER	
WRITER		SHIP VIA		TERMS	
LN#	ORDER QTY	DESCRIPTION	NET PRG	UOM	EXT PRG
JENNIFER		REPLACEMENT GLBS			
Debbie Carr		PICKUP SHRM		PA	
				01/03/201	
1	4ea	HNV LA8912A-FGN HNV LA8912A-FGN GLAG HLDR	326.310	ea	1305.2
2	6ea	HNV LA8912-FGN HNV SINGLE BANNER ARM WITH ACRN CAPS	326.310	ea	1957.8
3	12ea	^HNV 07H15-148-00 HNV GLOBE ONLY FOR 3170BP ** ALL ITEMS ARE SPECIAL ORDER NON RETURNABLE * SHIPPING WILL BE ADDED ** 4-6 WEEK ORDER PERIOD * TAX NOT INCLUDED **	198.667	ea	2384.0

This is a Quotation. Applicable taxes extra.
 Inbound Freight Terms as per manufacturer. Prices are invalid after thirty days and are subject to change without notice. Local Delivery fee applies for cash, check and credit card orders under \$500. 30% minimum restocking fee on all special order cancellations or returns. All transactions are subject to our terms and conditions as stated at www.dominionelectric.com "TERMS AND CONDITIONS OF SALE", which are incorporated by reference herein.

Subtotal	5647.1
Freight	0.0
Handling	0.0
VA TE	0.0
Total Due	5647.1

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TO: Town of Haymarket Town Council
SUBJECT: Vehicle Repairs/Maintenance Appropriation Request
DATE: 03/04/13

The attached invoice from Piedmont Tire & Auto for the purchase and installation of a new transmission in the 2004 Ford Crown Victoria Cruiser, exceeds the \$2,500 spending policy limit.

It is requested that the Town Council authorize the payment of the attached invoice.

I move that the Town Council appropriate and authorize the remittance of \$2,596.24 To Piedmont Tire & Auto for invoice #14200, funds to come from the Public Safety/Vehicle Maintenance line item.

ATTACHMENTS:

- PT&A Invoice - 2004 Transmission (PDF)

Piedmont Tire and Auto
15151 Washington Street
Haymarket, VA. 20169
Phone - 571-445-3380 Fax - 571-445-3374
Excellence Is Our Standard

INVOICE

14200

INVOICE

Work Completed Date : 12/17/2012

Print Date : 02/20/2013

Haymarket Police

2004 Ford - Crown Victoria

4.6L, V8, VIN (W), Auto, disc/disc w/abs

Lic # : 119249L

Odometer In : 92562

Unit # : White

92562

Vin # : **2FAFP71W24X106335**

Hat # :

Spouse 703-929-8459

Cust ID : 154

Ref # :

Part Description / Number	Qty	Sale	Extended	Labor Description	Extended
transmission assembly - 3 year 100k warranty				get estimate on transmission	N/C
dlr	1.00	2,107.00	2,107.00	\$2709.00 minus 10%	
starter motor				replace transmission assembly	579.71
jk	1.00	198.00	198.00	***Discount*** 10.00% off parts, 10.00% off labor	

*DC
J Breeds
2-20-13
1 PAXS
IN Ford
Crown
VIC.*

*Did I miss this
on the report?
[Signature]*

RECEIVED

FEB 21 2013

TOWN OF HAYMARKET

[Technicians : Please Select, Technician]

Org. Estimate \$2,648.36 Revisions \$0.00 Current Estimate \$ 2,648.36 Additional Cost Revised Estimate

Labor:	579.71
Parts:	2,305.00
Sublet:	0.00
Discount:	-288.47
Sub:	2,596.24
Tax:	0.00
Total:	2,596.24
Bal Due:	\$2,596.24

[Payments -]

I hereby authorize the above repair work to be done along with the necessary material and hereby grant you and/or your employees permission to operate the car or truck herein described on street, highways or elsewhere for the purpose to testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto. Warranty on parts and labor is one years or 12,000 miles whichever comes first. Warranty work has to be performed in our shop & cannot exceed the original cost of repair.

SIGNATURE..... Date..... Time.....

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TO: Town of Haymarket Town Council
SUBJECT: Police Report - March 2013
DATE: 03/04/13

Please find the Haymarket Police Report for March attached.

ATTACHMENTS:

- 03-2013 Police Report (PDF)

**Town Police Statistics for
November, December 2012 & January 2013**

Activity	November	December	January	Total
Mileage	3165	5804	5282	14251
Warning Tickets	15	47	112	174
Parking Tickets	16	59	2	77
Uniform Traffic Summons	90	60	131	281
Criminal Felony	6	23	1	30
Criminal Misdemeanor	3	6	3	12
Reports	9	24	10	43
Complaints	340	335	448	1123
Accidents	5	4	6	15
Hours Worked	746	978	1018	2742

During the Month of January 2013 The Haymarket Police Department participated in the following:

January 3, 2013 department staff met with Chief Magistrate to discuss new policy and procedure pertaining to Magistrates office and to answer any questions officers might have regarding Magistrates.

Officer Jason Davis attended VCIN Certification training from January 23 -25, 2013 and completed certification successfully.

Donna Knupp attended mandatory DMV Grant seminar in Fairfax on January 23, 2013

Criminal Stats for January 2013
Haymarket Police Department

1. Suspicious Person = 11
2. Found Property = 1
3. Alarm calls = 7
4. Larceny = 3
5. Suspicious Vehicles = 11
6. Vehicle Crash = 6
7. Assist PWC = 7
8. Assist VSP = 1
9. Drugs = 1 (Marijuana)
10. Disorderly = 2
11. Attempted Armed Robbery = 1 (CVS)
12. Assault = 1
13. Identity Theft = 1
14. Fire - 1





TO: Town of Haymarket Town Council
SUBJECT: Treasurer's Report - March 2013
DATE: 03/04/13

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TO: Town of Haymarket Town Council
SUBJECT: Engineer's Report - March 2013
DATE: 03/04/13

I-66 Projects

The Public Hearing for the I-66/Rte. 15 Interchange and related improvements on Rte. 15 and Washington Street will be held Wednesday, March 20, 2013, at Battlefield High School from 6pm to 8pm. Staff has posted a notice of the Public Hearing on the Town's website. You are encouraged to attend as both a Town citizen and a member of the Town Council.

Enhancement Project Update

The project was re-advertised in the Washington Post in order to reach a larger audience in hopes of getting more bids. The new due date for bids is March 11, 2013 and the construction completion date is May 1, 2014.

Pedestrian Improvement Project (Connelly money)

The selection committee interviewed the top two firms and picked a top ranked consultant (Rinker Design Associations - RDA). RDA is preparing the man-hour/fee proposal, due March 1. Once the man-hour/fee proposal has been approved by VDOT, the selection committee will come to Town Council to ratify the contract.

Crushed Pipe under Jefferson Street

VDOT constructed the temporary fix of ditching the outlet of the pipe at Jefferson Red House Ordinary to the storm drain inlet at the corner of Washington Street/Jefferson Street and punching a hole into the inlet to allow the water to drain on schedule (work began February 12).



TO: Town of Haymarket Town Council
 SUBJECT: Town Planner's Report - March 2013
 DATE: 03/04/13

Town Center Master Plan

The focus group met with the consultant to finalize three layout concepts for the Town Center Master Plan. The consultant is revising the concepts and is also drafting a narrative regarding various approaches to façade improvements, design of on-site parking areas and ingrees / egress, stormwater management, improved public green space, and landscaping. The narrative will also outline potential funding sources to cover the cost of implementing the plan as well as a phasing plan for construction. It was noted by the consultant that the intent is to provide the Town Council with layout concepts and façade improvements in order to assist the Town in the engineering of a site plan. It is anticipated that the Town Council, Planning Commission, and Architecture Review Board will recommend preferred elements of each concept plan / façade improvement during their respective review of a site plan design. The consultant intends to submit a final draft in early March. The focus group will review the documents and provide feedback. The consultant will then finalize the Master Plan and present the Plan to the Town Council. Following the presentation of the Master Plan, the Council will need to decide next steps (i.e. allocating monies to hire an engineering firm to design the site plan, pursuing grant monies for various phases, etc.).

1 Mile Developments

A Comprehensive Plan Amendment (CPA) has been submitted to Prince William County to change the land use designation of the Midwood Development (south of Walmart, across Route 55 and extending west) from Regional Employment Center (REC) and Community Employment Center (CEC) to Suburban Residential Medium (SRM) and Environmental Resource (ER). The subject property is approximately 118 acres. At the suggestion of Supervisor Candland, Midwood representatives Eugene Siegel and Mike Lubeley met with Town Staff to discuss the proposal. Should the CPA be approved, the Applicant intends to submit a rezoning to permit an age-restricted community of 600 units of varying types (i.e. single-family, townhouses, multi-family). The Prince William Board of County Supervisors will hear the request for the CPA in March.

Other Developments

Staff will update the Town Council regarding the status of the Heathcote Development rezoning on Old Carolina Road (office development, north of Town), the John Marshall Commons rezoning on Route 55 (residential development, east of Town), and the County sale of the old Firehouse.



TO: Town of Haymarket Town Council
SUBJECT: Building Department Report - March 2013
DATE: 03/04/13

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TO: Town of Haymarket Town Council
SUBJECT: Museum Report - March 2013
DATE: 03/04/13

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TO: Town of Haymarket Town Council
SUBJECT: Haymarket Baptist Church - REZ
DATE: 03/04/13

ATTACHMENTS:

- (1) 03-04-2013 Rezoning - Haymarket Baptist Church (PDF)
- (2) 11-06-12 APP REZONING REQUEST (PDF)



INTEROFFICE MEMORANDUM

TO: MAYOR AND TOWN COUNCIL, CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: MARCHANT SCHNEIDER, TOWN PLANNER

SUBJECT: JOINT PUBLIC HEARING ZTA# 20130125, APPLICATION TO AMEND THE ZONING MAP – TRUSTEES OF HAYMARKET BAPTIST CHURCH

DATE: 03-04-13

CC: STAFF

At its February 2013 meeting, the Planning Commission motioned to schedule a joint public hearing with the Town Council to solicit public comment on the above-mentioned Zoning Map Amendment Application to rezone approximately 0.69 acres from the B-1 Zoning District to the R-1 Zoning District. The application is being co-processed with the Haymarket Baptist Church – Building Addition and Parking Expansion Final Site Plan that is currently under review by the Planning Commission. A joint public hearing regarding alternative landscape screening and landscape buffer yard modifications associated with the final site plan will be held at a later date. It is recommended that the Planning Commission and Town Council forward the application to a future meeting for action. This will allow for the Planning Commission and Town Council to concurrently take action on both applications (i.e. rezoning and final site plan).

BACKGROUND

Jessica Sacksteder, on behalf of the Trustees of Haymarket Baptist Church, has submitted an application to amend the Zoning Map associated with Chapter 58 of the Town's Codified Ordinance (Zoning Ordinance) in order to rezone 0.69 acres from the B-1 Zoning District to the R-1 Zoning District. The application is being co-processed with the Haymarket Baptist Church – Building Addition and Parking Expansion Final Site Plan. The church complex currently consists of three parcels, two of which are zoned R-1 and the third zoned B-1. Consolidation of the three parcels is proposed in conjunction with the approval of the final site plan. The resulting lot would be "split-zoned" and problematic to develop due to minimum buffer restrictions between R-1 and B-1 zoning districts (25 feet). The rezoning would unify the church complex under one zoning district designation and resolve the buffer requirement. A justification for the application is attached.

At its February 2013 meeting, the Town Council adopted a resolution of intent to amend the Town Zoning Map in consideration of the Church's request. Pursuant to Section 58-425 of the Zoning Ordinance, the Town Council forwarded the application to the Planning Commission for consideration. The Commission has 65 days from the first meeting after the item has been referred to forward the application to Council for action. The deadline for a recommendation by the Planning Commission is April 17, 2013. The Commission may recommend approval, denial, or further consideration.

As noted in the Town Council resolution, the Planning Commission is to consider whether the amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; to consider whether these amendments are consistent with the Town's Comprehensive Plan; to consider the impact of these amendments on the services, character, and needs of the community; and to prepare draft amendments for consideration.

Section 58-429 further states the proposed amendments shall be considered with reasonable consideration of the following matters:

- (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.

The Ordinance also states that the above 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.

COMPREHENSIVE PLAN – TRANSITIONAL COMMERCIAL LAND USE

The subject property is designated by the Comprehensive Plan as Transitional Commercial. 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 Neighborhood/Town Center, Transitional Commercial 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 restricted 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. A zoning ordinance amendment implementing this land use area is anticipated following the adoption of this plan.”

R-1 ZONING DISTRICT – PURPOSE AND INTENT

Section 58-51 of the Zoning Ordinance states the intent of the R-1 zoning district as follows:

“The residential district R-1 is composed of certain quiet, low-density areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature. To these ends, development is limited basically to single-unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the district.”

PLANNING COMMISSION REVIEW AND RECOMMENDATION

It is anticipated that the Planning Commission will forward their recommendation regarding the rezoning and final site plan at their March meeting.

STAFF REVIEW AND RECOMMENDATION

It is recommended that the Planning Commission and Town Council give consideration of the above-mentioned matters for consideration, applicable land use policy, and R-1 Zoning District intent.

DRAFT MOTION(S)Planning Commission

1. I move that the Planning Commission forward ZTA# 20130125, Application to Amend the Zoning Map – Trustees of Haymarket Baptist Church, to a future meeting for further consideration.

Or,

2. I move that the Planning Commission forward ZTA# 20130125 to the Town Council with a recommendation of [approval] [denial] based on the following findings: _____.

Or,

3. I move an alternate motion

Town Council

1. I move that the Town Council forward ZTA# 20130125, Application to Amend the Zoning Map – Trustees of Haymarket Baptist Church, to a future meeting for further consideration.

Or,

2. I move an alternate motion

RECEIVED

NOV - 6 2012

TOWN OF HAYMARKE



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

Jessica L. Sacksteder
Planner
(703) 680-4664 Ext. 5119
jsacksteder@pw.thelandlawyers.com

November 6, 2012

Via Courier

Jennifer Preli, Town Clerk
15000 Washington Street
Suite 100
Haymarket, VA 20168

Re: Haymarket Baptist Church - Rezoning Application

Dear Ms. Preli:

On behalf of the Applicant, Trustees of Haymarket Baptist Church, enclosed please find the following items constituting a rezoning application from B-1, Town Center District, to R-1, Residential District, at 14820 Washington Street, which is north of the existing Haymarket Baptist Church building.

1. One (1) original and one(1) copy of the Amendment of Zoning Map Application Form, which has been signed by all five (5) trustees of the church;
2. A check in the amount of \$4,000.00 constituting the rezoning review fee;
3. Two (2) copies of the Justification for Rezoning dated August 9, 2012; and
4. Six (6) full sized copies and two (2) 8.5x11 copies of the plan entitled "Rezoning Plat – The Property of Trustees of Haymarket Baptist Church," prepared by Ross, France & Ratliff, Ltd., dated August 23, 2012.

After you have had an opportunity to review the application together with the supporting documents, please contact Mike Coughlin or me if any additional information is required for acceptance. I appreciate your assistance in this regard.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.

Jessica L. Sacksteder, Planner

JLS

Enclosures

cc: Otelia Frazier(w/encl)
Mike Massey
Michael Coughlin, Esq.

P0302450.DOCX

JUSTIFICATION FOR REZONING HAYMARKET BAPTIST CHURCH

Record Owner: Trustees of Haymarket Baptist Church (“Applicant”)
Prince William County GPIN 7397-09-2472 (“Property”)
(Approximately 0.6998 acres)
August 9, 2012
Updated – January 23, 2013

The Property subject to this rezoning application consists of GPIN 7397-09-2472, having an area of approximately 0.6998 acres, as shown on the rezoning plat submitted with this application. The Property is located at 14820 Washington Street, to the north of the existing Haymarket Baptist Church building.

The Property is zoned B-1, Town Center District. The Applicant is requesting a rezoning to R-1, Residential District. A church with associated facilities is permitted in the R-1 district by-right. The other parcels associated with the church are all zoned R-1. As a part of the site plan process, the Church is consolidating all of its parcels, which includes the Property subject to this rezoning as well as GPINs 7397-09-1945 and 7397-09-3544.

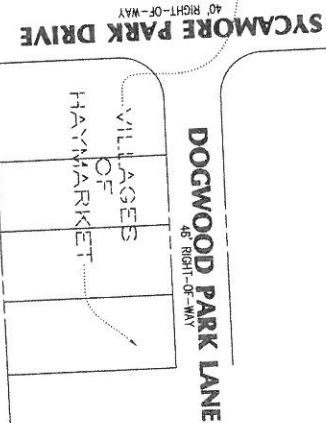
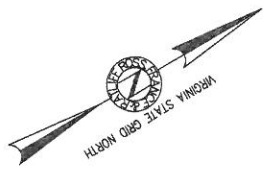
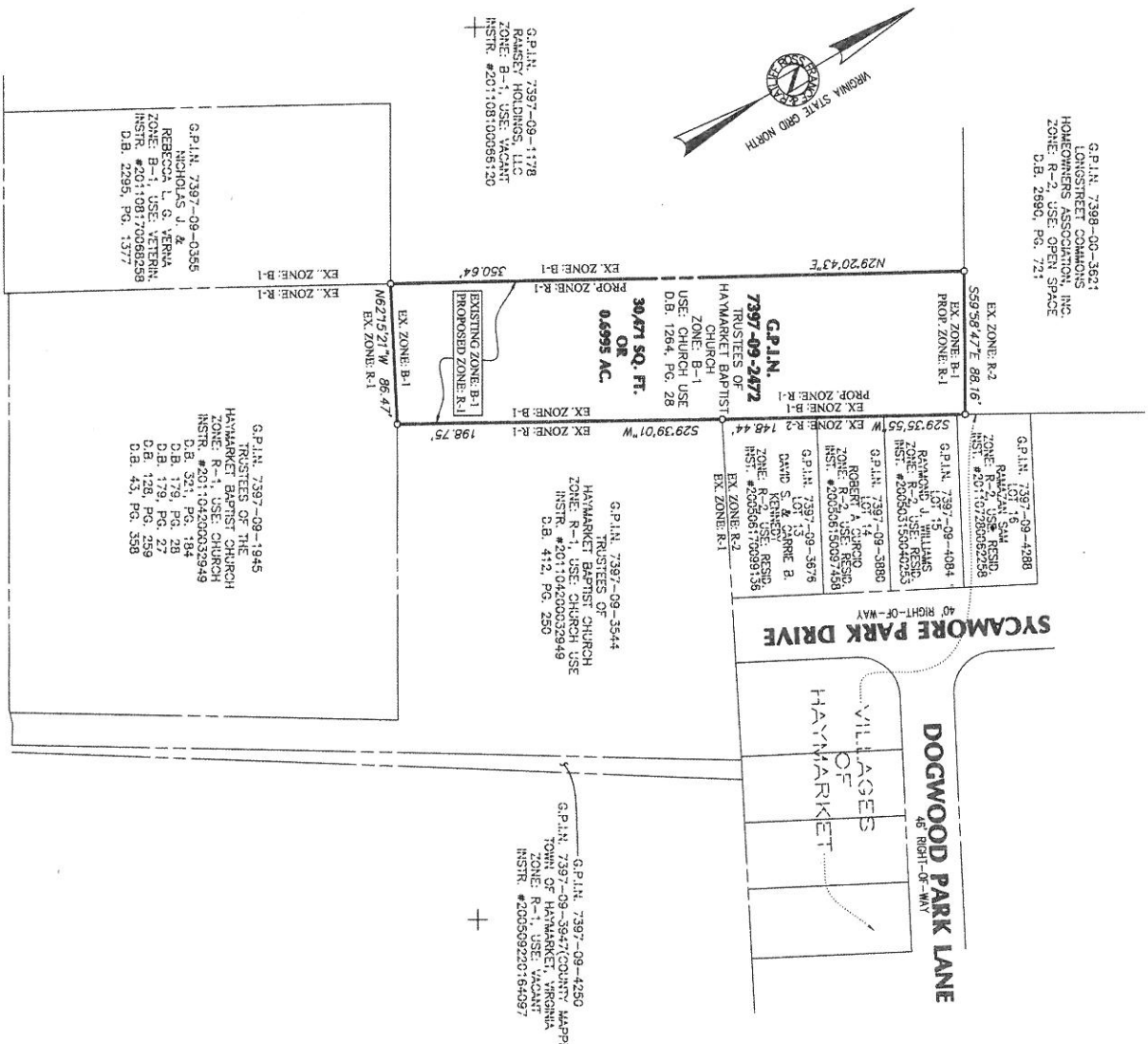
The rezoning proposal is consistent with the Town's Comprehensive Plan, as follows.

- The church is part of a commercial/residential blend of uses east of the Town's Center.
- The existing church is listed on the Historic Building Inventory in the Comprehensive Plan. The existing church building will not change with this proposal and the rezoning will make the church's property more viable.
- The church provides parking for the Haymarket Day, which is consistent with the goal in the Comprehensive Plan that churches develop a program of shared parking.

A preliminary site plan was approved by the Town Council on February 19, 2008 for an addition to the sanctuary and related church facilities. Sec. 58-179 (b) of the Town Zoning Ordinance states that between commercial and residential properties "there shall be a landscaped buffer of not less than 25 feet at any property line adjoining residential uses." The Applicant is requesting this rezoning because a church is permitted by-right in R-1 and most of the church is also zoned R-1. With this rezoning, a 25 foot buffer between residential and commercial uses will not be required.

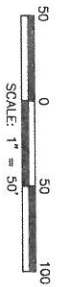
In summary, the Applicant is requesting this rezoning to consistently zone the church to R-1 and address the buffer.

TO SAINT PAUL DRIVE
WASHINGTON STREET - VIRGINIA ROUTE 55
 VARIABLE WIDTH RIGHT-OF-WAY



LEGEND	
AC.	ACRES
D.B.	DEED BOOK
EX.	EXISTING
G.P.L.N.	GEOGRAPHIC PARCEL IDENTIFICATION NUMBER
INST. #	INSTRUMENT NUMBER
IRP	IRON PIPE FOUND
PG	PAGE
P.O.B.	POINT OF BEGINNING
SQ. FT.	SQUARE FEET

- NOTES**
1. METES AND BOUNDS SHOWN HEREON ARE THE RESULT OF A CURRENT FIELD SURVEY AND DEEDS & PLATS OF RECORD.
 2. THE PRINCE WILLIAM COUNTY GEOGRAPHIC PARCEL IDENTIFICATION NUMBER (G.P.I.N.) AND ADDRESS FOR THE PROPERTIES SHOWN HEREON ARE AS FOLLOWS:
 G.P.I.N. 7397-09-2472 / ZONE: B-1 / 14820 WASHINGTON STREET
 3. THE PROPERTY SHOWN HEREON WAS ACQUIRED BY TRUSTEES OF HAYMARKET BAPTIST CHURCH BY DEED RECORD BOOK 1264, PAGE 28 OF THE LAND RECORDS OF PRINCE WILLIAM COUNTY, VIRGINIA.
 4. THE PROPOSED REZONING IS BY THE ENTIRETY OF THE SUBJECT PARCEL, AND NOT BY METES AND BOUNDS OR AREAS, ALL OF WHICH ARE SUBJECT TO MINOR REVISIONS BASED UPON A CURRENT FIELD SURVEY BOUNDARY SURVEY.



DATE	BY	REVISION
01/17/2013	RMM	REVISED PER TOWN COMMENTS

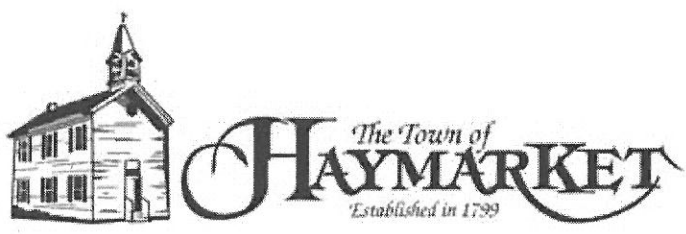
Ross, France & Ratliff, Ltd.
 CIVIL ENGINEERING - LAND SURVEYING
 8802 SUDLEY ROAD
 MANASSAS, VIRGINIA 20110
 (703) 361-4188 FAX (703) 361-6353

REZONING PLAT
 THE PROPERTY OF
TRUSTEES OF HAYMARKET BAPTIST CHURCH
 TOWN OF HAYMARKET, VIRGINIA
 PRINCE WILLIAM COUNTY VIRGINIA

SCALE: 1" = 50'

CHK: JWL
 DWN: MSL
 AUGUST 23, 2012

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



- Check Appropriate Item(s):
- Amendment to Zoning Map
 - Zoning Text Amendment

Office Use Only
Date Received: <u>11-6-2012</u>
Application Number: <u>REZ 20121106</u>
Fees Received: <u>\$4,000-</u>

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 zoning map amendments, it is the land, which is covered by the application.

- 1) Number and Street: 14820 Washington Street
- 2) Present Zoning: B-1 3) Acres: approximately .6998
- 4) Legal Description of Property (Omit for zoning text amendment) – Attach if necessary.
The property is located to the north (behind) the existing Haymarket Baptist Church Building.

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: None that we are aware of.
- 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: Trustee of Haymarket Baptist Church
Address: P.O. Box 182, Haymarket, Virginia 20168
Phone Number: _____
- 2) Agent Information (if any):
Name: Michael Coughlin/Jessica Sacksteder (Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.)
Address: 4310 Prince William Parkway, Suite 300, Prince William, Virginia 22192
Phone Number: (703)680-4664

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

- 3) Owners of all property included in this application (omit for zoning text change):

Name: Trustees of Haymarket Baptist Church

Address: See above.

Phone Number:

Name:

Address:

Phone Number:

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: Attached please find the deed conveying the property to the Trustees of Haymarket Baptist Church.

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.

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

Part 2 – Complete **ONLY** portion(s) 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: B-1 b) Proposed Zoning: R-1
- c) Existing Use: Church and related facilities
- d) Proposed Use: Church and related facilities
- 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? _____
- 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.

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**: Tommy Robbin
Trustee, Haymarket Baptist Church
 - b) Signature of **agent** (if any): _____
 - c) Date: August 22, 2012 Notary Seal
- 2) a) Signed and sworn before me this: August 29, 2012
- b) Signature of **Notary**: Julia Ann White
7303248

Application for Zoning Map Amendment & Zoning Text Amendment
Page 3 of 7

City/County of Prince William Co.
 Commonwealth/State of Virginia
 Sworn to and subscribed before me this
 day of August, 2012
 Witness my Hand and official seal.
Julia Ann White Notary Pub
 Exp. October 31, 2013

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

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- d) Proposed Use: Church and related facilities
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 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.)

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- 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**: W E Swartz, Trustee, Haymarket Baptist Church
 - b) Signature of **agent** (if any): _____
 - c) Date: August 22, 2012 Notary Seal
- 2) a) Signed and sworn before me this: September 18, 2012
- b) Signature of **Notary**: Julia Ann White

Application for Zoning Map Amendment & Zoning Text Amendment
Page 3 of 7

City/County of Prince William
 Commonwealth/State of Virginia
 Sworn to and subscribed before me this
 day of September, 2012
 Witness my hand and official seal
Julia Ann White Notary
 EXP. October 3, 2013

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

Part 2 – Complete ONLY portion(s) pertaining to your case. (as checked at top of Page 1)

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 c) Existing Use: Church and related facilities
 d) Proposed Use: Church and related facilities
- 2) a) The following are submitted with this application:
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 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.

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- 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: Thomas Fenwick
 - b) Signature of agent (if any): _____
 - c) Date: 8/22/2012 Notary Seal

- 2) a) Signed and sworn before me this: 4 September 2012
- b) Signature of Notary: Julia Ann Whitey
 Exp. Oct 31, 2013

Application for Zoning Map Amendment & Zoning Text Amendment
Page 3 of 7

City/County of Prince William
 Commonwealth/State of Virginia
 Sworn to and subscribed before me
 on 4 September, 2012
 Witness my hand and official seal
Julia Ann Whitey
 # 730-3248

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

Part 2 – Complete **ONLY** portion(s) pertaining to your case. (as checked at top of Page 1)

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- 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**: Joan Duhon
 - b) Signature of **agent** (if any): _____
 - c) Date: 8/22/2012 Notary Seal
- 2) a) Signed and sworn before me this: 4 September 2012
- b) Signature of **Notary**: Julia Ann Whitney

7303248
Expires October 31, 2012
Application for Zoning Map Amendment & Zoning Text Amendment
Page 3 of 7

City/County of Prince William
Commonwealth/State of Virginia
Sworn to and subscribed before me
day of September, 20 12
Witness my hand and official seal.
Julia Ann Whitney Notary

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

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- 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**: Jean Farrell, Trustee
Waymarket Baptist Church
 - b) Signature of **agent** (if any): _____

c) Date: 8/22/2012 Notary Seal

2) a) Signed and sworn before me this: August 30, 2012

b) Signature of **Notary**: Julia Ann Whitney
Exp. October 31, 2013

Application for Zoning Map Amendment & Zoning Text Amendment
Page 3 of 7

City/County of Prince William
Commonwealth/State of Virginia
Sworn to and subscribed before me this
day of August, 2012
Witness my hand and official seal.

Julia Ann Whitney Notary P
7303248

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)



TO: Town of Haymarket Town Council
SUBJECT: Bond Release - 15151 Washington Street
DATE: 03/04/13

Wood Village, LLC has requested release of their performance bond, issued by Union Bank in the Town's favor (L/C #1945) in the amount of \$33,077.70.

The Town has received and approved "As-Built Plans" for the site plan known as Piedmont Tire & Auto AFSP #20110301, for improvements to 15151 Washington Street.

Recommendation:

I move that the Town Council hereby release Letter of Credit #1945, in the amount of \$33,077.70, established by Union Bank of 37 Main Street, #102, Warrenton, VA 20186, held in the Town's favor for the performance of Site Plan #AFSP20110301, Wood Village, LLC for improvements to 15151 Washington Street, Piedmont Tire & Auto.

ATTACHMENTS:

- Memo-AsBuiltApproval-Piedmont Tire Auto-013013 (PDF)



INTEROFFICE MEMORANDUM

TO: JENNIFER PRELI
FROM: HOLLY MONTAGUE, PE
SUBJECT: AS-BUILT APPROVAL FOR PIEDMONT TIRE AND AUTO
DATE: 1/30/2013
CC: MARCHANT SCHNEIDER

I have reviewed the As-Built drawings for Piedmont Tire and Auto sealed 12/18/2012 through 1/30/2013. I have no additional comments. Based on the As-Built review, I have no objections to releasing the bond for this project.

Please let me know if you have any questions.

Holly Montague



TO: Town of Haymarket Town Council
SUBJECT: Zoning Text Amendment - Amend B1 Zoning
DATE: 03/04/13

ATTACHMENTS:

- (1) 03-04-13 funeral home ZTA tc cover memo (PDF)
- (2) 12-21-12 APP REVISED ZTA (PDF)
- (3) 11-02-12 Applicant ZTA Filing - funeral home (PDF)



MEMORANDUM

TO: MAYOR AND MEMBERS OF THE TOWN COUNCIL

FROM: MARCHANT SCHNEIDER, TOWN PLANNER

SUBJECT: REVISED APPLICATION FOR ZONING TEXT AMENDMENT – PERMIT MORTUARY, FUNERAL HOME USE BY SPECIAL USE PERMIT IN THE B-1 ZONING DISTRICT (ZTA#20121221)

DATE: 03-04-13

CC: STAFF

The Planning Commission held a public hearing regarding the above-mentioned application on January 14, 2013. Several members of the public spoke in opposition to the application noting, among other issues, traffic and overflow parking issues associated with such a use as well as perceived conflicts with the Town’s goal to create a “walking town”. At its February meeting, the Planning Commission motioned to recommend denial of the request based on specific findings. The Commission alternatively proposed language to permit funeral home use with a special use permit in the B-2 zoning district subject to certain performance standards (see below).

Pursuant to Section 58-425, the Town Council has one year from the date the Amendment application was accepted by the Town Clerk to render a decision. The deadline for a decision by the Town Council is November 3, 2013. Pursuant to Sections 58-422 and 58-424, it is recommended that the Town Council schedule a public hearing to allow interested parties and citizens the opportunity to be heard. The Council may approve, deny, or recommend alternative amendments subsequent to the public hearing.

BACKGROUND

At its November 2012 meeting, the Town Council adopted a resolution of intent to amend Chapter 58 of the Town Code (Zoning) to consider a Zoning Text Amendment Application to permit “Mortuary, funeral home” use by-right within the B-1 zoning district as well as permit “Crematory” use by special use permit. Pursuant to Section 58-425 of the Zoning Ordinance, the Town Council forwarded the application to the Planning Commission for consideration.

The application was submitted by John Foote on behalf of Clifford Blasius and McGraw’s Corner, LLC, in reference to establishing a mortuary, funeral home use at 14850 Washington Street; however, the amendment, which has been subsequently amended, would permit the proposed use by special use permit anywhere within the B-1 zoning district (i.e. not limited to the site). A narrative explaining the proposal is attached.

As noted in the Town Council resolution, the Planning Commission was to consider whether the amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; to consider whether these amendments are consistent with the Town’s Comprehensive Plan; to consider the impact of these amendments on the services, character, and needs of the community; and to prepare draft amendments for consideration.

Section 58-429 further states the proposed amendments shall be considered with reasonable consideration of the following matters.

- (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.

The Ordinance also states that the above 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.

[Excerpts from the Comprehensive Plan and Zoning Ordinance relevant to the land area in question are included below]

PLANNING COMMISSION REVIEW AND RECOMMENDATION

The Commission reviewed the above-mentioned application at its December 2012 and January and February 2013 meetings. The Commission commented on the appropriateness of the use within the Town and the B-1 zoning district, the Amendment's compliance with the planned land use policies of the Comprehensive Plan (Neighborhood / Town Center and Transitional Commercial), traffic and parking associated with such a use, and compatibility of a funeral home use with residential zoning districts adjacent to the B-1 Zoning District. The Applicant noted the limited availability of funeral homes in the area and stated the use was similar to an office use with minimal impact and occasional traffic due to funeral services. The Applicant states the subject site is anticipated to be able to provide sufficient parking for the use. Subsequent to the December Planning Commission meeting, the Applicant revised its application to remove "crematory" use and permit mortuary, funeral home as a special use in the B-1 Zoning District.

As noted above, several members of the public spoke in opposition to the Amendment noting, among other issues, additional traffic on Route 55 and overflow parking into adjacent neighborhoods as well as perceived conflicts with the Town's goal to create a "walking town". At the conclusion of their February meeting, the Planning Commission forwarded the Amendment to the Town Council with a recommendation of denial having determined the following:

- 1. The Amendment is not consistent with the existing uses and character of the B-1 Zoning District;
- 2. Properties in the B-1 Zoning District are not suitable for the uses contemplated in the Amendment;
- 3. The Amendment is not consistent with the Town's Comprehensive Plan;
- 4. The Amendment would have a negative impact on the Town's transportation infrastructure;
- 5. The Amendment would negatively impact the value of neighboring properties;
- 6. The Amendment would not encourage the most appropriate use of the land throughout the Town;
- 7. The Amendment does not further the public necessity, convenience and general welfare and does not constitute good zoning practice.

Alternate Amendment

During its discussion of the Applicant's proposed Amendment, the Commission recognized the demand for funeral home use in the west end of Prince William County and determined that such a use would be more appropriate within the B-2 zoning district given use's consistency with the corresponding planned land use designation (Planned Interchange Park) and due to the supporting road infrastructure in the area. Based on the Council's initiating Resolution, the Commission separately motioned to recommend that the Council alternatively add a definition for Funeral Home within the Zoning Ordinance and amend the Use Regulations for the B-2 Neighborhood Business Commercial District as follows:

Amend Sec. 58-1. – Definitions.

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

Funeral home means a facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles, but does not include facilities for cremation.
Amend Sec. 58-11. - Minimum off-street parking.

(7) ~~For mortuaries and~~ liquor stores, at least ten parking spaces.

Amend Sec. 58-218. – Special Uses.

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

(11) Funeral home subject to the following conditions:

(a) Such use shall be located:

1. Within a parcel comprising at least two acres;
2. Within a freestanding building and be the sole principal use on the lot.
3. On a parcel of land fronting on, and with direct access to, an existing collector or arterial road with dedicated turn lane(s).

(b) Sufficient car stacking space shall be provided on the lot such that a collector or arterial road need not be used for the forming of funeral processions. The area of the lot used for the forming of funeral processions shall have direct, but limited, access to the collector or arterial road.

(c) Off street parking requirements: 1 space / 4 persons in permitted occupancy approved by the Fire Marshall plus 1 space / employee and 1 space / business vehicle and 2 loading spaces.

STAFF REVIEW AND RECOMMENDATION

It is recommended that the Town Council give consideration of the above-mentioned matters for consideration, applicable land use policy and B-1 Zoning District intent and noted below, and Planning Commission recommendation. It is also recommended that the Council evaluate the impact and compatibility of funeral home, mortuary use to those uses permitted within the B-1 zoning district and those land uses that abut the B-1 zoning district (primarily residential). Lastly, should the Town Council consider the Amendment text as currently written, it is recommended that Section 58-11(7) (minimum off-street parking standards) be removed from the Zoning Ordinance. As currently written, Section 58-11(7) states “For mortuaries and liquor stores, at least 10 parking spaces” are required. The Ordinance otherwise requires commercial buildings to provide one parking space for each 200 square feet of business floor space in a building (Section 58-11(9)).

Regarding the Applicant’s revised application, permitting a “mortuary, funeral home” as a special use within the B-1 Zoning District would allow for the assessment and mitigation of possible impacts of such a use on a case by case, site specific basis (i.e. traffic impact, screening, lighting, etc.). However, as noted during the Planning Commission discussion, accommodation of an influx of attendees during funeral services could be problematic as no on-street parking is available on Washington Street. Specific to the subject site, the only opportunity for overflow public parking is on-street parking within Greenhill Crossing across Washington Street. Private parking is available at the adjacent animal hospital and Baptist Church, but use of these facilities is at the discretion of the landowner and only those spaces in excess of the Town’s parking requirements could be used.

DRAFT MOTION(S)

1. I move that the Town Council schedule a public hearing of ZTA 20121221, Application for Zoning Text Amendment – Permit Mortuary, Funeral home use by special use permit in the B-1 zoning district.

Or,

2. I move an alternate motion

COMPREHENSIVE PLAN

The B-1 zoning district encompasses a land area planned as two distinct land use patterns: Neighborhood/Town Center and Transitional Commercial. 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 Neighborhood/Town Center, Transitional Commercial 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 restricted 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.

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.

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 integrate with older, existing buildings and do not overpower the existing Street-scape or pose a threat to the center’s character.*

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. A zoning ordinance amendment implementing this land use area is anticipated following the adoption of this plan.”

B-1 ZONING DISTRICT – PURPOSE AND INTENT

Section 58-176 of the Zoning Ordinance states the intent of the B-1 zoning district as follows:

“The town center district B-1 provides primarily for retail shopping and personal services uses 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 its compatibility with its residential surroundings.”



Jessica L. Sacksteder
Planner
(703) 680-4664 Ext. 5119
jsacksteder@pw.thelandlawyers.com

**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

December 21, 2012

Via E-Mail and Mail

R. Marchant Schneider
Town Planner
Town of Haymarket
P.O. Box 1230
Haymarket, VA 20168

Re: Zoning Text Amendment - Funeral Home

Dear Marchant:

As a follow-up to the Planning Commission hearing and subsequent meetings, attached please find a revised blackline of the Zoning Ordinance to permit "mortuary, funeral home" with a special use permit in the B-1, Town Center, District. Please note that crematory has been removed.

Please do not hesitate to contact John Foote or me if you should have any questions or need additional information.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.

Jessica L. Sacksteder
Planner

Enclosure

cc: Clifford Blasius
John Foote, Esq.

PHONE 703 680 4664 ■ FAX 703 680 6067 ■ WWW.THELANDLAWYERS.COM
GLEN PARK I ■ 4310 PRINCE WILLIAM PARKWAY, SUITE 300 ■ WOODBRIDGE, VA 22192-5199

ARLINGTON OFFICE 703 528 4700 ■ LOUDOUN OFFICE 703 737 3633

PROPOSED ZONING TEXT AMENDMENT

Amend the Town's Zoning Ordinance to add certain definitions and to amend the Use Regulations for the B-1 Town Center District as follows:

Add the following definitions to be inserted into the Code in proper alphabetical location.

Funeral home means a facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial ~~or cremation where permitted by special use permit~~, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles.

Mortuary shall mean a place for the storage of dead human bodies prior to their burial ~~or where permitted by special use permit, cremation.~~

Amend Sec. 58-177. - Use regulations.

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

- (1) Apartments as ancillary uses on the second floor of structures designed for other commercial uses; not more than 40 percent of the gross floor area of any structure may be devoted to apartment use.
- (2) Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
- (3) Bakeries occupying not more than 3,000 square feet of floor area, and provided all products produced on the premises shall be sold at retail on the premises.
- (4) Barbershops or beauty parlors.
- (5) Catering or delicatessen businesses.
- (6) Dry cleaning or pressing pickup stations or shops occupying not more than 3,000 square feet of floor area.
- (7) Florists' shops.
- (8) Nursery schools, child care centers, kindergartens.
- (9) Offices, general business or professional.
- (10) Pet shops or dog beauty parlors, provided that any workrooms, cages or pens are maintained within a completely enclosed, soundproof building.

- (11) Public uses, including post offices, utility company offices and libraries.
- (12) Private clubs, lodges or meeting halls, not to include those of an adult nature.
- (13) Restaurants, but not with drive-in or fast food restaurants.
- (14) Shoe repair shops occupying not more than 3,000 square feet of floor area.
- (15) Service stations (with major repairs under cover).
- (16) Shops for the sale, service or repair of home appliances, office machines, electrical, television and radio equipment occupying not more than 3,000 square feet of floor area.
- (17) Stores or shops for the conduct of retail business of new merchandise, including the sale of accessories, appliances, beverages, books, carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, office supplies, paint, saddlery supplies, sporting goods, stationery, and similar stores, but not including adult bookstores or adult mini motion picture theaters; but no shop may occupy more than 3,000 square feet of floor area.
- (18) Studios for artists, photographers, teachers, sculptors or musicians.
- (19) Sale of antiques and collectibles.
- (20) Nonprofit, community service organizations.
- (21) Veterinary hospitals (small animal).
- (22) Farmer's Market

Amend Sec. 58-178. - Special uses.

The following uses shall be permitted in the B-1 district with a special use permit:

- (1) Estate/liquidation auction sale.
- (2) Outdoor craft and/or antique shows/sales.
- (3) Parades.
- (4) Carousels; games (as defined in section 14-9).
- (5) Secondhand retail sales.
- (6) Wire line telecommunications services not to exceed 5,000 square feet.

(7) Mobile office/classroom shall only be permitted with a special use license with the following restrictions:

- a. For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter;
- b. For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.

(8) Mortuary, funeral home.



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

John H. Foote
(703) 680-4664 Ext. 5114
jfoote@pw.thelandlawyers.com
Fax: (703) 680-2161

November 2, 2012

Mr. Gene Swearingen, Town Manager,
Mr. Marchant Schneider, Town Planner
Town of Haymarket
P. O. Box 1230
Haymarket, Virginia 20168

Re: Application for Zoning Text Amendment

Dear Messrs. Swearingen and Schneider:

This firm represents Clifford Blasius and McGraw's Corner, LLC, in connection with their request that the Planning Commission and Council consider amendments to the Town's Zoning Ordinance that would permit construction of a funeral home in the Town's B-1 District. McGraw's Corner is soon to be under contract to acquire a property in that District. As you can see from the draft of that contract attached, purchase would be contingent upon approval of zoning text amendments to permit the desired use of the property.

Mr. Blasius has long and successful experience in this essential business. Most recently, he was the owner/manager of the Blasius-Baker Funeral Home in Old Town Manassas, adjacent to residential and commercial uses, where he operated for many years until he sold that company. He wishes to re-enter the business, and after much analysis has determined that the need for the services of a funeral home is greatest in the Gainesville/Haymarket area. There are, indeed, presently no such facilities in the area.

For purposes of comparison, most jurisdictions in which this firm works, including as examples Prince William, Stafford, and Fairfax Counties, the cities of Manassas and Fairfax, and the Towns of Occoquan, Herndon, and Front Royal permit funeral homes as a use by right in one or more of their commercial districts, in recognition they are business operations with minimal impact on a locality, and that are fundamentally identical to other business uses.¹ They present no adverse effects on surrounding businesses or residences, and increase the taxable value of the

¹ We note that most Virginia jurisdictions appear to use the term "funeral home," rather than "mortuary." The terms do not have a significant difference in meaning, and both are proposed in the text provided.

Mr. Gene Swearingen
Mr. Marchant Schneider
November 2, 2012
Page | 2

real property on which they are located. They are, in short, good neighbors providing a service that, unless the laws of nature have been repealed, all need in the fullness of time, and that are participating taxpayers and citizens.

The application submitted proposes the addition of the necessary definitions, and the inclusion of the appropriate uses, including the inclusion of a crematory as a special use, it should be understood that the applicant does not propose a crematory and has no present plans for such a facility. Because such services are today often associated with funeral homes, however, we suggest that the Town consider providing for them but only by special use permit.

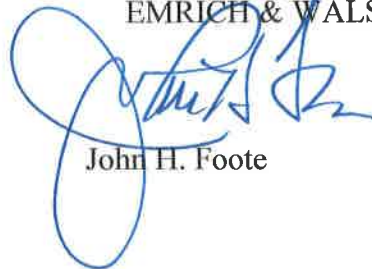
We also note that although the current Town Zoning Ordinance does not provide for funeral homes, mortuaries, or crematoria, there is, interestingly, a provision in § 58-11(7) of the Ordinance regulating minimum off-street parking for mortuaries, requiring at least ten parking spaces.

Because we have had long experience in the development of ordinance amendments, we are also attaching for the Council's convenience a proposed initiating resolution that comports with the requirements of Virginia law for the commencement of the zoning text amendment process.

We are pleased to submit this application on our clients' behalf, and pleased as well to discuss this with you, the Commission, and the Council. We appreciate the Town's cordial consideration of this proposal.

Very truly yours,

WALSH, COLUCCI, LUBELEY,
EMRICH & WALSH, P.C.



John H. Foote

JHF/jf

cc: Clifford Blasius



- Check Appropriate Item(s):
- Amendment to Zoning Map
 - Zoning Text Amendment

Office Use Only

Date Received: _____

Application Number: _____

Fees Received: _____

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 zoning map amendments, it is the land, which is covered by the application.

- 1) Number and Street: 14850 Washington ST. HAYMARKET, VA
- 2) Present Zoning: B1 3) Acres: 2.1662
- 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: CLIFFORD C. BLASINS JR.; Mc Graws Corner, LLC.
 - Address: 10544 Knollwood DR. MANASSAS, VA.
 - Phone Number: 703 330 8394(H) 703 489 4639(C)
- 2) Agent Information (if any):
 - Name: John H. Foote, Jessica Sacksteder, Haley Colucci, Lizabeth Environ + Health
 - Address: 4310 Prince William Parkway # 300, Prince William, VA 22192
 - Phone Number: 703 680 4664

3) Owners of all property included in this application (omit for zoning text change):

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

not applicable

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: _____

Not applicable

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:

The applicant proposes to purchase the property identified above, for business use.

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

See K attached.

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Name: _____

Address: _____

Phone Number: _____

Not applicable

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.

Please see the attached.

Part 2 – Complete **ONLY** portion(s) 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: _____ 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? _____
Zoning Definitions; § 58-177; § 58-178
- 2) What is the nature of the proposed change? _____
Please see the attached narrative
- 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.

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**: *Clyff C. Blasing*
 - b) Signature of **agent** (if any): _____
 - c) Date: 10/25/12
- 2) a) Signed and sworn before me this: 10/25/12
 b) Signature of **Notary**: *Laura Ellen Blades*
my Commission Expires 9/30/14



Please read the following sections of the Haymarket Town Code for information on the procedures for zoning text amendment and zoning map amendment petitions:

PLEASE SEE THE FOLLOWING PAGE, THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY.

Sec. 58-422. Amendments generally.

Whenever public necessity, general welfare or good zoning practice requires, the council may by general ordinance amend, supplement or change the regulations, restrictions, district boundaries or classification of property established in this chapter by majority vote, provided that no such action may be taken until after at least one public hearing has been held in relation to such action as provided by Code of Virginia, § 15.2-2204, as amended, at which parties of interest and citizens shall have an opportunity to be heard. Any such amendment may be initiated by petition of any property owner addressed to the council, by resolution of the council or by motion of the planning commission in the following manner:

- (1) **Property owner petition.** By filing with the town clerk a petition of any owners of land proposed to be rezoned. The petition shall be addressed to the town council and shall be on a standard application form signed by the owner or his agent, accompanied by three copies of metes and bounds description and the plat of the property proposed for rezoning, a conflict of interest statement, a fee to be determined in accordance with the fee schedule adopted by the town council, and a narrative addressing compatibility of the request with the adopted comprehensive plan and its goals and objectives. When the petitioner desires to submit, or the application contains conditions proffered in accordance with Code of Virginia, § 15.2-2297, as amended, the application shall contain the conditions and the following statement: "I hereby proffer that the development and/or use of the subject property of this application shall be in strict accordance with the conditions set forth in this submission, unless an amendment thereto is mutually agreed upon by the town council and the undersigned."
- (2) **Town council resolution.** By the adoption by the council of a resolution of intention to amend, which resolution upon adoption shall be referred to the commission for consideration pursuant to Code of Virginia, § 15.2-2285, as amended.
- (3) **Planning commission resolution.** By the adoption by the commission of a resolution of intention to propose an amendment.
(Ord. of 2-20-1989)

Sec. 58-423. Conflict of interest.

When a zoning application is filed by a property owner, such petition shall be sworn to under oath before a notary public, stating whether any member of the council or the commission has an interest in such property, whether individually, by ownership of stock in a corporation owning such land or by partnership, or whether a member of the immediate household of any member has such interest. For the purpose of this section, own or have any interest in shall mean being a holder of ten percent or more of the outstanding shares of stock in or serving as a director or officer of any corporation owning such land, directly or indirectly, by members of his immediate household.
(Ord. of 2-20-1989)

Sec. 58-424. Notice of hearings.

The commission shall not recommend nor the council adopt any plan, ordinance or amendment, change in district boundaries or classification of property until the notice and public hearing requirements as required by the Code of Virginia have been satisfied.
(Ord. of 2-20-1989)

Sec. 58-425. Review and action.

- (1) In accordance with Code of Virginia, tit. 15.2, proposed amendments to this chapter, changes in district boundaries or classifications of property shall be referred to the planning commission for its recommendation. The commission, in review of the proposal, shall consider the nature of the request, its consistency with the comprehensive plan, and the impact of such request on the services, character and needs of the community. Any request submitted to the planning commission must be forwarded to the council for action within 65 days of the first commission meeting of which the request appeared as an agenda item. Failure of the commission to act within 65 days shall be deemed no recommendation by the commission, and the town clerk shall forward the request to the council for action. The commission and the town council shall each hold at least one public hearing prior to the council's action. Such public hearings may, with the consent of both

bodies, be held during a joint session when advertised in accordance with section 58-424. The town council shall render a decision on an applicant's request not later than one year after the date the application for amendment was filed with and accepted by the town clerk.

- (2) All requests must be accepted by the town, in accordance with all land use policy memos, a least twenty days prior to the next regularly scheduled meeting of the planning commission to appear as an agenda item at that meeting.
(Ord. of 2-20-1989)

Sec. 58-426. Limitation on refiling of petition following denial.

Upon denial of any petition to change a zoning district, no further petition concerning any or all of the same property for amendment to the same zoning district as applied for in the petition denied shall be filed within one year of such denial.
(Ord. of 2-20-1989)

Sec. 58-427. Withdrawal of petition.

An application for an amendment may be withdrawn at any time; provided that, if the request for withdrawal is made after the notice of public hearing, no application for the reclassification of any or all of the same property shall be filed within six months of the withdrawal date. There shall be no refund of fees in the case of a withdrawal.
(Ord. of 2-20-1989)

Sec. 58-428. Deferral upon request of applicant.

Nothing in this article shall deny the applicant the consideration to request deferral of his petition. However, any request for deferral must be submitted in writing nine days prior to any scheduled meeting or public hearing affecting the application in question; and the commission or council, upon receipt of such request, must agree that such deferral may allow for the production of substantial information affecting the appropriateness of the request with the comprehensive plan.
(Ord. of 2-20-1989)

Sec. 58-429. 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.
(Ord. of 2-20-1989)

Sec. 58-430. Conditions as part of rezoning or zoning map amendment.

A landowner may voluntarily proffer in writing reasonable conditions, prior to a public hearing before the council, in addition to the regulations provided for the zoning district or zone by this chapter, as a part of a rezoning or amendment to a zoning map, provided that the rezoning itself gives rise to the need for the conditions, such conditions have a reasonable relation to the rezoning, and all such conditions are in conformity with the comprehensive plan as defined in Code of Virginia, § 15.2-2223, as amended. Once proffered and accepted as part of an amendment to this chapter, such conditions

shall continue in effect until a subsequent amendment changes the zoning on the property covered by such conditions; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.
(Ord. of 4-1-1996, § 1)

Secs. 58-431--58-465. Reserved.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT ("**Agreement**"), made this 1st day of November, 2012 by and between Ramsey Holdings, LLC, a Virginia limited liability company ("**Seller**") and McGraws Corner LLC ("**Purchaser**").

Seller is the owner of the premises and building located at 14850 Washington Street, Haymarket, Virginia 20169 ("**Property**"). Seller desires to sell to Purchaser and Purchaser desires to purchase from Seller the Property on the terms and conditions hereinafter set forth.

NOW THEREFORE, in consideration of the mutual covenants of Seller and Purchaser and for other good and valuable consideration the receipt and sufficiency of which Seller hereby acknowledges, Seller and Purchaser hereby agree as follows:

1) Agreement of Sale and Purchase. Seller hereby agrees to sell and convey to Purchaser and Purchaser hereby agrees to purchase from Seller, in fee simple absolute, under the terms and conditions hereinafter set forth, the Property, together with any and all improvements, appurtenances, rights, privileges and easements benefiting, belonging or pertaining thereto.

2) Description of the Property. The Property is located at 14850 Washington Street, Haymarket Virginia 20169, and is more particularly described as follows:

Beginning at a point in the northeasterly right of way line of Virginia Route 55 (John Marshal Highway), said point being the southeasterly corner of the Paxton Van Line, Inc Property, and the southwesterly corner of the parcel herein described; thence departing John Marshall Highway and with the Paxton Van Lines Inc. Property North 34 degrees 19' 38" E. 586.21 feet to a point in the line of the now or formerly M.S. Melton Estate; thence with the Melton Estate N 53 degrees 23' 08" E. 213.89 feet to an iron pipe found at the northwesterly corner of the Haymarket Baptist Church Property; thence with the Haymarket Baptist Church Property S. 35 degrees 56' 22" W. 350.80 feet to an iron pipe found at the northeasterly corner of the Kasbohm Property (Animal Clinic); thence with the Kasbohm property the following course and distances: S. 35 degrees 56' 22" W., crossing an iron pipe found at 234.16 feet, and being 236.16 feet in all to a point in the aforesaid northeasterly right of way line of John Marshall Highway; thence with John Marshall Highway N. 53 degrees 02' 32" W. 86.41 feet to the point of beginning containing 2.1662 acres.

Less and except that portion conveyed to the Town of Haymarket recorded at Instrument No. 201107070056080.

Parcel ID Number: 7397-09-1178

Property Address: 14850 Washington St., Haymarket, Virginia 20169

3) Closing. The closing and settlement of this Agreement ("**Closing**") shall take place on or before March 30, 2013, at U.S. Titles, Annandale, Virginia ("**Closing Agent**").

4) Purchase Price. Purchaser shall pay to Seller a total purchase price of [REDACTED] ("**Purchase Price**") for the Property.

5) Deposit. Upon the full execution and delivery of this Agreement, in exchange for Seller's agreement not to sell the Property to another during the term of this Agreement, the Purchaser shall deposit with Closing Agent a certified or cashier's check or wire transfer in the sum of [REDACTED] ("**Initial Deposit**"). Except as set forth in Paragraph 7 and 8 below, the Deposit is non-refundable. At the end of the Study Period (defined below) if this Contract has not been terminated, Purchaser shall deposit the additional sum of [REDACTED] with Closing Agent (the "**Additional Deposit**") and credited to Purchaser at Settlement or paid to Seller or Purchaser pursuant to the terms of this Contract. The term "Deposit" shall refer to the amounts paid to Closing Agent including the Initial Deposit, Additional Deposit, and all interest earned thereon (if any). In the event of any dispute between Purchaser and Seller regarding the disbursement or disposition of the Deposit, or in the event Closing Agent shall receive conflicting demands or instructions with respect thereto, Closing Agent shall withhold such disbursement or disposition until otherwise instructed by both of the parties or until directed by a court of competent jurisdiction. Purchaser and Seller hereby jointly and severally agree that, except as provided herein, Closing Agent shall incur no liability whatsoever in connection with its good faith performance under this Agreement. Purchaser and Seller hereby jointly and severally release and waive any claims they may have against Closing Agent that may result from its performance in good faith in its functions under this Agreement. Closing Agent shall be liable only for loss or damage caused by its, or any of its officers' or employees', acts of gross negligence or willful misconduct while performing as Closing Agent.

6) Payment of Purchase Price. The Purchase Price shall be paid at Closing by cashier's check or wire transfer, of which the Deposit shall be a part, less deductions and prorations, if any, required by this Agreement.

7) Study Period. This Agreement shall be conditioned upon and contingent upon Purchaser having 90 days from the date of final acceptance of this Agreement to conduct a study of the Property ("**Study Period**"). Purchaser shall have the right to access the Property for conducting such engineering and other feasibility studies as it deems appropriate. At any time prior to the expiration of the Study Period, Purchaser shall have the right to terminate this Agreement and receive a return of the Deposit. Upon execution of this Agreement, Seller shall provide to Purchaser all engineering, surveys, title reports, and other studies that

Seller has in its possession or under its control concerning or relating to the Property. If Purchaser's tests and studies alter the condition of the Property, Purchaser shall restore the Property at the Purchaser's expense as nearly as possible to its condition prior to the entry of Purchaser and its agents. Purchaser shall indemnify and hold Seller harmless from and against all costs, expenses, and liabilities incurred by Purchaser in connection with the tests, studies and investigations conducted by Purchaser.

8) • Contingency. This Agreement is contingent upon approval by the Prince William County Board of Supervisors and the Town of Haymarket for the construction and operation of a full service funeral home/mortuary of a size acceptable to Purchaser. This Agreement is contingent upon Purchaser obtaining a land acquisition, development and construction loan commitment of not less than [REDACTED] at the then prevailing rates. Contingency shall expire on February 28, 2013.

9) Title. Seller will convey the Property with special warranty and title that is insurable by a licensed title insurance company with no additional risk premium, but subject to commonly acceptable easements, covenants, conditions and restrictions of record, if any.

10) Property Owners' Association Disclosure. Seller represents that the Property (check as applicable) ___ is x is not located within a development which is subject to the Virginia Property Owners' Association Act (Section 55-508 through 55-516 of the Code of Virginia). If the Property is within such a development, the Act requires the Seller to obtain from the property owners' association an association disclosure packet and provide it to the Purchaser. Purchaser may cancel this Agreement within 3 days after receiving the packet or being notified that the association disclosure packet will not be available. The right to receive the association disclosure packet and the right to cancel this Agreement are waived conclusively if not exercised before Closing.

11) Default and Remedies.

(a) If, prior to Closing, Purchaser shall default under this Agreement and such default has not been cured within five (5) business days after written notice given by Seller to Purchaser specifying the nature of such default or if, at Closing, Purchaser shall fail, refuse or be unable to purchase the Property in accordance with the terms and provisions of this Agreement, Seller shall be entitled to terminate this Agreement and any closing escrow and promptly receive the Deposit and Seller shall have all remedies available under law.

(b) If, prior to Closing, Seller shall default under this Agreement and default has not been cured within five (5) business days after written notice given by Purchaser to Seller specifying the nature of such default or if, at Closing, Seller shall fail, refuse or be unable to convey the Property to Purchaser in accordance with the terms and provisions of this Agreement, Purchaser shall be entitled, provided Purchaser is not in default hereunder, to elect any one of the following: (i) terminate its obligation to purchase and Seller's obligation

Attachment: 03-04-2013 TC Packet for Work Session (1354 : Draft Town Council Packet for March 4, 2013)

to sell the Property, and not proceed to Closing hereunder, whereupon Purchaser shall be entitled to cancel or terminate the closing escrow and receive a prompt return of the Deposit; or (ii) waive such default and proceed to Closing; or (iii) seek such other remedies as are available under Virginia law including, without limitation, specific performance.

12) Closing Costs. Seller shall pay the Virginia Grantor's Tax and a portion of the settlement fee not to exceed \$150.00. Purchaser shall pay state and local recordation taxes, the costs of examination of title and preparation of a survey if required, the premium of any title insurance policy purchased by Purchase, and all other settlement fees. Seller and Purchaser shall pay their own attorney's fees. Real estate taxes and condominium or homeowner association assessments shall be prorated and adjusted to the date of Closing.

13) Condition of Property, Sold "As Is"; Possession. At Closing, Purchaser shall take the Property in its "as is" condition without any representations or warranties of any kind. Seller assumes all risk of loss or damage to the Property by fire or other casualty until Closing. Seller makes no warranties whatsoever of the condition of the Property including, but not limited to, environmental conditions or availability of utilities. Purchaser, at its expense, is solely responsible for determining the condition of the Property and its suitability for Purchaser's purposes. Seller shall not deliver possession of the Property to Purchaser; recovery of possession being the sole responsibility of Purchaser.

14) Intentionally Omitted.

15) Representations and Warranties of Seller. Seller represents and warrants to Purchaser as follows, all of which representations and warranties are true and correct as of the date hereof and shall be true and correct as of Closing:

(a) Seller is authorized to sell the Property to Purchaser without the consent of any other person or entity; and

(b) Seller is not a "foreign person" as that term is defined in Section 1445 of the Internal Revenue Code, and Seller shall execute an affidavit to such effect in the form to be provided by Purchaser.

16) Representations and Warranties of Purchaser. Purchaser acknowledges that Seller is not making and has not made any representations, warranties or covenants with respect to the Property or otherwise. Purchaser purchases the Property solely on the basis of its own investigation of the condition of the Property, including any tenants or occupants. Other than as expressly set forth in this Agreement, neither Seller nor any of its agents, employees, members, managers, partners, officers, attorneys or other representatives have made, or will make, any representations, or warranties, express or implied, verbal or written, on which Purchaser may, or shall be entitled to, rely.

17) Brokerage. Each party warrants to the other that it has not dealt with any real estate broker or finder in connection with this transaction. Should any claim for a commission be established by any broker or agent, the parties hereby expressly agree to hold one another harmless with respect thereto to the extent that one or the other is shown to have been responsible for the creation of such claim.

18) Notice. Any notice to be given hereunder may be served upon the parties personally or served by registered or certified mail, addressed to the parties as follows:

If to Seller: Ramsey Holdings, LLC
100 S. Fairfax Street
Alexandria, Virginia 22314

with a copy to: William H. Casterline, Jr., Esquire
Blankingship & Keith, PC
4020 University Drive, Suite 300
Fairfax, Virginia 22030

If to Purchaser: McGraws Corner, LLC
Attn: Mr. Clifford C. Blasius Jr.
10544 Knollwood drive
Manassas, VA 20111
Fax 703 257-1192
Email: ccblasius@yahoo.com

with copy to: Glenn H. Silver, Esquire
10621 Jones Street, Suite 101
Fairfax, Virginia 22030
Fax: 703 591-5618
Email: ctbghs@aol.com

19) Binding Effect. Except as otherwise noted herein, this Agreement shall be binding upon and inure to the benefit of, and be enforceable by the heirs, assigns, and legal representatives of the parties hereto.

20) Miscellaneous.

(a) Entire Agreement. This instrument contains the entire agreement between the parties hereto with respect to the transaction contemplated hereby and shall not be changed or terminated except by written amendment signed by all of the parties.

(b) Governing Law. This Agreement shall be construed and interpreted in accordance with, and the rights of the parties shall be governed by, the laws of the Commonwealth of Virginia.

(c) Separability. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws effective during the term of this Agreement, such provision shall be fully severable; this agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provisions or by its severance from this Agreement. Furthermore, in lieu of each such illegal, invalid or unenforceable provision, there shall be added automatically as part of this Agreement a provision as similar in terms to such illegal, invalid or unenforceable provision as may be possible and legal, valid and enforceable.

(d) Headings. The headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of this Agreement.

(g) Counterparts. This Agreement may be executed in a number of counterparts and all counterparts executed by the parties together shall constitute one and the same Agreement and it shall not be necessary for each of the parties to execute the other counterparts thereof.

[Signature Page to Follow]



Commonwealth of Virginia State Corporation Commission

11/02/12

09:02:22

LLCM3220

LLC DATA INQUIRY

LLC ID: S333578 - 5 STATUS: 00 ACTIVE STATUS DATE: 07/21
LLC NAME: MCGRAWS CORNER, LLC

DATE OF FILING: 07/21/2010 PERIOD OF DURATION: INDUSTRY CODE: 0

STATE OF FILING: VA VIRGINIA MERGER INDICATOR:

CONVERSION/DOMESTICATION INDICATOR:

P R I N C I P A L O F F I C E A D D R E S S

STREET: 10544 KNOLLWOOD DR

CITY: MANASSAS STATE: VA ZIP: 20111-0000

R E G I S T E R E D A G E N T I N F O R M A T I O N

R/A NAME: CLIFFORD C BLASIU JR

STREET: 10544 KNOLLWOOD DR

RTN MAIL:

CITY: MANASSAS STATE: VA ZIP: 20111-0000

R/A STATUS: 1 MEMBER/MANAGER EFF DATE: 07/21/10 LOC: 176 PRINCE WILLIAM

YEAR FEES PENALTY INTEREST BALANCE

12 50.00

(Screen Id:/LLC_Data_Inquiry)

PROPOSED ZONING TEXT AMENDMENT

Amend the Town's Zoning Ordinance to add certain definitions and to amend the Use Regulations for the B-1 Town Center District as follows:

Add the following definitions to be inserted into the Code in proper alphabetical location.

Crematory means a place where bodies are consumed by incineration and the ashes of the deceased are collected for permanent burial or storage in urns.

Funeral home means a facility used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation where permitted by special use permit, and may include storage of caskets, funeral urns, and other related funeral supplies and the storage of funeral vehicles.

Mortuary shall mean a place for the storage of dead human bodies prior to their burial or where permitted by special use permit, cremation.

Amend Sec. 58-177. - Use regulations.

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

- (1) Apartments as ancillary uses on the second floor of structures designed for other commercial uses; not more than 40 percent of the gross floor area of any structure may be devoted to apartment use.
- (2) Banks, drive-in or otherwise, so long as driveway space shall be provided off the street for all vehicles waiting for drive-in service.
- (3) Bakeries occupying not more than 3,000 square feet of floor area, and provided all products produced on the premises shall be sold at retail on the premises.
- (4) Barbershops or beauty parlors.
- (5) Catering or delicatessen businesses.
- (6) Dry cleaning or pressing pickup stations or shops occupying not more than 3,000 square feet of floor area.
- (7) Florists' shops.
- (8) Nursery schools, child care centers, kindergartens.
- (9) Offices, general business or professional.

- (10) Pet shops or dog beauty parlors, provided that any workrooms, cages or pens are maintained within a completely enclosed, soundproof building.
- (11) Public uses, including post offices, utility company offices and libraries.
- (12) Private clubs, lodges or meeting halls, not to include those of an adult nature.
- (13) Restaurants, but not with drive-in or fast food restaurants.
- (14) Shoe repair shops occupying not more than 3,000 square feet of floor area.
- (15) Service stations (with major repairs under cover).
- (16) Shops for the sale, service or repair of home appliances, office machines, electrical, television and radio equipment occupying not more than 3,000 square feet of floor area.
- (17) Stores or shops for the conduct of retail business of new merchandise, including the sale of accessories, appliances, beverages, books, carpets, clothing, drugs, fabrics, food, furniture, garden supplies, groceries, hardware, hobby supplies, office supplies, paint, saddlery supplies, sporting goods, stationery, and similar stores, but not including adult bookstores or adult mini motion picture theaters; but no shop may occupy more than 3,000 square feet of floor area.
- (18) Studios for artists, photographers, teachers, sculptors or musicians.
- (19) Sale of antiques and collectibles.
- (20) Nonprofit, community service organizations.
- (21) Veterinary hospitals (small animal).
- (22) Farmer's Market
- (23) Mortuary, funeral home

Amend Sec. 58-178. - Special uses.

The following uses shall be permitted in the B-1 district with a special use permit:

- (1) Estate/liquidation auction sale.
- (2) Outdoor craft and/or antique shows/sales.
- (3) Parades.
- (4) Carousels; games (as defined in section 14-9).

(5) Secondhand retail sales.

(6) Wire line telecommunications services not to exceed 5,000 square feet.

(7) Mobile office/classroom shall only be permitted with a special use license with the following restrictions:

a. For use as a classroom for a period of one year and must reapply for a special use permit for each additional year thereafter;

b. For use as an office for a period of six months and must reapply for an additional six months, with one year being the maximum for an office.

(8) Crematory.

**RESOLUTION OF THE HAYMARKET TOWN COUNCIL INITIATING
CONSIDERATION
OF PROPOSED ZONING TEXT AMENDMENTS**

WHEREAS certain amendments have been proposed to the Zoning Ordinance of the Town of Haymarket, Virginia, with respect to the provisions of the B-1 Commercial District, to add certain definitions relating to funeral homes or mortuaries, and to amend §§ 58-177 and -178 to permit such uses in that District, and

WHEREAS, the Town Council has determined pursuant to the provisions of Va. Code Ann. § 15.2-2286(A)(7) and § 58-422 of the Town's Zoning Ordinance that the public necessity, convenience, general welfare, and good zoning practices require due consideration of the merit of those proposed amendments,

NOW, THEREFORE BE IT RESOLVED that pursuant to the foregoing authority and provisions of the Haymarket Town Zoning Ordinance, the Town Council does hereby initiate consideration of the said amendments, in the form attached hereto and incorporated herein by reference and refers those proposed amendments to the Town Planning Commission for its recommendation thereupon, pursuant to law.



TO: Town of Haymarket Town Council
 SUBJECT: Zoning Permit Applications
 DATE: 03/04/13

It is recommended that the Town Council approve the zoning permit applications for the following businesses:

6590 Jefferson Street - Retail Sales. Permit Number ZP20130122

6601 Jefferson Street - Retail Sales. Permit Number ZP20130130

The form of the motion would be:

1. I move that the Town Council approve Zoning Permit #20130122 for Retail Sales Use to be located at 6590 Jefferson Street, in accordance with Section 58-177 (17) of the Town Code.

I further move that the Town Council approve Zoning Permit #20130130 for Retail Sales Use to be located at 6601 Jefferson Street, in accordance with Section 58-177(19) of the Town Code.

ATTACHMENTS:

- Zoning Permit Applications 03-2013 (PDF)

The Town of HAYMARKET

Established in 1799

ZONING PERMIT #: ZP20130122

NOTE: This application must be filled out completely and all components of submission requirements must be met before the application can be accepted and scheduled for review/hearing.

ZONING PERMIT APPLICATION

ZONING ACTIVITY: New Construction Alteration/Repair Addition Sign
(Check all that apply) New Tenant/Use Change of Use Relocation

NAME OF BUSINESS/APPLICANT: Totally Vintage Design

PROPOSED USE: Retail chalk paint Size (Sq. Ft./Length) of Construction: _____

SITE ADDRESS: 6590 Jefferson St Haymarket Parcel ID #: _____

Subdivision Name: _____ Lot Size: _____

ZONING DISTRICT: R-1 R-2 B-1 B-2 I-1 C-1 Site Plan Required: Yes No

Special Use Permit Required: Yes No Homeowners Association (HOA) Approval: Yes No

Off-street Parking: Spaces Required: _____ Spaces Provided: _____

BRIEF DESCRIPTION OF ACTIVITY: *(i.e. previous use, type and dimensions of signs, height/length of fencing, etc.)*
Retail chalk paint + furniture - Vintage Furniture Refurbished

Supporting Documentation (attached): Narrative Plan/Plat Specification Sheet

FEE: \$25.00 Residential \$50.00 Commercial

CERTIFICATE OF APPROPRIATENESS

ADDITIONAL DESCRIPTION: *(i.e. color, type of material, font style, etc.)*

Supporting Documentation (attached): Specification Sheet Photograph(s)

PERMIT HOLDER INFORMATION		PROPERTY OWNER INFORMATION	
<u>Melissa Harris</u>		<u>MICHAEL R ZUPAN</u>	
Name		Name	
<u>6590 Jefferson St</u>		<u>5241 STALLION RD</u>	
Address		Address	
<u>Haymarket VT 20169</u>		<u>BROAD RUN VA 20137</u>	
City	State	City	State
<u>703 969 9272</u>	<u>melissa@totally</u>	<u>540 270 0935</u>	
Phone#	Email	Phone#	Email
	<u>totallyvintagedesign.com</u>		

APPLICANT / PROPERTY OWNER SIGNATURE

*******REQUIRED*******

I, as owner or authorized agent for the above-referenced parcel, do hereby certify that I have the authority to make the foregoing application and that the information provided herein is correct. Construction of improvements described herein and as shown on the attached plat, plan and/or specifications will comply with the ordinances of the Town of Haymarket and any additional restrictions and/or conditions prescribed by the Architectural Review Board (ARB), Planning Commission, or the Town Council and all other applicable laws.

[Signature]
Applicant Signature

[Signature]
Property Owner Signature

*****OFFICE USE ONLY*****

ZONING PERMIT #: 2P20130122

Date Filed: 1-22-13 Fee Amount: 50.00 Date Paid: _____

DATE TO ARCHITECTURAL REVIEW BOARD (ARB): N/A

APPROVED DISAPPROVED TABLED UNTIL: _____ DEFERRED UNTIL: _____

ARCHITECTURAL REVIEW BOARD CHAIR: _____
SIGNATURE PRINT

CONDITIONS: _____

DATE TO PLANNING COMMISSION: 2-11-13

APPROVED DISAPPROVED TABLED UNTIL: _____ DEFERRED UNTIL: _____

PLANNING COMMISSION {where required}: [Signature] ROBERT WEIR
SIGNATURE PRINT

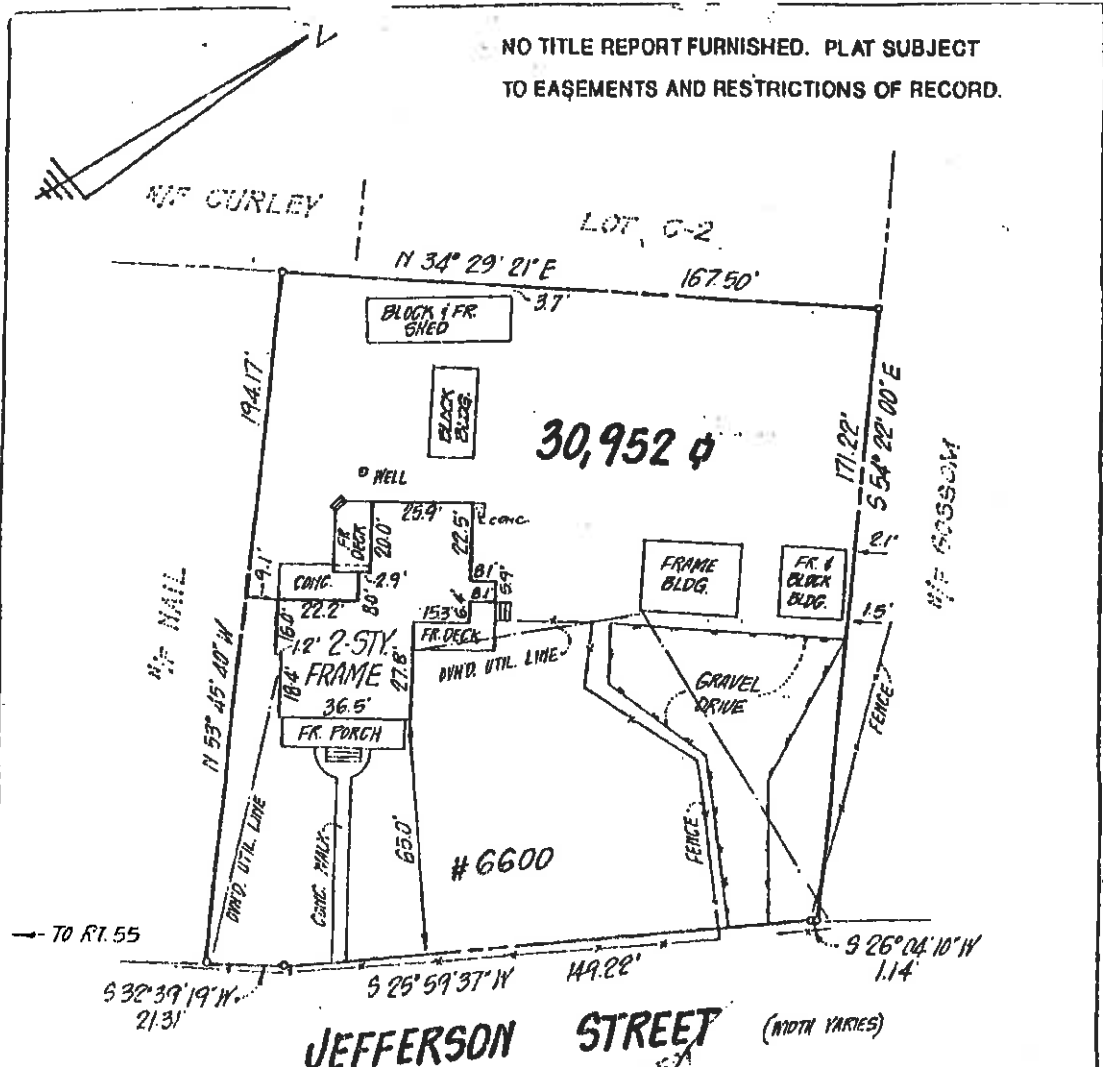
CONDITIONS: 58-177 (17) (18) (19)

DATE TO TOWN COUNCIL: 3-4-13

APPROVED DISAPPROVED TABLED UNTIL: _____ DEFERRED UNTIL: _____

TOWN COUNCIL {where required}: _____
SIGNATURE PRINT

CONDITIONS: _____



METES AND BOUNDS SHOWN HEREON TAKEN FROM DESC. RECORDED IN DB 1345 PG. 177.
 TAX MAP 136-02-000-0073 B

Certified True Copy
 Initials [Signature]

THE HOUSE SHOWN HEREON IS LOCATED IN FLOOD ZONE C, AN AREA OF MINIMAL FLOODING, ACCORDING TO FEMA FLOOD INSURANCE RATE MAPS.

HOUSE LOCATION SURVEY
 THE LAND OF
MICHAEL ZUPAN AND MARK J. WARREN
 DEED BOOK 1655 PAGE 833
 TOWN OF HAYMARKET - PRINCE WILLIAM COUNTY, VIRGINIA

PAYNE & MERCHANT, PC 14914 Washington Street Haymarket, Va. 22069 703-754-0272	DATE: 7 JUNE 1989	SCALE: 1" = 40'
	SURVEYOR'S CERTIFICATE I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CAREFULLY ESTABLISHED BY A TRANSIT-TAPE SURVEY AND THAT UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE PROPERTY LINE.	
ZUPAN / WARREN <small>CASE NAME</small>		89-0154 <small>WORK ORDER NUMBER</small>
<div style="text-align: right;"> </div>		

The Town of HAYMARKET

Established in 1799

JAN 30 2013

TOWN OF HAYMARKET

ZONING PERMIT #: ZP20130130

NOTE: This application must be filled out completely and all components of submission requirements must be met before the application can be accepted and scheduled for review/hearing.

ZONING PERMIT APPLICATION

ZONING ACTIVITY: New Construction Alteration/Repair Addition Sign
(Check all that apply) New Tenant/Use Change of Use Relocation

NAME OF BUSINESS/APPLICANT: Total Pools and Service Pbs LLC

PROPOSED USE: Retail & Service Size (Sq. Ft./Length) of Construction: 1134

SITE ADDRESS: 6601 Jefferson St STE C Parcel ID #: _____

Subdivision Name: _____ Lot Size: _____

ZONING DISTRICT: R-1 R-2 B-1 B-2 I-1 C-1 Site Plan Required: Yes No

Special Use Permit Required: Yes No Homeowners Association (HOA) Approval: Yes No

Off-street Parking: Spaces Required: _____ Spaces Provided: _____

BRIEF DESCRIPTION OF ACTIVITY: (i.e. previous use, type and dimensions of signs, height/length of fencing, etc.)

Pool supply store - RETAIL

Supporting Documentation (attached): Narrative Plan/Plat Specification Sheet

FEE: \$25.00 Residential \$50.00 Commercial **PAID JAN 30 2013**

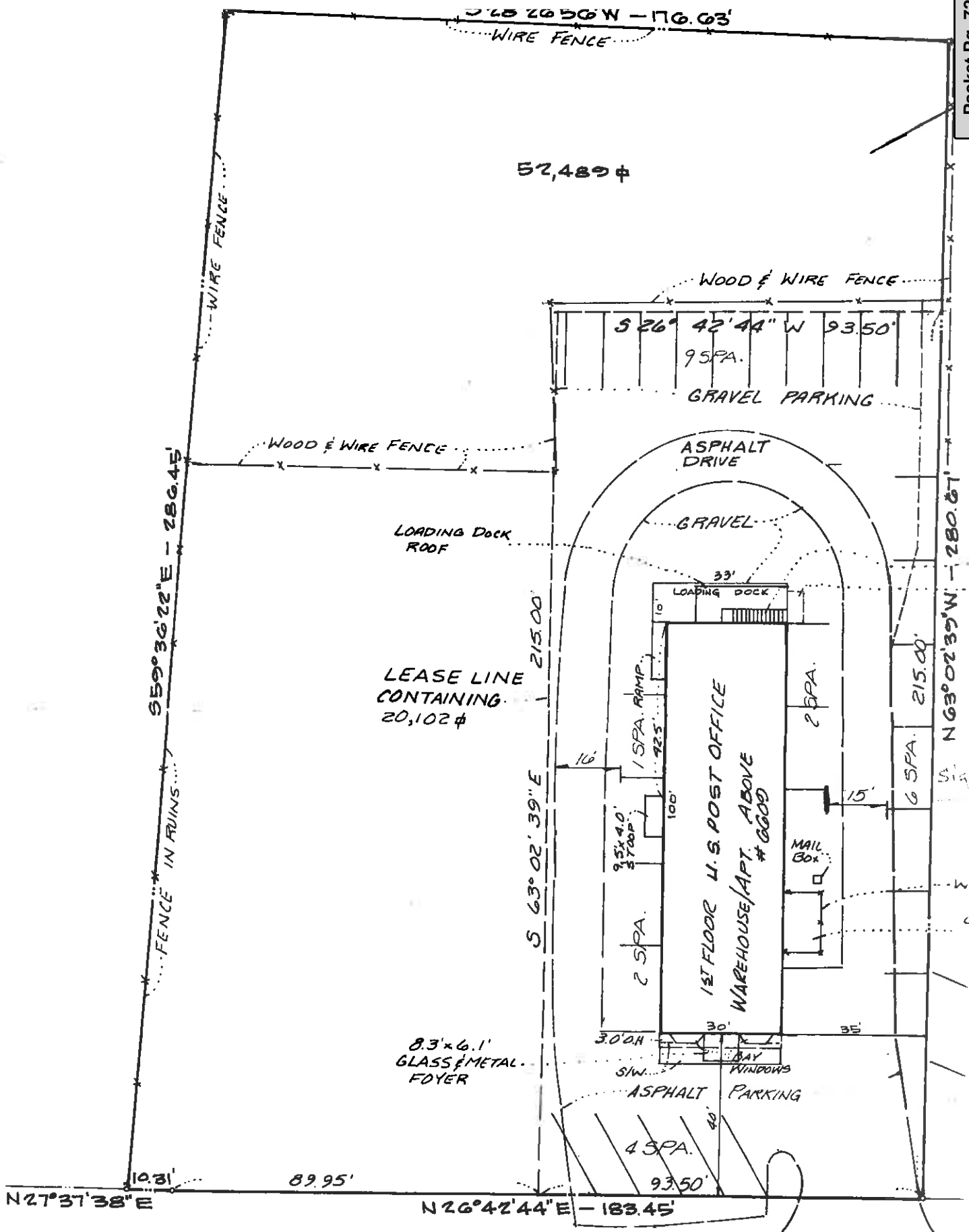
CERTIFICATE OF APPROPRIATENESS

ADDITIONAL DESCRIPTION: (i.e. color, type of material, font style, etc.)

White & Blue

Supporting Documentation (attached): Specification Sheet Photograph(s)

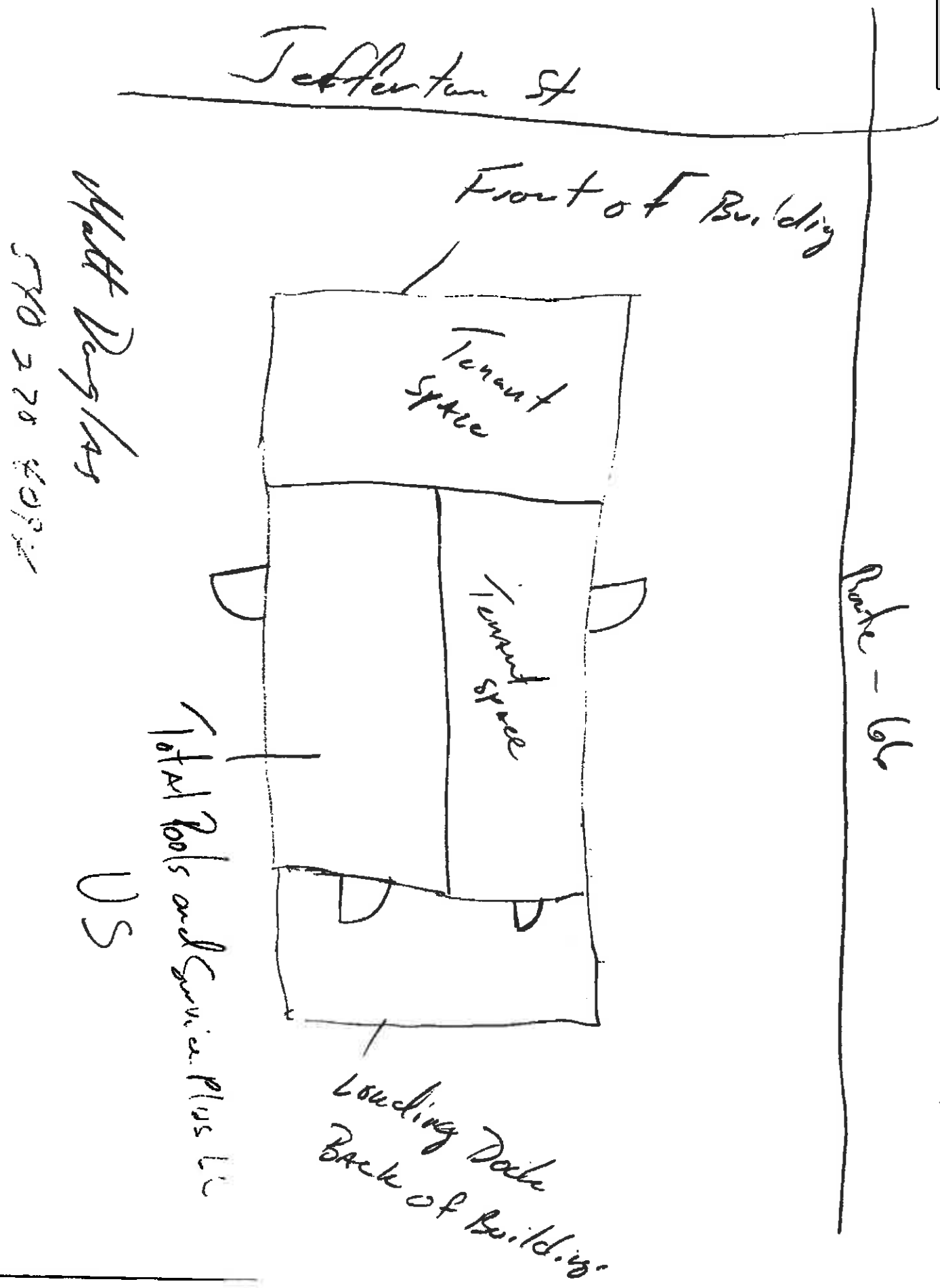
PERMIT HOLDER INFORMATION	* PROPERTY OWNER INFORMATION
Name <u>TOTAL Pools + Service</u>	Name <u>CONTRUCCI</u>
Address <u>6601 Jefferson St #C</u>	Address <u>PO Box 400</u>
City <u>Haymarket</u> State <u>VA</u> Zip <u>20169</u>	City <u>Gamesville</u> State <u>VA</u> Zip <u>20156</u>
Phone# _____ Email _____	Phone# <u>703-754-2400</u> Email <u>NOVAGO@aol.com</u>



J. Brandy Hill
 7540029

JEFFERSON STREET - RTE. 625
 R/W VARIES

TOTAL Pools + Service



Matt Douglas
570 278 4092

Total Pools and Service Plus US



TO: Town of Haymarket Town Council
 SUBJECT: Closed Session
 DATE: 03/04/13

The Virginia State Code allows for government entities to enter into closed session discussions for specific purposes outlined in VA §2.2-3711. The Haymarket Town Council will enter into closed session discussions this evening for the following purpose:

A1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. **Town Manager Position**

A3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

A7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. **Public Works Contract**



TO: Town of Haymarket Town Council
SUBJECT: Certification of the Closed Session
DATE: 03/04/13

§ 2.2-3712. Closed meetings procedures; certification of proceedings.

Certification: To the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.