



PLANNING COMMISSION REGULAR MEETING

Tuesday, November 19, 2024 at 7:00 PM

AGENDA

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

ADOPTION OF MINUTES.

- [1.](#) Draft Planning Commission Minutes October 15, 2024 Regular Meeting

WORKSESSION ITEMS.

- [2.](#) Planning Commission Bylaws Update Discussion

COMMENTS FROM THE COMMISSION.

COMMENTS FROM THE STAFF.

ADJOURN.



PLANNING COMMISSION REGULAR MEETING

21 Main Street

Tuesday, October 15, 2024, at 7:00 PM

MINUTES

**A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF WARRENTON, VIRGINIA, WAS
HELD ON OCTOBER 15, 2024, at 7:00 PM**

Regular Meeting

PRESENT

Mr. Ryan Stewart, Chair; Ms. Darine Barbour, Secretary; Mr. James Lawrence; Mr. Steve Ainsworth; Ms. Denise Harris, Planning Manager; Martin Crim, Town Attorney

ABSENT

Mr. Terry Lasher, Vice Chair

The minutes laid out will be a brief recap of the agenda items. Please see recorded video for more in-depth information.

CALL TO ORDER AND ESTABLISHMENT OF A QUORUM.

The Chair opened the meeting at 7:01 PM and declared a quorum present.

ADOPTION OF MINUTES.

1. September 17, 2024, Draft Planning Commission Regular Meeting Minutes

Commissioner Lawrence moved to approve the minutes. Secretary Barbour seconded the motion.

Motion passed 4-0-1 (Lasher Absent) to approve the minutes.

HEARING OF PUBLIC HEARING ITEMS.

2. ZMA 2023-01 Warrenton United Methodist Church/Hero's Bridge – The Owner, Trustees of Warrenton United Methodist Church, and the Applicants, Warrenton United Methodist Church and Hero's Bridge, seek a Zoning Map Amendment of approximately 9.8640 acres from R-10 (Residential) and RO (Residential Office) to R-PUD (Residential Planned Unit Development) located on and adjacent to the existing church located at 341 Church Street. The proposal requests approval to develop 22-two-family residential dwelling units for a total of 44 units to provide affordable senior housing to ages 65 and older. The application includes a Small Office/Community Center. The Applicant is requesting waivers and modifications. The Future Land Use Map designates the parcels as Medium Density Residential. The GPINS are 6984-16-5101 portion (approximately 5.22 acres of the approximately 6.31 acre parcel), 6984-16-7013, 6984-15-1823 and 6984-15-1930.

Ms. Harris gave a brief presentation on the application and covered the updates to the application since the September public hearing meeting.

The Applicant's representative John Foote gave overview and spoke to the updated staff analysis of the September 24th application submittal. He indicated the applicant will continue to work on the issues raised on the proffer language and concept development plan, including:

- Planning Director vs Community Development Director titles.
- Providing cross easements on parcels.
- Auto turn analysis for delivery and emergency services.
- Reciprocal parking on church property.
- "Level of quality" ambiguity for enforcement.
- Clarify lighting agreements
- Office/Community to be constructed in conjunction with residential units.
- Fitness station examples have been identified.
- Clarify to improve internal and external pedestrian improvements.

Mr. Foote went on to state the applicant can't speak to the definition of "routine" bus service at this time.

Mr. Foote believes the limitation on residents in the proffers can be enforced by the applicant if there is a complaint. He reinitiated the proposal is designed and intended for veterans. Restrictive covenants discussed.

Mr. Foote stated the engineer believes Stormwater Management can be adequately managed on and off site.

Mr. Foote stated the dedication of additional right-of-way on Moser Street has Constitutional considerations.

Chair Stewart continues the Public Hearing at 7:24 PM. The following speakers spoke to the application (Warrenton residents are in bold).

- **Prudence Sheffield – 197 Waterloo Street, Warrenton (Support)**
- **Don Bromley – 320 Church Street, Warrenton (Against)**
- **Laurie Karney – 167 Brenda Court, Warrenton (Against)**
- Mick Martin – 7208 Covington Corner Road, Bealeton, VA (Asked if decision made tonight)
- John Nash – 41035 Rolling Pasture Lane, Aldie, VA (Support)
- Mark Willemsen – 9651 Woodbrook Lane, Midland, VA (Support)
- **Nancy Gattie – 306 Church Street, Warrenton (Against)**
- **Brandon Shipe - 93 Moser Road, Warrenton (Against)**
- Laura Martin-Spetter – 5501 Merchant View Square #718, Haymarket, VA (Support)
- Lewis Ray – Midland, VA - (Support)
- **Molly Newman – 131 Moser Road, Warrenton (Against)**

Chair Stewart closed Public Hearing 7:55 PM

Secretary Barbour moved the Planning Commission into closed session as permitted by Virginia Code 2.2-3711 (A)(8), consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, relating to rezonings with proffers.

Commissioner Ainsworth seconded the motion.

The motion passed 4-0-1 (lasher absent) and the Planning Commission moved to closed session.

Secretary Barbour moved to certify the closed session by stating nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed in a closed session under the provisions of the Virginia Freedom of Information Act cited in the motion.

Commissioner Ainsworth seconded the certification.

The Planning Commissioner certified the closed session 4-0 (Lasher absent).

Commissioner Lawrence moved to recommend denial per the prepared resolution; Secretary Barbour seconded the motion. Chair Stewart restated the motion by reading the resolution's reasons for recommending denial to the Town Council. These included:

1. The legislative intent of Zoning Ordinance 3-5.2.1.1 for Residential Planned Unit Development is to provide compatible infill, use currently open areas in a way that is consistent with the reasonable enjoyment of neighboring properties, and create pedestrian friendly streets in a traditional neighborhood pattern, but the Application proposes incompatible infill, the use of currently open areas in a way that is inconsistent with the reasonable enjoyment of neighboring properties, and a development that would not create pedestrian friendly streets or a traditional neighborhood pattern; and
2. The Warrenton Comprehensive Plan's Future Land Use Map designates Medium Density Residential for compatible infill in density, lot size, and placement of structures on the lots with existing neighboring structures and lots, but the Application provides for incompatible infill; and
3. The Warrenton Comprehensive Plan's Future Land Use Map designates Medium Density Residential as providing new lots in an established subdivision that contains an area that approximates the size and configuration of existing lots in the neighborhood, but the Application proposes a single large lot with 22 two-family attached dwellings in an established subdivision of single-family detached dwellings; and
4. The Warrenton Comprehensive Plan's Future Land Use Map calls for Medium Density Residential development to enhance physical features such as streets, street lights and other public improvements, but the Application does not adequately address such improvements; and
5. The Application would create adverse impacts by not meeting the PUD minimum acreage requirements, removing the affordable housing preferences for Town of Warrenton and Fauquier County residents called for in Town Zoning Ordinance 3-5.2.1.1 (7) and 9-3.5, and not providing active recreation facilities; and
6. The Proffers contain vague, conflicting, and unenforceable language, such as paragraph 4.b.'s provision for future agreement on the language of a restrictive covenant, paragraph 11's reference to "routine" bus service, and the succession planning in paragraph 13.

Chair Stewart opened the discussion.

Commissioner Lawrence thanked the veterans on both sides of the application. He stated this was not a vote for or against the church, veterans, Hero's Bridge, or a number of other parties. He expressed his frustration with State Code for residential rezoning applications that prohibits the ability to discuss the proposal and voluntary proffers.

Commissioner Ainsworth stated this is a difficult decision. He stated the presented reasons for denial are the reason for the rezoning and proffers application. With the Church committed and expressing their willingness to support the proposal, he is inclined to support this segment of society.

Secretary Barbour thanked everyone for speaking out and stated this is not an easy decision. None of the application has been taken lightly; however, the Planning Commission needs to look at the land use and proffers as presented.

Chair Stewart stated he echoes the statements of other Planning Commissioners. He reviewed serving a critical affordable housing need, the need to create missing middle/attainable housing is a priority of the Town. However, the Planning Commission must separate programmatic user in the application from land use proposal itself. He stated they must review the Comprehensive Plan, its Future Land Use Map, and the legislative intent of the Zoning Ordinance. Then the Planning Commission must compare these documents to the application. The application proposes a development located outside of a designated character district in an existing neighborhood designated Medium Density Residential in the comprehensive plan since 2002. The definition for Medium Density Residential calls for providing definition a stable community. Proposed infill development should be a compatible density, lot size, and character to the existing neighborhood. The proposal's 3.9 acre parcel propose a density of 11 versus the comprehensive plan's designation of up to five dwellings per acre. The Planning Commission understands the comprehensive plan is guidance; however, to further review the underlying zoning allows for 16 by-right homes, while the proposal calls for 44 units. Residential Planned Unit Development (R-PUD) is intended to provide flexibility to emphasize the underlying residential base zoning, not change the underlying zoning. For example, the PUD overlays are supposed to be a minimum of 25 acres, the application is for approximately 9.8 acres. The density is too high for the site, the comprehensive plan, and the Zoning Ordinance. The Chair concluded by stating he credits the applicant for starting the meeting by stating they would continue the conversation to resolve outstanding issues and make an effort to clean up the application; however, as presented the Town cannot accept the proffers.

The motion passed 3-1-1 (Ainsworth Against; Lasher Absent)

WORKSESSION ITEMS.

4. Planning Commission Bylaws Update Discussion

Staff received no comments regarding the by-laws update by the October 1st deadline.

Chair Stewart discussed the need to review the meeting schedule.

Chair asked if the Planning Commission should defer to New Year for new commission to discuss.

Staff expressed the by-laws need to be brought into conformance with State Code.

COMMENTS FROM THE COMMISSION.

The Planning Commission offered no comments.

Chair Stewart offered how difficult this evening's decision was to make; yet, he enjoyed how the community came out to speak. The result made for better decision making by the Planning Commission.

COMMENTS FROM THE STAFF.

Staff explained there were no land use applications for the Planning Commission to review before the New Year.

The Planning Commission decided to meet on its November 19th Regular Meeting to hold a work session on the by-laws and cancel the remaining meetings for the year.

ADJOURN.

Commissioner Lawrence moved to adjourn the meeting, Commissioner Ainsworth seconded the motion. With no further business, the Chair Stewart adjourned at 9:12 PM.

I hereby certify that this is a true and exact record of actions taken by the Planning Commission of the Town of Warrenton on October 15, 2024.

Darine Barbour, Secretary
Planning Commission

DRAFT

TOWN OF WARRENTON, VIRGINIA

PLANNING COMMISSION

BY-LAWS

PREAMBLE- These By-laws set forth the rules for the transactions of business by the Planning Commission of the Town of Warrenton which operates under the authority of the laws of Virginia and the ordinances of the Town of Warrenton.

ARTICLE 1 – OBJECTIVES

- 1-1 Per §15.2-2210 of the Code of Virginia, every locality shall by resolution or ordinance create a local planning commission in order to promote the orderly development of the locality and its environs. In accomplishing the objectives of § [15.2-2200](#) the local planning commissions shall serve primarily in an advisory capacity to the governing bodies.
- 1-2 The Planning Commission, as established by the Town Council, has adopted the subsequent Articles in order to facilitate its powers and duties under Title 15.2, Chapter 22, 2, Code of Virginia.
- 1-3 The official title of this Commission shall be the Town of Warrenton Planning Commission.

ARTICLE 2 – MEMBERS

- 2-1 The Warrenton Planning Commission shall consist of not less than five nor more than fifteen members, appointed by the Town Council all of whom shall be residents of the locality, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property. Advisory non-voting members shall include one member of Town Council.
- 2-2 The members shall be appointed for terms of four years. Any vacancy in membership shall be filled by appointment by the Town Council and will fulfill the unexpired term of the member being replaced. Any member missing three consecutive meetings or four meetings within a twelve month period may be removed from office by the Town Council and may be replaced after proper advertising. Members may be removed for malfeasance in office.
- 2-3 The Planning Commission shall inform the Town Council when a member's term is expiring to allow time for the Town Council to advertise a new Planning Commission term

appointment. Seated Planning Commission members may choose to reapply for a new term but reappointment is not assumed without Town Council action.

- 2-4 The Commission members are strongly encouraged to attend training sessions sponsored by the State of Virginia or other planning agencies, in order to more effectively carry out their responsibilities to meet the objectives of the Planning Commission.

ARTICLE 3 – OFFICERS

- 3-1 The Commission shall appoint a Secretary who need not be a member of the Commission.
3-2 Nomination of officers shall be made from the floor of the regular meeting held at the first meeting of the calendar year.

3-2-1 Each candidate for office shall be nominated by and seconded by one member of the Commission.

3-3-2 A candidate for an office of the Commission receiving a majority vote of the members shall be declared elected and shall take office immediately upon the conclusion of the regular meeting and serve for one year or until his successor shall take office.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The Chairman shall:

4-1-1 Preside at all meetings and call the meetings to order at the appointed time;

4-1-2 Announce the business in its proper order;

4-1-3 Preserve order and decorum;

4-1-4 State and put all questions properly brought before the Commission;

4-1-5 Rule on all procedural questions. Such rulings may be reversed by a majority vote of the members present.

4-1-6 Be informed immediately of any official communication and report the same at the next regular meeting;

4-1-7 Affix his/her signature to all correspondence issued by the commission and all official minutes; and

4-1-8 Appoint committees as necessary.

- 4-2 The Vice Chairman shall assume the duty of the Chairman in the Chairman's absence or in the Chairman's inability to act.
- 4-3 The Secretary or the Secretary's appointee shall:
 - 4-3-1 Keep a written record of all business transacted by the Commission;
 - 4-3-2 Notify all members of all meetings;
 - 4-3-3 Keep a file of all official records and reports of the Commission;
 - 4-3-4 Certify all records and reports of the Commission;
 - 4-3-5 Attend to correspondence of the Commission;
 - 4-3-6 Serve notice of all hearings and public hearings;
 - 4-3-7 Keep a set of minutes of all meetings which shall become a public record; and
 - 4-3-8 Prepare and be responsible for publishing of advertisements relating to public hearings.
 - 4-3-9 Ensure all meeting packet materials are submitted to Planning Commission members one week prior to a meeting.
 - 4-3-10 Submit minutes of Planning Commission meetings to the Town Council.

ARTICLE 5 – DUTIES OF THE PLANNING COMMISSION

To effectuate this chapter, the local planning commission shall:

- 5-1. Exercise general supervision of, and make regulations for, the administration of its affairs;
- 5-2. Prescribe rules pertaining to its investigations and hearings;
- 5-3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the governing body;
- 5-4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;

- 5-5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction;
- 5-6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- 5-7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
- 5-8. If deemed advisable, establish an advisory committee or committees.

ARTICLE 6 – MEETINGS

- 6-1 When applications or other Commission business are pending, regular meetings of the Commission shall be held the third Tuesday of each month. Work sessions will be held the fourth Tuesday of each month. As a general practice, regular meetings and work sessions shall not be held on the same night unless approved by the Chair of the Planning Commission prior to public notice requirements.
- 6-2 When a meeting falls on a legal holiday, the meeting shall be held on the following Tuesday unless otherwise designated by the Chairman or by a vote of the Commission.
- 6-3 When no application or other business is pending, no meeting will be held. The Commission shall meet at least once a year.
- 6-4 The meetings shall begin at 7:00 p.m.
- 6-5 A regular meeting may be adjourned if all business cannot be addressed on the meeting date set. The meeting may be reconvened at a later date, as set at the meeting, or properly advertised.
- 6-6 Special meetings of the commission may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.
- 6-7 A member, other than the Chairman, may introduce a motion. Any member of the Commission may second a motion. Motions shall be restated by the Chairman before a vote is taken. The names of persons making and seconding motions shall be recorded.

- 6-8 Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, revised.
- 6-9 A quorum of the Commission shall consist of majority of the members, and no action of the Commission is valid unless authorized by a majority vote of those present and voting.

ARTICLE 7 – ORDER OF BUSINESS REGULAR MEETING

- 7-1 The order of business for a regular meeting shall be:
- A. Call to order by the Chairman and determination of a quorum;
 - B. Adoption of minutes;
 - C. Hearing of public hearing items;
 - D. New Business;
 - E. Worksession items (if approved by the Chair of the Planning Commission);
 - F. Comments from the Commission;
 - G. Comments from the Staff;
 - H. Adjournment.

ARTICLE 8 – PROCEDURES FOR HEARING ITEMS

- 8-1 The order for the public hearing shall be:
- 8-2 A staff presentation on each item prior to the applicant's comments.
- 8-3 The applicant or his representative should appear at the public hearing and shall be afforded the privilege of making a statement.
- 8-4 All interested parties desiring to be heard shall have an opportunity to speak at the public hearing.
- 8-5 The applicant or his representative may have the opportunity for rebuttal and answer further questions by the Planning Commission.
- 8-6 The Chairman shall then close the public hearing and the Planning Commission shall deliberate on the application and make its recommendation to the Town Council. Only input from the staff shall be permitted at this time, however, the Commission may ask specific questions of the applicant or his representative.
- 8-7 The Chairman may impose time limits for presentations by the applicant and other persons wishing to speak at the public hearing. All information relating to a public hearing must be submitted to staff at least eighteen calendar days prior to the public hearing. Any new information submitted after that time will not be considered by the Planning Commission until the next scheduled Regular Public Hearing Meeting, unless waived by the Planning

Commission Chair.

ARTICLE 9 – ORDER OF BUSINESS FOR WORK SESSIONS

9-1 The order of business for work sessions shall be:

- A. Call to order by the Chairman
- B. Work Session Items
- C. Administrative Items
- D. Comments from Commission
- E. Comments from Staff
- F. Adjournment

ARTICLE 10 – AMENDMENTS

These by-laws may be amended by a majority vote of the entire membership of the Commission at a regularly scheduled meeting, provided notice of intent to amend these by-laws has been given at a prior regularly scheduled meeting by at least two members.

ADOPTED: December 17, 1996
Revised December 16, 1997
Revised December 20, 2013
Revised September 20, 2016



Community Development
Department

STAFF REPORT

Meeting Date:	August 27, 2024
Agenda Title:	Update Planning Commission Bylaws
Requested Action:	Hold a Work Session
Staff Lead:	Denise Harris, Planning Manager

EXECUTIVE SUMMARY

The last update of the Planning Commission Bylaws occurred in 2016. With changes to the Code of Virginia, it is important that the bylaws are reviewed periodically for compliance.

BACKGROUND

The Planning Commission Bylaws, sometimes also referred to as Rules of Procedures, cover the Planning Commission membership and terms, the election of officers, duties and responsibilities, how meetings are run and business if conducted, and basic procedures. The purpose of the bylaws is to govern the transaction of business and prescribe the rules pertaining to the work of the Commission. As an appointed body of the Warrenton Town Council, the Planning Commission is also subject to policies and procedures as adopted by the governing body.

STAFF RECOMMENDATION

Hold a work session and provide direction to staff.