

**TOWN OF HAYMARKET, VA.
Chartered 1799
County of Prince William**

PUBLIC HEARING - R-2 Zoning - cluster housing

MAYOR

John R. Kapp

ATTORNEY

None present

COUNCIL

James Shepard, Vice Mayor

Mary Lou Scarbrough, PC Liaison

Dottie Leonard, ARB Liaison

Timothy Jasionowski (absent)

Doug Mohr

Tom Utz

Mayor Kapp opened the public hearing at 7:10 p.m.

CBA Land submitted a proposal and revisions to the R-2 proposal. They are proposing six houses to the acre.

For

Mayor Kapp asked all those who are in favor to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Against

Mayor Kapp asked all those who are against to speak.

First Call - no one spoke.

Second Call - no one spoke.

Third Call - no one spoke.

Public hearing closed at 7:11 p.m.

TOWN OF HAYMARKET, VA.
Chartered 1799
County of Prince William

MAYOR
John R. Kapp

ATTORNEY
John Arledge

COUNCIL
James Shepard, Vice Mayor
Mary Lou Scarbrough, PC Liaison
Dottie Leonard, ARB Liaison
Timothy Jasionowski (absent)
Doug Mohr
Tom Utz

Mayor Kapp opened the regular session at 7:30 p.m.

Minutes of March 6 meeting

Vice Mayor Shepard moved to dispense with the reading of the minutes, note corrections and approve the minutes, second by Councilman Mohr. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Police Report

Sgt. Roop reported. No written report submitted for the record. (Report will follow.)

Treasurers Report

First Virginia Bank general fund checking account beginning balance 3/31/00 \$133,314.05, expenses \$44,112.68, deposits \$49,197.07, adjustments \$15.01, transfer to CD \$75,000, ending balance \$63,314.45. The Treasurer was asked to transfer \$7,000 to the Police Dept cruiser.

Unpaid Bills

Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Councilwoman Leonard moved to include the officers boots, as needed, as part of the uniforms budget, second by Councilman Mohr. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Construction Permits

Cramer/Gruber, 6720 Bleight Drive, front porch - PC & ARB approved. Councilwoman Scarbrough moved to approve, second by Vice Mayor Shepard. Scarbrough amended motion to include the wording "color of porch shall coordinate with the house color. This application is not required to come back to the ARB for approval of the color" amendment second by Vice Mayor Shepard. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Farren, 6864 St. Paul Drive, deck - Councilman Mohr moved to approve, second by Councilman Utz. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Alger, Vick, 6833 St. Paul Drive, deck - Councilman Utz moved to approve, second by Councilwoman Scarbrough. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None.

Motion carried by 5/0 vote.

Site Plan Revision

St. Paul's Episcopal Church, parking lot, 6760 Fayette Street - Town Clerk advises the PC required the well and septic be located on the plat and if the septic is under the parking lot it must be pumped and filled. Mr. Lowery reminds Council he agreed to do the inspections on the parking lot free of charge. Mr. Lowery suggests 3 foot canister lights for around the parking area. Councilwoman Leonard moves to approve, providing they clear up the PC issues of septic and well and Council recommends they provide lighting, the town's adopted lighting, for the parking lot, second by Councilman Mohr. Councilwoman Leonard amends motion to include "lights direct away from residential property," second by Councilman Mohr. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Leaberry, 15201 Washington Street, preliminary site plan - Councilman Mohr moved to approve Shoppes at Haymarket providing plan stamped by certified engineer, all comments from Rickmond Engineering be satisfied, approval of landscaping plan by the ARB and PC, approval by Health Department, utilities approval by PWCSA, Fire Marshall approval, second by Vice Mayor Shepard. Yeas: Shepard, Mohr, Utz. Nays: Leonard, Scarbrough. Motion carried by 3/2 vote. Revisions are due at the budget work session Wednesday, April 19, 7:00 p.m.

18th Century Haymarket, Fayette Street - Councilman Mohr moved to approve driveways and drainage, second by Councilman Utz. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Citizen's Time

Mr. Bear states the Mayor, Council and Planning Commission are going to have a lot of headaches for the year 2000. He asked if the business license renewals had been approved yet. Mr. Bear states Madison Street is a junk pile. Mayor Kapp states he and Mr. Lowery have inspected the town for violations of property standards and Mr. Lowery is sending letters for clean up.

Mr. Bear states Ryan Homes has sent him a letter they want to take down his fence. The house is too close to his fence. Lot 33 has a dog using Mr. Bear's fence as a bathroom. Without the fence the dog will be in his yard and killing his grass.

Atty Arledge states it is not adverse possession until a judge says so. Councilwoman Leonard states Tom Underwood got a adverse possession case with another resident. Mr. Bear feels if they want to take it down bad enough they can and put up their own fence when their dog trespasses on his property.

Mr. Bear wants VDOT to put a street light at Washington and Madison Streets. Mayor Kapp is asking for a light at Washington & Jefferson Streets.

Christine Barringer who is opening a country decor and gift shop at Winterham. She is getting her licenses but there are code issues outstanding. The paving of three parking, spaces is required, is very expensive (\$2000.) She states it is a hardship on her to pay. She did a site survey. Don (Costello) had just done a red stone with black top apron prior to her speaking to him about the retail use. She says Mr. Costello will put the brick sidewalks in when the walks come to his property. Ms. Barringer asks Council for a waiver, variance or a code amendment.

Councilman Mohr asked if she is aware there is a twelve month time for compliance for the paving. She is concerned about the effect on the property of the black top.

Atty Arledge states the Council can not grant a variance, it would have to be a code amendment. Mayor Kapp says we'll speak with the attorney re: zoning issues.

Planning Commission

Councilwoman Scarbrough did not attend the meeting. Commissioner Bailey states when we were asked to review business for use issues one business that was declared grand-fathered turned out to be questionable. The banner at the storage facility has no permit. Town Clerk to send letter for 30 days compliance. We also need a new member on the Planning Commission.

Mayor Kapp spoke with Bob Custard, he was on the BZA in Strasburg. He is a geologist, he designs wells, etc. Mayor Kapp will invite him to the next meeting.

Architectural Review Board

The ARB looked at brick samples for 18th Century Haymarket. They authorized Mrs. Pledger to approve color. An application for home styles, for the cluster lots, were not of colonial design. The applicant is to come back with a more colonial look.

Councilman Mohr asks why we are using the colonial period when everything that is here is not colonial period. Councilwoman Leonard states the town adopted the colonial period years ago and therefore we must support that period.

Historical Commission

Mrs. Crafton-Masterson states John Langlois made up a flyer for the concert on the 29th. They are working on addressing invitations. They expect they will mail up to 500. The Historical Commission unanimously adopted three resolutions: 1) favor small lot SFD instead of townhouses, 2) oppose fast foot restaurants, 3) oppose demolition or destruction of buildings 25 years or older. In the event the building must be torn down for safety issues it must be reviewed by the Historical Commission.

What is historic about Haymarket - Mrs. Turner's book is at the printers now. They have invited the business people to appear in the new section of the book. They want the town to be recognized for heritage tourism. Mrs. Crafton-Masterson says be flexible for new plans.

Beautification project - the Commission is planting flowers at Red House Inn, tulips at Shepherd of the Hills Lutheran church in the flower boxes.

Building Official

Shrink/Swell policy - will be here April 19.

Cross Connection Agreement - will be here April 19. Only state certified cross connection plumbers can install.

Mr. Bear has given him a copy of the letter from Ryan Homes. He will call Ryan Homes to see what is happening. He assumes they can't clear the title.

The people in lot 33 have electric fence for their dog. Mr. Lowery states Ryan agreed to move the fence but it so old it would fall down. They were willing to put up a new fence but now this

is in the mortgage companies hands.

Property standard violation notices - Mr. Lowery will meet with several property owners in violation on Friday. Letters will be ready by the end of the week. The truck body being used for storage will be removed. All letters are subject to Mayor's approval prior to mailing.

18th Century Haymarket - Ryan Homes has requested Lot 4 & 7 footing and foundation permits. Need to take individual erosion and sediment control bonds of \$1000 per lot by the contractor to be sure the finished yard is right. Council directs to do that.

Town & Country Auto, 15161 Washington Street - aggressive move to get cars out. He confirmed used car lots have to have inspection stickers on them, they don't have to have current tags. He has been directed to get inspections or remove the cars. Mr. Lowery says at 6707 Fayette Street he saw the same man at Route 123 at a parking lot.

Gossom Property - Mr. Lowery delayed the inspection on cross inspection.

Old Business

E&S Program Administrator - Program review by Soil & Water Conservation Management. We have to appoint one. Councilman Mohr moved to appoint George Cropp, Burgess & Niple, as Erosion & Sediment Control Program Administrator, second by Councilman Utz. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Town Hall Museum - next meeting April 5, 7:00 p.m. at town hall.

Museum Auction - June 10th - Council requested to get donations. Donations being stored in the building behind the hardware store.

Pancake Supper - committee meeting Thursday at 6:30 p.m. at PW's. Advertising, sign, syrup coming in mid April. The supper will be April 29 from 5:00 to 8:00 p.m. The cost will be \$4.00 for adults, \$2.00 for students.

TEA 21 grant - Richmond has the package. They have sent it to construction for approval.

Greenhill Crossing - Mayor Kapp states Peterson Companies wants to install the brick now. Council agrees they should wait to install the brick sidewalks. Mr. Lowery asks if the request has come to Council to release the handicap curb cuts. No one has asked the town, Mayor Kapp states. Mr. Lowery states this is worth \$1400 per curb cut. The states says they don't have to have if we waive them.

Gossom Property - Mayor Kapp wants to waive permit fees because Gossom is doing more than he has to. Mr. Lowery states the permit will only show administrative fee except the \$101 for connection to water. Mayor Kapp states the property has to be surveyed. We could go to settlement in two weeks after completion. Councilman Mohr moves to waive construction permit fees except the water connection fee and waive administrative fees, second by Vice Mayor Shepard. Councilman Utz asks because Gossom is doing extra things we are waiving fees? Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Code Amendments -

R-2 Cluster homes - Councilwoman Leonard would rather not have SFD if they are not colonial. If we have all brick garage townhouses (including sides) that look colonial she would rather have them. Councilman Mohr asks if it makes sense to not approve until we see what they are offering. Councilwoman Leonard states Drees built garage town houses, with garage in rear, of brick and they are lovely. Councilman Utz says submission does not meet colonial theme. He strongly agrees to garage town homes.

Mr. Lowery says Council is putting in the ordinance to give the choice of SFD or town house and the ARB & HC will force the aesthetics. Councilwoman Leonard states she has not seen a true colonial in town yet.

Councilman Mohr says at 18th Century Haymarket we had to accept something we didn't want or go to court. Mayor Kapp states that was on an approved site plan.

Beazer Construction representative says he can not give us an all brick flat colonial look. He can not move walls, create a new product. Mr. Britt says the land is not in Williamsburg. This is a highway project. If the price goes too high they won't sell. Councilwoman Leonard states when Longstreet commons were built they were top of the line pricing and now look at them.

Councilwoman Leonard suggests Council tables until they bring us a detached product. Mr. Britt says if there isn't an ordinance that allows the homes he isn't doing the aesthetics.

Planning Commission asked Council to table for review at their next meeting. Councilman Mohr moved to approve R-2 changes contingent upon the approval of the Planning Commission. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Fast Food Restaurant - Councilman Mohr asks if you can approve in southwest end of the Industrial district. Atty Arledge says you would have to create a new district. Councilwoman Leonard states when we allow the developer to re-write our ordinance we are pretty sad. Councilman Utz says he agrees because we have approved Sheetz. Councilman Mohr states the entry between Sheetz & McDonald's changed his mind. Councilwoman Leonard states if you approve one fast food you will get them all.

Councilman Mohr asks if we do not permit more than one fast food in our ordinance, do we look like we are stifling our economic growth. Councilman Mohr says Richmond told him Taco Bell, Burger King, etc come behind McDonald's. The difference is the other fast food will not make any architectural changes. We would have to be strict about not letting McDonald's do their usual style, give them very strict regulations. Councilwoman Leonard states our strict guidelines is the only thing that saves us.

Mayor Kapp has spoken with the builder of McDonald's and they will do a colonial McDonald's. Councilwoman Leonard asks for fine restaurants and let McDonald's build in Gainesville.

Mayor Kapp asked if any Council members talked with folks in town. Councilman Mohr did and got mixed reviews. Anyone who said they wanted one doesn't want another fast food would follow. Mayor Kapp talked to 35 residents in town. Only permit in industrial district, 84 Lumber to Sheetz, agree to not look like typical McDonald's - two people were indifferent, one

said no and the rest said it is okay.

Ms. Barringer states the builder hasn't proved they have tried to get a nice sit down restaurant.

Mr. Lowery states Toll Brothers has five pad sites for fast food and Hoppmann is looking to put in a Bob Evans. Mrs. Crafton-Masterson states Leaberry said he approached Applebees. Mr. Lowery states Applebees is going out of business.

Councilman Mohr states if we look for a sit down restaurant it needs to be a franchise for the bank to approve the loan. Councilwoman Leonard states if this gets approved, on Gossom's property at Routes 15 & 66, and he wants a fast food restaurant what are you going to tell him?

Town Clerk advised Council this has not been reviewed by the Planning Commission and no public hearing has been held by the Planning Commission or Town Council on this subject.

Council agrees they need to go out and look at a logical buffer zone. Mr. Lowery says the two acres in front of 84 Lumber is their septic field and not buildable. The ordinance requires a semi-transparent 10' screen from B-2 to I-1.

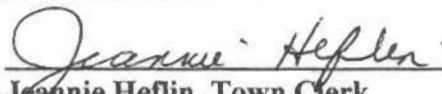
Councilman Mohr approves amendment fast food allowed in Industrial-I only, definition can not be any closer to a B-2 than 400' when the B-2 is adjacent to a B-1 property, second by Vice Mayor Shepard. Atty Arledge states this is acceptable language. Yeas: Shepard, Mohr, Utz. Nays: Scarbrough, Leonard. Motion carried by 3/2 vote.

Red Rooster, 15020 Washington Street - lease - Councilwoman Leonard moved to approve lease as presented, pending Atty Arledge approval, second by Councilwoman Scarbrough. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

Continuance

Councilwoman Scarbrough moved to recess, second by Councilman Utz. Yeas: Shepard, Mohr, Scarbrough, Leonard, Utz. Nays: None. Motion carried by 5/0 vote.

RESPECTFULLY SUBMITTED:



Jeannie Heflin, Town Clerk

APPROVED:



John R. Kapp, Mayor