

LAND USE COMMITTEE

REGULAR MEETING MINUTES

Thursday, January 23, 2014

City Hall, 2nd Fl, 5:30 pm`

DETERMINATION OF QUORUM

MEMBERS PRESENT: Councilmember Jonathan L. Way, Chair
Councilmember Mark D. Wolfe
Vice Mayor Andrew L. Harrover

MEMBERS ABSENT: None.

STAFF PRESENT: Elizabeth S. Via-Gossman, AICP, Liaison
W. Patrick Pate, City Manager
Martin Crim, City Attorney
Michael Vanderpool, Deputy City Attorney
Matt Arcieri, Planning and Zoning Services Manager

GUESTS PRESENT:

Councilmember Marc Aveni	Councilmember Ian Lovejoy
Ken Johnson, Planning Commission	Bruce Wood, Planning Commission
Brian Devine, Progress VA	Arona Kessler, NARAL VA
Melinda Core	Julie Zauzmer, Washington Post
Michael McManus, Resident	Joe Hanlin, Historic Resources Board
EJ Scott, Resident	Ken Groves, Resident
Aaron Messier, Resident	Raymond Beverage, Prince William Commission on Aging
Michael Freeland, Resident	Pam Kincheloe, Resident
Michelle Bruns, Citizen	Karen Collins, Resident
Cindy Brookshire, Manassas Midwifery & Women's Health Center	
Illana Naylor, Manassas/Manassas Park Democratic Committee	
Derrick Mathis, Sr., Manassas Midwifery & Women's Health Center	
Sheila Mathis, Manassas Midwifery & Women's Health Center	
Cheryl Rouland, Manassas/Manassas Park Democratic Committee	
Jacqueline Nantier Hopewell, We Are Woman Coalition	

CALL MEETING TO ORDER

The meeting was called to order at 5:30 pm. A quorum was established.

Adoption of Minutes of November 14, 2013

Council Member Mark Wolfe, seconded by Vice Mayor Harrover, motion to approve the minutes of November 14, 2013. Motion Carried.

Medical Facilities

Chairman Way reviewed the Committee agenda and procedures. He explained that this was a worksession of a subcommittee of the City Council and while it was an open, public meeting there would not be an opportunity for citizen comment and a portion of the meeting would be closed to seek legal counsel from the City Attorney and Deputy City Attorney.

Chairman Way called on Councilmember Aveni to introduce his request to define “medical care facilities” and to allow such facilities by special use permit. Councilmember Aveni reviewed his proposed resolution on the matter and referred to the Staff memorandum, dated January 23, 2014.

Closed Session

Chairman Way moved at 5:35 pm that the Land Use Committee of the City Council convene in closed session to discuss subjects in accordance with the amended Freedom of Information Act, Virginia Code Sec. 2.2-3711 Paragraph A (7) Consultation with legal counsel employed or retained by a public body regarding specific legal matters concerning medical facilities requiring the provision of legal advice by counsel for which the Virginia Freedom of Information Act permits discussion in closed session. Vice Mayor Harrover Seconded. Included in the Closed Session were Councilmembers, Staff and Legal Counsel.

Roll Call	
Chairperson Way	Y
Vice Mayor Harrover	Y
Councilmember Wolfe	Y

Council Member Way moved at 6:26 pm that the Land Use Committee of the City Council certify that, in the closed session just concluded, nothing was discussed except the matter (1) specifically identified in the motion to convene in closed session and 2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in the motion.

Roll Call	
Chairperson Way	Y
Vice Mayor Harrover	Y
Councilmember Wolfe	Y

Medical Facilities (Continued)

Chairman Way called on Matthew Arcieri to review the staff memorandum dated January 23, 2014 with the Committee. Ms. Via-Gossman stated that the Staff was on the Council's agenda for Monday, February 3rd to recommend that the Zoning Ordinance be amended comprehensively instead of piecemeal and that the issue of medical care facilities be incorporated into that effort.

Chairman Way stated that he did not see a compelling reason not to recommend initiation of the text amendment (on medical facilities) but that the City Council would make the ultimate decision.

Councilmember Wolfe stated that he saw no immediate need for this text amendment and that it would be better to step back and take a comprehensive look at the entire ordinance as recommended by the Staff.

Vice Mayor Harrover expressed concern regarding the staff resources that an overhaul of the zoning ordinance would take and the expense to hire consultants, but that he recognized that every time the Council deals with a specific issue such as sexually oriented businesses and religious institutions they reinforce the need to overhaul the ordinance.

Ms. Via-Gossman was asked to provide an overview of what would be presented Monday night. Ms. Via-Gossman stated that the Staff was preparing a recommendation that would essentially overhaul the entire ordinance in three phases. The first phase, for which Staff would seek approval on Monday night, would be to fix the definitions and use portion of the ordinance which would address those topics being raised by the Council such as medical facilities and temporary structures or tents. The proposed second phase, to be brought back to Council at a later date, would be the policy questions of changing zoning districts to better implement the Comprehensive Plan, and the final phase would be technical clean-up.

Vice Mayor Harrover moved that the Land Use Committee recommend to the City Council that the issue of medical facilities be incorporated into the Staff recommended comprehensive rewrite of the City's Zoning Ordinance. Seconded by Councilmember Wolfe. Motion Carried.

Roll Call	
Vice Mayor Harrover	Y
Councilmember Wolfe	Y
Chairperson Way	Y

Ms. Via-Gossman commented that at the worksession on Monday, February 3, 2014 the Staff would present Council with two options. The first, with Staff recommendation, would be to proceed with Phase 1 of the comprehensive update of the Zoning Ordinance, and the second would be to take up each issue one at a time. If the Council chose the second option of taking up individual issues, Staff would ask for the Council to identify them in order of priority.

Closed Session

Chairman Way moved at 7:00 pm that the Land Use Committee of the City Council convene in closed session concerning a prospective business or industry or the expansion of an existing business or industry since no previous announcement has been made of the businesses' or industry's interest in locating or expanding its facilities in the City, as permitted by Virginia Code 2.2-3711 Paragraph A (3) for which the Virginia Freedom of Information Act permits discussion in closed session. Vice Mayor Harrover Seconded.

Roll Call	
Chairperson Way	Y
Vice Mayor Harrover	Y
Councilmember Wolfe	Y

Council Member Way moved at 7:15 pm that the Land Use Committee of the City Council certify that, in the closed session just concluded, nothing was discussed except the matter (1) specifically identified in the motion to convene in closed session and 2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in the motion.

Roll Call	
Chairperson Way	Y
Vice Mayor Harrover	Y
Councilmember Wolfe	Y

Councilmember Wolfe left the meeting at 7:15 pm.

Land Use Committee Work Program and Pending Land Use Cases

Ms. Via-Gossman and Mr. Arcieri reviewed the work plan and new pending cases report with the Committee. Mr. Arcieri handed out information provided by the applicant for AirGas, a special use permit and asked if the Committee had any interest in a worksession on this item. The Committee indicated that it was not necessary. Mr. Way noted that there was a need to have a discussion about proffer levels and objectives and asked about the status of the City's Economic Development Opportunity Fund. Ms. Via-Gossman responded that the fund had a balance of approximately \$30,000 and that she did not recommend any changes at this time or new money being added until such time as the new Economic Development Manager had time to review the program. Ms. Via-Gossman noted that Mr. Way would be out of the country for the Committee's March meeting but that she had not been able to find a clear date to reschedule the meeting. She recommended that Councilmembers Wolfe and Harrover carry the meeting unless there was no immediate agenda item need, in which case the meeting could be cancelled. Committee members concurred.

ADJOURNMENT

Chairman Way **moved** to adjourn. **Seconded** by Councilmember Mark Wolfe. **Motion carried.** The regular meeting of the Land Use Committee adjourned at 7:21 p.m.