

# ***STAFFORD COUNTY PLANNING COMMISSION MINUTES***

## ***January 18, 2012***

The meeting of the Stafford County Planning Commission of Wednesday, January 18, 2012, was called to order at 6:30 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Rhodes, Hiron, Apicella, Boswell, Hazard and Schwartz

MEMBERS ABSENT: Howard

STAFF PRESENT: Harvey, McClendon, Baker, Blackburn, Hornung, Knighting, Magwood and Santay

Mrs. Hazard: We have six of our seven members and a quorum.

### DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Thank you very much. Are there any declarations of disqualification for the items that are on the agenda tonight? Hearing none, we'll move forward. I will take a moment just to highlight the updated agenda. Item number 6 that was on the original packet that was sent out has been postponed. Technical issues associated with it, and for the most prudent way to proceed we should redo the advertisement associated with that and redo that for the 15<sup>th</sup> of February, is when that should show back up. I would highlight if there was anyone here that was coming for that item and they do not believe that they'll be able to come back on the 15<sup>th</sup>, you can always use the public comment... public presentation portion to make comments associated with that item, if you should choose to tonight. There is always that opportunity for anyone to speak on any that's not on the agenda. With that we will proceed to the unfinished business and hand it off to Mr. Harvey.

### UNFINISHED BUSINESS

1. Zoning Ordinance Amendment; Farmers Market (**Time Limit: January 19, 2012**) (**In joint Committee with Agricultural/PDR Committee and Planning Commission**)

Mr. Harvey: Thank you, Mr. Chairman. The first item on unfinished business is discussion of the Zoning Ordinance Amendment regarding Farmers Markets. Mrs. Hazard is the Planning Commission Representative of the... on the Joint Committee with the Agricultural Commission and I believe she has some information she wants to share with the Commission.

Mr. Rhodes: Thank you. Mrs. Hazard?

Mr. Hazard: Great. Hopefully, the Planning Commissioners did receive a copy of a short memo to bring all of us a little bit up to speed as well as our newer members to give them some background. Just for... if you'll indulge me, just to give some background in general. On August 16<sup>th</sup>, the Board referred the proposed Amendments to the Zoning Ordinance regarding Farmers Market to us. We did request some more time and so we were given an extension until January 19<sup>th</sup> to make recommendations on the Board regarding Farmers Markets. I just... I would like to note that also in our Implementation Plan regarding the Comp Plan, which we may get to later, there are two... in our Public Safety area they have about encouraging active agriculture activities and promoting Farmers

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Markets in that as a year one thing to do. So part of that is also implementing the plan that we have put forth. The committee was comprised of myself and Mr. Fields; we also had Mr. Adams and Mrs. Clark, and we also were joined by Mr. Beiler from Economic Development at the end. We had some great discussion about what a Farmers Market is, how they run, lots of things like that. Right now, Farmers Market is not a defined term in our Ordinance, although our PND Zoning Ordinance allows a Farmers Market; however, it's not a defined term at this time. So, we felt first we needed to define it. Also, we thought about the areas that would be selected for by-right use. What we determined is we put A-1, A-2, Rural Commercial, B-1, B-2, B-3, PD, RBC, Suburban, but we did take out the R-1, Residential 1, because we felt that that was something more that needed maybe more consideration than as a by-right. However, we did find because how zoning works in Stafford County, public facilities... if a school by chance sits in a R-1 area, which I believe the one that's in Austin Ridge, which I cannot think of the name, I can't believe it... elementary school, is technically... yes, Anthony Burns excuse me, sits in an R-1 District. Well, one of the areas that many of us thought potentially could be useful for a Farmers Market would be schools; not particularly that one, but we felt that we wanted to put the public facilities, would be an appropriate use no matter the underlying zoning of that. So, we did put that in there; of course the Board of Supervisors would have to approve that. We talked about the process, where should we go? We thought about that the Farmers Market would come to the Ag and PDR Committee. That committee would review the application making sure that insurance, that an adequate market manager was in place. We also included in the Ordinance that parking had to be consistent with our code, as well as VDOT standards regarding signage. In the end, there would be a zoning permit issued, so Planning and Zoning staff would be involved in that process. At this time, we were not recommending final approval by the Planning Commission or the Board of Supervisors; however, some of us felt there might be some public process warranted. However, this does not include that at this time; this can be, you know, an issue of further discussion. Overall, we did not intend to limit or select who would be the Farmers Market, we just wanted to make sure we had in place a procedure that someone who was interested and do it that they had somewhere to come in Stafford County because we felt that there has been some interest among our residents of having that type of market. The attached Ordinance has been given a designation now of O12-07. Going forward I believe that the way we would handle this would be that we would recommend back to the Board of Supervisors our recommendation of this particular Ordinance. Of course they would have to send it back to us, but I would ask that you all consider the one that we have drafted and consider taking that to the Board for their... I guess we would recommend for them to send it back to us. And if there's any questions, I also have Mr. Adams here from our committee who has a lot of information about Farmers Markets for some real nitty-gritty questions that I may not be able to answer.

Mr. Rhodes: Are there questions for Mrs. Hazard? Mr. Hirons?

Mr. Hirons: I just have one Mrs. Hazard. On page 2 of the draft Ordinance, it talks about the definition of a Farmers Market... a building, structure, or place used by two or more individuals. Is the intent of that, actual individuals or two entities making sales or selling something?

Mrs. Hazard: I think the intent was to make sure it wasn't a roadside stand, that it was just sort of a guy standing out there with a stand, that it was gonna be more of a market managed with more than one or two vendors.

Mr. Hirons: That's what I kind of thought the term individuals, a husband and wife sets up his pickup truck on the side of the road and is he now a farmers market and does he fall under this?

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Mr. Rhodes: Other questions? Mr. Apicella?

Mr. Apicella: So, Mr. Hirons are you recommending that the term individuals be changed to, I think Mrs. Hazard said vendors or something of the like?

Mr. Hirons: I was going to let the committee member decide on that, but yes I wouldn't object to... actually I think the proper term might be vendors, other than individuals.

Mrs. Hazard: Let's go with vendors. Mrs. Baker, does that seem to...? Mrs. Baker was our wonderful representative from Planning who was very helpful in this, so I always defer to her as well.

Mr. Rhodes: Just so I can clarify, what I thought I heard you say that you have this drafted for consideration not that you'd necessarily recommend that this is what needs to be passed, but this is the good starting point. Is that where you think you are with this?

Mrs. Hazard: I hope that it is one that would go to the Board of Supervisors, that they wouldn't feel the need to change it too much. They might, but it does give them a complete draft to at least work from, but they... it will have to be sent back to us.

Mr. Rhodes: So, if... what I think I'm hearing then is what we're recommending that they consider this for referral back to us to create for public hearing, but clearly giving us the authority to make any changes necessary with whatever final Ordinance we recommend back up to them. Just getting that clarity in there, I think. Okay.

Mrs. Hazard: That's correct.

Mrs. Baker: Mr. Chairman?

Mr. Rhodes: Yes.

Mrs. Baker: If you all have recommendations for changes you'd like us to make tonight, we can do that before forwarding. It's up to the Commission as a whole. This came back as the committee's recommendations, so if the Commission wishes to make changes before sending it back, we can certainly do that.

Mr. Rhodes: Okay, looks good to me. Are there any other questions for Mr. Adams, Mrs. Hazard, Mrs. Baker, or anyone else? So, I think where we're at it is, we do need to get something back to the Board. We could... someone might consider a motion to recommend we send this forward to the Board, as was suggested, with the further recommendation that they send it back to us to conduct a public hearing and that they ensure they give us the authority to make modifications as necessary.

Mrs. Hazard: Mr. Chairman, I would move that we would recommend to the Board of Supervisors O12-07 regarding Farmer Markets with the change from... with the only change being on line two, the word individuals to vendors, and to forward that to them for their consideration and approval.

Mr. Rhodes: So, we have a motion; is there a second?

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Mr. Hirons: Second.

Mr. Rhodes: Second by Mr. Hirons. Any discussion, any further discussion Mrs. Hazard?

Mrs. Hazard: None for me.

Mr. Rhodes: Mr. Hirons?

Mr. Hirons: Just to thank you. Thank you Holly for the work on this and thank you to Pete Fields, if you're watching out there for your effort, as well as the other members, thanks.

Mr. Rhodes: Thank you. Any other comments? Okay, hearing none I will now call for the vote on the motion to send this forward to the Planning Commission with their recommendation that they send it back to us to conduct public hearing and make modifications as necessary. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None. Passes 6-0. Thank you very much. Item number 2 Mr. Harvey.

2. Zoning Ordinance Amendment; Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

Mr. Harvey: Mr. Chairman, item 2 has been on your agenda for quite some time. The Commission is waiting for feedback from the Board of Supervisors on how to proceed. As you see from the listing on the agenda, this item was last discussed at the Commission in 2010. There's been some question over time as to whether it needs to stay on the agenda. I think that's at the discretion of the Commission.

Mr. Rhodes: Mr. Harvey, is there like a record for how long we keep something on unfinished business?

Mr. Harvey: It's up to the Commissions' discretion.

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Mr. Rhodes: Okay, very good. But really, short of getting further direction and guidance and time from the Board, some other affirmative action from the Board, there is nothing else we do with this. Is that... isn't that correct?

Mr. Harvey: Yes.

Mr. Rhodes: I think we might... to pull it off of unfinished business, do we need a motion or can we just have the will of the... just the lack of?

Mr. Harvey: I would recommend that the Commission consider a motion to strike from your agenda.

Mr. Apicella: Mr. Chairman, I would move to strike item 2, Zoning Ordinance Amendment, Rappahannock River Overlay District and Potomac River Overlay District from the committee's agenda now, and henceforth in the future.

Mr. Rhodes: Alright, we have a motion; is there a second?

Mr. Hirons: Second.

Mr. Rhodes: Second; any comment? Mr. Apicella?

Mr. Apicella: No comment.

Mr. Rhodes: Okay, Mr. Hirons then?

Mr. Hirons: I'll just say, I'll have a personal conversation with the Falmouth District Supervisor, who happens to also be the Chair of the Board of Supervisors, on letting her know that we've done this and that they shouldn't expect anything further from us unless we happen to hear from them.

Mr. Rhodes: Okay. Any other comments? I would just highlight, there was some decent work done, there was some conflicts and things that needed to be cleared out. But really there's no reason to be carrying this unless there is direction from the Board to do further action on it, and then we can pick up where we left off, if that should be the case. Otherwise I don't think continuing to look at it and let you update dates and set a record for how long we keep it on unfinished business would really be necessary. We have a motion there to pull this off the unfinished business list and wait; we can add it back if we get something from the Board. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Boswell: Aye.

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Mr. Rhodes: Aye. Any opposed? None. Passes 6-0. And now on to new business, Mr. Harvey.

NEW BUSINESS

3. Amendment to Zoning and Subdivision Ordinance - A proposed Ordinance to repeal Stafford County Code, Chapter 22, Article IX, Sections 22-266 through 22-271; entitled "Cluster Subdivisions," Chapter 28, Article V, Sections 28-71 through 28-80; entitled "Residential Cluster Provisions," and Chapter 28, Article V, Table 5.1, entitled "Cluster Option." This amendment is to repeal these sections of the respective ordinances due to inconsistencies with the Virginia Code 15.2-2286.1, A-D. **(Time Limit: February 29, 2012)**

Mr. Harvey: Thank you Mr. Chairman. Under new business the next item is to discuss Cluster Subdivisions. I would ask that you recognize Susan Blackburn to provide the Commission with some commentary and we can continue the discussion from there.

Mr. Rhodes: Very good. Mrs. Blackburn welcome.

Mrs. Blackburn: Good evening.

Mr. Rhodes: Good evening.

Mrs. Blackburn: Mr. Chairman, Planning Commission members. Last night at the Board of Supervisors meeting they voted to grant you an extra 90 days.

Mr. Rhodes: Super.

Mrs. Blackburn: To review, decide, create, either a new Ordinance or amend the Ordinance we already have concerning cluster subdivisions. The 90 days sounds good and that's what you had requested. In reality, that will require by April 18<sup>th</sup> we must setup for a public hearing for the public hearing to be May 16<sup>th</sup>, just so you have those dates.

Mr. Rhodes: Those would be the no later than dates, right?

Mrs. Blackburn: Right, right... in order to get everything done within the 90 day timeframe. And tonight the item on the agenda is to set a public hearing for the next meeting, which would be the 15<sup>th</sup> of February, to whether or not... well, to vote on whether to repeal, keep, amend, whatever you want to do, but it's to set... you know, say tonight we're going to set this up for the 15<sup>th</sup> of February. And also I wanted to ask if the committee members had any preferences tonight... have thought about when you want to meet. We do have to give the Public Information Officer a three day lead time on that; if you've thought about days or evenings or we can discuss that by email or whatever after the meeting.

Mr. Rhodes: Okay, so three parts here; first, one to deal with the existing Ordinance and potentially voting for public hearing on the 15<sup>th</sup> of February for eliminating the current regulations. Secondly is the follow-on actions by the subcommittee which was Mr. Apicella, Mr. Howard, and Mrs. Hazard, I believe is what I had. And any requirements they may have and when they would like to meet to start working on this such that we have by the 18<sup>th</sup> of April no later than we vote to move this... move whatever to public hearing with the intent of no later than May 16<sup>th</sup> having a public hearing.

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Mrs. Blackburn: Yes sir.

Mr. Rhodes: Okay. So, the first part of that probably we need to deal with is the existing Ordinance and what we do, as far as for the 15<sup>th</sup> of February.

Mrs. Blackburn: Right.

Mr. Rhodes: Okay.

Mr. Harvey: Yes, Mr. Chairman, at the last meeting the Commission asked us to prepare an Ordinance for consideration to... for repeal and staff has done that. That is contained in Ordinance O12-30.

Mr. Rhodes: Okay, very good. We all received that with our read ahead packet. Are there any particular things that need to be highlighted out of the draft Ordinance?

Mr. Harvey: Mr. Chairman, this is a... with a repeal of the Ordinance, this is eliminating the regulations. So once that's accomplished there would no cluster regulations. You'd be in the interim working towards, with the committee's efforts, creating new regulations for cluster subdivisions.

Mr. Rhodes: Okay. There was discussion last time about the existing plans that are out there or that were in the process towards a cluster subdivision and what would happen with those.

Mr. Harvey: Correct, Mr. Chairman. If the Commission is so inclined to have saving provisions in the Ordinance for existing projects in the pipeline, that would be something that you should consider with your motion should you decide to move the repeal forward to public hearing.

Mr. Rhodes: Okay. On this portion of the proposals here in item number 3, are there any questions of staff by members?

Mr. Apicella: I have a question, Mr. Chairman.

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: For the two projects or proposals that are in the pipeline, has an affirmative action been taken on either of those projects?

Mr. Harvey: Currently not. They are under review for an administrative approval. If they achieve their administrative approval then that would be the affirmative governmental act that would grant them vesting, so they could proceed with their development project pursuant to how they were approved.

Mr. Apicella: And if the Commission should decide tonight to authorize the public hearing, what happens with those two projects or any else that might be submitted in the interim while this goes through the process... the public hearing for this Commission and then the action taken by the Board of Supervisors?

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Mr. Harvey: The applications will continue to be reviewed under our local Ordinance and also state law. There are requirements as far as timelines for staff to review and/or approve administrative functions for plan submittals. So we would continue on with that process until the repeal Ordinance was adopted or some other Ordinance was adopted to halt that process.

Mr. Rhodes: Are there any other questions? Mrs. Hazard?

Mrs. Hazard: If we do go forward and we have a public hearing on repeal on the 15<sup>th</sup> of February, if the Planning Commission... I'm sorry there are a lot of ifs, but that's... if we made a decision that night to then forward it to the Board of Supervisors, how long will it take to get on their schedule? Because the repeal will not happen until the Board of Supervisors approves the appeal. Like what timeline, worst case, best case scenario does it hit the Board for the first time?

Mr. Harvey: Certainly; the Planning Commission public hearing would be February 15<sup>th</sup>, then it would go on to the Board of Supervisors meeting, which would be the third Tuesday of March.

Mr. Rhodes: And then they would have to vote for public hearing?

Mr. Harvey: Well, they would automatically go to public hearing and...

Mr. Rhodes: Oh, okay.

Mr. Harvey: ... and they would consider whether to repeal, or they could defer or they could decide not to repeal.

Mr. Rhodes: So, it's the... the last one of March or the first one in April then probably is their... last one of March is their timeframe then that they could...

Mr. Harvey: That would be the normal process.

Mr. Rhodes: Okay.

Mr. Harvey: The Board of Supervisors, as a routine, takes up public hearings and Ordinance amendments on a quarterly basis. March would be the normal quarterly review for Ordinances, so that's...

Mr. Rhodes: Okay.

Mr. Harvey: ... likely they would do it March.

Mr. Rhodes: So, there's that opportunity. Other questions for staff?

Mr. Hirons: I have a question kind of along the same lines.

Mr. Rhodes: Mr. Hirons.

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Mr. Hirons: When... we... with the new Cluster Ordinance, assuming the committee gives us one by May 16<sup>th</sup>, but we go all the way up to May 16<sup>th</sup> and hold that hearing and we recommend it to go on to the Board, how long does the Board then... are they limited at all in their timeframe and when they can take action on that or have to take action on something that comes from us? Or could it be something that could be on their agenda for a long time?

Mr. Harvey: Mr. Hirons, to my knowledge the Board, since this is a County initiated Ordinance, could take as long as it deems necessary. In the case of a landowner initiated Ordinance, there's provisions in the State Code that it needs to be acted on within a year.

Mr. Hirons: And during all that time, until the Board actually finalizes this new Ordinance, the County is without a Cluster Ordinance, correct?

Mr. Rhodes: No, the County is with.

Mr. Hirons: Without because we would repeal it already.

Mr. Rhodes: But the Board has to take the affirmative action to repeal.

Mr. Hirons: Assuming the Board...

Mr. Rhodes: Oh, I'm sorry.

Mr. Hirons: ... takes it by...

Mr. Harvey: Yes, there could a theoretical three month window between the repeal period and the adoption of new regulations.

Mr. Rhodes: Okay.

Mr. Hirons: Okay. Alright, that's all I had. Thanks.

Mr. Rhodes: Conversely though, from what I'm hearing, is if we were to proceed with public hearing in February, take action to recommend approval or not, the Board has complete flexibility, because they can conduct their public hearing on that Ordinance in March and then they can choose to act or not depending on the circumstances and there is no time limit that's pressing them associated with that. It just gives them all the options.

Mr. Harvey: Yes, they have options available.

Mr. Rhodes: So, if they were uncomfortable with not having an Ordinance for a period of time, until we got something to them, they've got the flexibility to choose not to act or what have you so... okay. Now, if we... I guess the one last question though, but if we are to proceed as it is currently proposed, there is no language or structure or means for consideration of any grandfathering, if you will, the way it's currently structured, correct?

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Mrs. Blackburn: That's correct, the way it is now. You would have to, in part of your motion tonight, in taking it forward to the February 15<sup>th</sup> meeting, include that.

Mr. Rhodes: Include that language, so it could be considered whether or not we supported it ultimately or not.

Mrs. Blackburn: Right.

Mr. Rhodes: Okay.

Mr. Apicella: Mr. Chairman, can I follow-up on that?

Mr. Rhodes: Yes, Mr. Apicella.

Mr. Apicella: If I understood what was said previously though... and please correct me if I'm wrong... the applicants still have an opportunity to get their projects approved, their Preliminary Clusters Plan approved up until the point where the Board of Supervisors decides and takes action on the repeal. So, up until that point, the current Cluster Ordinance still is in place?

Mr. Harvey: That is correct. I would point out to the Commission that, in the interim time period there may be new applications filed and it may be difficult for new applications if they're filed close to the time when that repeal takes place, and it may not be fully reviewed and potentially approved before the repeal occurs. I know we've had some discussions with one engineer about possibly other plans coming in.

Mr. Rhodes: Okay. You're on the edge here Mr. Hirons.

Mr. Hirons: Yes, that's kind of another what if scenario.

Mr. Rhodes: Okay.

Mr. Hirons: A Preliminary Subdivision Plan still has to come through us, correct?

Mr. Harvey: That is correct.

Mr. Hirons: So, they could get the administrative approval, but under our current Cluster Ordinance it... don't we provide approval or input on the actual just clustering aspect?

Mr. Harvey: Typically, with the Preliminary Plan the Planning Commission gets into some more of the details of the amenities that are being provided, whether or not they have amenities. Also, if there are technical issues with street layout, lot layout, those types of things. But overall, the cluster concept vests them for the number of lots, the amount of open space in the general location of those features. With the preliminary plan process you're getting into more detail and more issues about compliance with all the County regulations, so it's a more detailed review than the concept plan.

Mr. Hirons: So but... we... they could get a... in theory they could get an administrative approval; in the meantime, we and the Board repeals the existing Cluster Ordinance, and then that Preliminary Plan

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still comes to us as the Planning Commission to do that review without an existing Cluster Ordinance? Okay.

Mr. Harvey: Yes, and that's where the question of the affirmative governmental act comes in, because if someone has an affirmative governmental act, they have vested rights to proceed with developing the property in accordance with what they're approved for. So even if the cluster regulations did go away, they would still be able to proceed under the former regulations.

Mr. Hiron: It'd just be fun. Alrighty, thank you.

Mr. Rhodes: So, we have before us a proposal to send this to public hearing. If we deem it's most appropriate to remove the existing provisions and if we proceed with that the two variants appear to be whether or not we want to have available for consideration the option to have a grandfathering, if you will, or just proceed as there is with those existing ones to try and get their affirmative action before the Board's action. What's the will of the Commission?

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Mr. Apicella.

Mr. Apicella: I would move that the Commission hold a public hearing on O12-30 as written to be scheduled on February 15<sup>th</sup> or as soon as practicable thereafter.

Mr. Rhodes: Okay, there's a motion. Is there a second?

Mr. Hiron: Second.

Mr. Rhodes: Second, Mr. Hiron. Any discussion, Mr. Apicella?

Mr. Apicella: Mr. Chairman, I've only been on this panel for a few months, we've had a couple of cluster subdivisions that have been put forward to us, and we did approve those. But as a result of the last meeting, we were advised by staff and counsel that the County is currently out of compliance on many provisions with respect to the Virginia State Code requirements on cluster subdivisions. Consequently, I think it's appropriate for us to repeal the current Ordinances and to work on a product that is in compliance with the State Code. As I indicated, or the question that I asked, was for those that are in the queue currently if they do get an affirmative action they are de facto grandfathered, and if they, for whatever reason, don't get an affirmative action then they can make appropriate adjustments that are in compliance with those new requirements once they come into play. Again, my right and concern is the fact that we are, I think, woefully out of compliance with the State Code and I think we, as a matter of good public policy, need to ensure that we are in fact in compliance as we move forward.

Mr. Rhodes: Okay. Thank you, Mr. Apicella. Mr. Hiron, do you have a comment?

Mr. Hiron: No comments.

Mr. Rhodes: Okay, thank you. Any other member? Mrs. Hazard?

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Mrs. Hazard: I guess just one to Mr. Harvey. Is there... there is a formal application for a cluster to your office, even when it's an administrative action, there is something that either a letter or something that comes in to your office for you to act upon. Is that correct?

Mr. Harvey: That is correct, Mrs. Hazard. There is an application form that the applicant fills out which highlights ownership and other information; it's key for us to review the application. There's also plan sets that we get and review at the various agencies in the County and also VDOT.

Mr. Rhodes: Okay, any other...? Okay, so this will be a... the motion is to move the proposed Ordinance to our... yes, proposed Resolution... what is it? It's Ordinance right?

Mr. Harvey: Yes, sir.

Mr. Rhodes: Sorry, I'm lost. Okay, thank you. O12-30, proposed Ordinance forward for public hearing. This does not have the provision for grandfathering; it would be dependent upon that affirmative action to address those applicants that are in the process. Hearing no other motion to make any modification, I'll call for the vote. All those in favor of the motion signify by saying aye.

Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hiron: Aye.

Mrs. Hazard: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None. Passes 6-0. It will move forward as written on O12-30 for public hearing on the 15<sup>th</sup> of February. Very good, next is item number... oh, I'm sorry.

Mrs. Hazard: Mr. Apicella, I know we were asked of a good time, I know that Mr. Howard is not here but I don't know if we want to meet separately but... just I know something we want to get working on it.

Mr. Apicella: Can we start with a notion that staff would try to pull together a document that in their view comes as close into compliance as possible, whether that is starting from scratch or taking the examples that were provided and using those and putting the best of those together into a discussion draft. I think that would help to get the process started. I don't know what generally happens with the Planning Commission, whether the Commissioners themselves actually write the document or the staff proposes a document. But this is a fairly complex issue and I certainly would appreciate staff taking the first crack at it. I don't know what's reasonable for them to provide us that discussion draft for a subcommittee to take a look at, but to me that would kind of drive when we should get together and hopefully as soon as possible.

Mr. Rhodes: Mr. Harvey, your reaction?

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Mr. Harvey: Mr. Chairman, I would recommend to the Commission that possibly there be points that the staff can raise for key questions for the Commission and Committee to answer, so then we can draft the ordinance. Because starting to draft an ordinance does take significant work and because you have pieces that have to fit together. And if there are changes it could cause a ripple effect in preparing the ordinance, so from a staff perspective I think I'd be helpful if we have key questions that can get answered to give us the direction on how to write the ordinance.

Mr. Rhodes: So, what I think I am hearing is that you'd propose that staff develop those key questions possibly with what a couple variance of the answers might be and what the pros and cons are associated with those. Get those reactions on those major pieces and then that, you can use that to start drafting the actual ordinance.

Mr. Harvey: Yes, because we've seen over time the concerns that the Commission has had about the clusters and the residential zones and a lot of that will carry over to the agricultural zones. We know that when we drafted the ordinance in '09 for the agricultural zone, staff still had some remaining concerns or reservations and going back and reading it in relation to the State Code as it is today, there's still some problems from that '09 draft. So, I think we would have a good base to give key questions out to the Commission and get the directions to where we can start putting something good together.

Mr. Rhodes: And how long would that take, reasonably?

Mrs. Blackburn: How long would you like it to take?

Mr. Rhodes: Well, you all get pulled in many directions, so I certainly want to move forward and want to meet the timelines of voting on a public hearing by April 18<sup>th</sup>, but depending on the other work load items as well.

Mrs. Blackburn: I would think that easily within a week I could get an email sent to you all asking these are the points that we feel may be the key points, which directions would you like us to go in? What your thoughts are on that? And, you know, then we can go from there and hopefully maybe set up a committee meeting to discuss those. And then I think we would end up with a clear direction as to what you want us to draft up and then we would be able to draft up ordinances for your review. But we just... we need a little bit of guidance to start us off; and then we can take it and create a document for you all to read and critique, and then start with all the changes, if we need changes.

Mrs. Hazard: I mean that would work for me, and then as part of that email when you send us sort of the talking points or things to consider, putting out best times to reach, that's how we've done it in the past, kind of you know, what nights work and then we can... but it is helpful because you want the first committee meeting for you to get something out of it as well as for us. And so...

Mrs. Blackburn: Right.

Mrs. Hazard: ... I think that would be great, but I...

Mr. Apicella: Yes, Mr. Chairman that strategy works well with me as well.

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Mrs. Blackburn: Excellent.

Mr. Rhodes: Does that support your way ahead then Mr. Harvey?

Mr. Harvey: Yes, sir.

Mr. Rhodes: Thank you very much.

Mrs. Blackburn: Alright, thank you.

Mr. Rhodes: Very good, thanks for reminding me I missed it. So, item number 4, Mr. Harvey.

4. Calendar Year Work Plan

Mr. Harvey: Mr. Chairman, this item was at the request of the Commission from your last meeting to discuss a creation of a calendar year work plan. Included in your handouts tonight, staff has taken the liberty of coalescing the issues that are in the Comp Plan Implementation Plan, which is also attached, for beginning discussion with the Commission. For the Commissions' information, the Board of Supervisors last night adopted the Comp Plan Implementation Plan as Chapter 7 in the Comprehensive Plan, so we have included for your benefit slip sheets that could be put into your plan with a new cover and new table of contents, as well as the actual Implementation Plan as Chapter 7. So, if you... at your convenience, please insert that into your Comprehensive Plan. Again, going back to the Implementation Plan actions that could be part of your work plan, we've highlighted by categories in the Implementation Plan a number of things that could be potentially discussed for this year. On the second page you'll see some items that have been highlighted in yellow, and those are ones that actually are behind schedule, so to speak. Item number 11 specifically was an item we discussed earlier on the agenda was of the Potomac and Rappahannock Area Overlays. So part of the reason that these are behind schedule is that as this plan was initially conceived last spring it had to go through public hearing processes and certain timelines and that's resulted in it being adopted here recently. So, some of the effort that went into this last year, time has elapsed. I can give you an update on some of these issues with regard to transportation, but I guess that one of the questions I'd have for the Commission on your work plan is, do you want to include all the items listed here for 2012 and ask for periodic status reports from the staff or, if there's any other items that the Commission may be interested in, to include in a work plan. I understand from the last meeting there was some discussion about receiving a briefing on the Courthouse Road interchange; issues about maybe an expanding notice to abutting owner during public hearings, discussion of proffer guidelines, which I can give the Commission a little update on that, as well as more detail about tasks for implementation of the Comprehensive Plan

Mr. Rhodes: Well certainly we can hear from any of the other members, but I think a... in addition to the normal course of actions that'll be coming through and applications, a key part of what will be additional work will be associated with the Implementation Plan actions. This was an important element of the Comprehensive Plan to get in place, the Implementation Plan, and it certainly ought to be one of the driving elements. I would think we would want to at least have some type of an update no less than every couple months, but I would think we would be having some actions feeding us more often than that.

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Mr. Harvey: Yes, and we can put this in sort of a timeline chart for you, if you'd prefer it in that format for this calendar year, and then also give you an update status on some of these things as they are today and where we see them going if they're on track or if not, why? And some of it may be outside of the Commissions' control and/or staffs control too.

Mr. Rhodes: I know for me, I think seeing it in more of a timeline format would be helpful. I don't know what others feel, but also I think as we do that and as we approach some of the timelines... the... an assessment as to the resources available to address them, I don't know if any particular action here is more intensive be it a human and staff resource or be it a monetary resource in order to complement it, but certainly if we've got some critical points or challenging steps along the way, we probably... it'd be useful to highlight that so we can see that and agree to which we can mitigate it or work around it. Any other thoughts? Mrs. Hazard?

Mrs. Hazard: If I could just follow-up on that, being part of the committee and part of the force behind getting this here, this was really meant as a tool also for Mr. Harvey's office to be able to establish a resource allocation or what to ask for, how to budget, how to staff, because if you have a monstrous task like some of the ones that are in here, that it does require planning in the long range. So, we were hoping it was also as much of a useful tool for you as it was for us. So, I think we also want to have the dialogue that if there are resources or things that you need to help implement that, whatever we can do to help you accomplish that, that's part of our goal too. So I think part of it is if there are holes or areas that you don't think that you have the resources or if there are the areas that have the resources allocated let us know, so we know that that may be more as fast tracked. There are specific comments I have on some of them, but I guess to me the most massive one in here is the rewrite of the... of most of the Zoning Ordinance. I mean, that was a pretty massive one, I see it takes up half the page so I may defer to you on that. But on resource allocation for you that's, you know, we need to know how that works from your perspective.

Mr. Harvey: Yes, correct and this has been helpful for the staff. I know in our department as well as other departments we've used this as a basis for our budget submissions for this coming year's fiscal budget and that will also... the end result of that will also drive the timeline on implementation. And some of our budget request based on overall needs of the County may or may not get funded, so that will have some impact on timeliness.

Mr. Rhodes: Mr. Harvey, as you lay that out in a timeline format, we just ask as you see the proper windows then look at where we best fit the other items that were highlighted. Again, update on where VDOT is with the Courthouse interchange project, update on where some of the projects are associated with the bond issuance on roads and sidewalks, again as we get the opportunity. Again, where we might work on the notice requirements we had discussed before when we had the large tower rising above the minimum notification standard for some of the surrounding landowners to ensure that they were aware of the application; however, that raised for us the fact that we were actually stepping outside our normal procedures so we should probably more formally during this year, address do we need to modify some of those notification procedures or do we want to in a more consistent fashion? And then the last one of course that I had written down from last time was, how we might approach some modifications on the proffer guidelines or what we might need to address with that. I don't know if there were any others that other members had. Mrs. Hazard?

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Mrs. Hazard: I just had one other one. There was one also on here in our fiscal responsibility portion. Now I'm using my old one that's all tabbed up, but it talked about developing and adopting a financial impact model as an element of the Comprehensive Plan, which was something I think we felt pretty strongly about. And then there were annual updates and that sort of led down to proffers and things like that, that some of that financial impact model can run in tandem with some of the other tasks. And I think that was probably the only one I didn't have a real good handle of whether you had either adequate resources or where that fell in that, because I know we have it as one that's near the beginning of the timeline.

Mr. Harvey: Yes Mr. Chairman, Mrs. Hazard, we've had discussions internally with... at staff level with the Finance Department on preparing such a report. I know Economic Development has asked us to incorporate in certain applications a report especially for rezoning and conditional use permits about jobs created and those types of things so we can get a better grasp on commercial projects, what the fiscal impact is. Right now our main focus with the Finance Department is working on proffer guidelines. We're trying to work through that process and we're hopeful that at some point in time this winter we can make a presentation to a Board Committee and give them a discussion as to where we are going and see if we're on track with what the Board has anticipated the proffer guidelines to be going. So, we're making some progress.

Mr. Rhodes: That's pretty good. Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'm not sure if this would fall within the boundaries of a work plan, but I think it would be helpful, certainly to me, if not some of the other newer members of this panel, to have maybe a half day retreat to kind of discuss the operations of the Planning Commission and any changes we could make to better our operating procedures, parameters, the way we conduct business, what have you. I don't have any specific thoughts in mind, but I think it would be particularly helpful if we perhaps brought in a consultant; we did that with BZA several months ago. We brought in Dr. Chandler and it was very helpful to us to have that time with him to again improve our operations. So, I would make that recommendation as an add on to the Implementation Plan.

Mr. Rhodes: Other reactions of members or Mr. Harvey, are there almost process or procedural items you think we can possibly enhance with something like that?

Mr. Harvey: I would recommend that we consider doing it towards the end of the fiscal year, so that maybe later in May or June if we're to do that, because I need to see where we are budget wise, because I know we have training for new Commissioners. We'll have three new Commissioners going through training; there may be room in the advertising budget to shift some of those funds, but it may require us to wait until later in the year to see where we are.

Mr. Rhodes: I would assume with something like that we need to advertise or how would that work, since all the members would be together?

Mr. Harvey: If it is a meeting of the Commission, yes that'd be something that would be required for advertisement.

Mr. Rhodes: Okay.

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Mr. Harvey: I believe the BZA did it as one of their regular session timeslots, if I remember right.

Mr. Apicella: No, I think what we did is we advertised it on the website. I don't think we had an advertisement in the paper. We didn't really discuss any business, we just talked about the interim operations of the BZA and the application, and rarely do we have an application without a process (inaudible) review that application, but we didn't talk about any specific items related to... of any proposals that were for the Commission (inaudible) before the Commission.

Mr. Harvey: I guess the Commission could consider whether they would want to schedule a special meeting for that briefing or incorporate it as part of one of your regular scheduled meetings and hold back from other work, depending upon the amount of time involved.

Mr. Apicella: For me having done it with the BZA, I think it would be very beneficial to not do it as part of a regular meeting. I mean some of these meetings could go on for three or four hours if not longer, if we can just focus our attention on that one subject matter...

Mr. Rhodes: Okay.

Mr. Apicella: I think it would be particularly helpful. I don't disagree that the summertime might be... late spring or early summer might be a particularly good time for a lot of reasons.

Mr. Rhodes: Okay, so maybe we queue that up from the quasi work plan perspective to be looking at starting to maybe in another month or two start trying to hone in on how we might approach this, when might be a good date, where is money looking, Jeff, and how we might frame a little bit more of the items, more of a context of our operation, but the items that we'd want to be focusing on for that session. Okay?

Mr. Harvey: Yes sir.

Mr. Rhodes: Anything else from any member? Okay, thank you very much. Thank you, Jeff. We have a few minutes still, can we... let's see.

Mrs. Hazard: Mr. Chairman, if you have these five minutes, I would like to say from Mr. Harvey's benefit, I'm sorry that Mr. Zuraf is not here, because Mr. Zuraf tirelessly put together this timeline. I'm sorry he's not here to thank him, but this has been, I think, very helpful for me, which was really what I was envisioning for us to have a plan going forward. So, really I just have to say hats off to Mike for tolerating... going through the Comp Plan not only helping write it, but then say how he was going to implement it. So I just want to say Mike did a great job.

Mr. Rhodes: Great.

Mr. Harvey: Mr. Chairman, if the Commission would like I can give you a briefing on where we are on certain aspects of the Transportation and Utilities items that are on the agenda that appear to be past due but they're in process.

Mr. Rhodes: Please, please do.

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Mr. Harvey: Item 14 on the Transportation Implementation Plan and the bullet that follows. The basis for the Transportation Implementation Plan will be an outcome of our transportation model. We've internally been working with the Public Works Department to try to engage our consultant and get the transportation model up and running. We're in the final stages of getting that finalized. What partly was driving that is the transportation model will be utilized for the Board's direction to look at transportation impact fees. But an outcome of that is an Implementation Plan which through the model it highlights road deficiencies in the future based on our Comprehensive Plan. And the Implementation Plan would be somewhat similar to the Comprehensive Plan Implementation Plan; it will list out all the projects, the anticipated costs, and then from there we can figure out a timeline on how we can, through our affordability guidelines, maybe afford to program those projects.

Mr. Rhodes: Is this model essentially the same or the same as what we were using in some of our subcommittee work a year or so ago, trying to model the implications and you know they went red, they went black, they went those different colors? Or is this a different...?

Mr. Harvey: It's the same modeler. However, since we've adopted a new Comprehensive Plan the inputs are different.

Mr. Rhodes: Sure, okay.

Mr. Harvey: We have a total new concept of Urban Development Areas, which has different transportation criteria that go along with it. So, that's part of the reason why there's a little bit of delay, because we had to redo the model. With regard to items for the Utilities section, during the past fall the water supply study that was submitted to DEQ was also presented to the Board of Supervisors; however, was not adopted as part of the Comprehensive Plan. That will be rolled into the Master Sewer and Water Plan update, which they're starting that process. They've been interviewing various firms to update the plan document and are moving forward with that. So those are things that are ongoing right now, so it may be that we either consolidate tasks in the plan document and maybe that's something for an out year or we can update the timeline.

Mr. Rhodes: Okay, very good.

Mr. Harvey: So, there has been progress on a number of fronts with things. As the Commission may know, there are some items that have already been completed such as adopting the Redevelopment Area Plans. The UDA Plan went to the Board last night for Courthouse and it was deferred for more information, but it again is on track. So there have been a number of aspects in which you've already been implementing things in this Implementation Plan.

Mr. Rhodes: Very good. Thank you, Mr. Harvey.

Mr. Harvey: You're welcome.

Mr. Rhodes: I see we've got about four minutes until public presentations. We know we can't do that early. I submit that we just break a moment until... or just wait in place a moment until 7:30 and then we'll start the public presentations, unless anyone has anything else they can do in two minutes. I don't think so. Thank you, Mr. Adams.

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Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes, Mr. Harvey.

Mr. Harvey: Just to bring to your attention, there's a handout that pertains to the public hearing tonight at your desk; new architectural elevations as well as a general development plan.

Mr. Rhodes: Thank you.

Mr. Harvey: Mr. Santay will go through that in his presentation.

Mr. Rhodes: Great. Thank you very much, Mr. Harvey. I feel like I'm watching a pot trying to boil.

Mr. Hirons: Looking at the seconds... countdown.

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**7:30 P.M.**

PUBLIC PRESENTATIONS

Mr. Rhodes: Okay, we've now reached the... because it's going to turn 7:30 within ten minutes.

Mrs. Hazard: Second.

Mr. Rhodes: No, it feels like minutes, it won't turn... it's been 7:29 for... there we go. We've now reached a point in the agenda for public presentations, an opportunity for any member of the public to come forward and comment on anything that is not part of the public hearing tonight. To clarify, item number 6 has been postponed. Therefore, there is just one item for public hearing, CUP1100266, Conditional Use Permit, Carter's Crossing Wawa. So if there is anyone here that wants to comment on anything else other than that item they may come forward at this time. And no, that takes care of that, sorry Debrarae, thank you. So, we will move on to the public hearings, item number 5. Mr. Harvey?

PUBLIC HEARINGS

5. CUP1100266; Conditional Use Permit - Carter's Crossing Wawa - A request for a Conditional Use Permit to allow (i) motor vehicle fuel sales in a B-2, Urban Commercial Zoning District and within the Highway Corridor Overlay Zoning District, and (ii) a convenience store within the Highway Corridor Overlay Zoning District on Assessor's Parcels 45-25A and 45T-1 (portion). The property consists of 1.64 acres located on the north side of Warrenton Road and west side of South Gateway Drive within the George Washington Election District. **(Time Limit: April 17, 2012)**

Mr. Harvey: Thank you, Mr. Chairman. Item number 5 is an application for a conditional use permit for a proposed Wawa at Carter's Crossing, and Paul Santay will be making the presentation.

Mr. Rhodes: Thank you. Welcome.

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Mr. Santay: Thank you, Mr. Harvey. Good evening Mr. Chairman, members of the Planning Commission; presenting to you item tonight number 5, CUP1100266, Conditional Use Permit for Carter's Crossing Wawa. Computer please? Some background information for you all tonight, it's a request for a conditional use permit to allow for vehicle fuel sales in a B-2, Urban Commercial Zoning District, as well as vehicle fuel sales and a convenience store within the Highway Corridor Overlay District. The applicant tonight is Silver Honaker Development Company. The parcel in question is located on Tax Map 45-25A and a portion of Tax Map 45T-1. The total area of the site is 1.64 acres. On the left-hand side of the slide you'll notice a simple location map showing you aerial photos and an arrow pointing at the general vicinity of the property in question, and the map on the right is the zoning map. Notice the surrounding B-2 Commercial around the property in question. Continuing the background information, the site is currently an undeveloped retail out parcel of the Target anchored Carter's Crossing Development. Prior to its demolition and removal from the property, the site was originally occupied by a fuel facility. This photo was taken along the Warrenton Road... standing along the Warrenton Road frontage looking in towards the parcel. Just a few existing site features, I'd like to go back and forth between this slide and some of the other slides to give you a better idea of what the site features are. But basically the site access consists of two right-in/right-out entrances. The Warrenton Road entrance connects the existing Jones Lane, there is signage on the property, it's an existing 60 foot pylon sign, and there is also an existing stormwater management facility.

Mr. Rhodes: Yikes.

Mr. Santay: You could see by the aerial view here, the site access is, I believe... yep, there is my cursor... if you follow my mouse cursor, the property here... I'm sorry... the roadway here is Route 17, Warrenton Road, going from south to north. The access here is the first access which merges into existing Jones Lane. Right up through here, it's a private road and also the second access is right here, another right-in/right-out entrance off of South Gateway Drive. Going back a few slides I did mention the existing 60 foot pylon sign, which you can notice in the upper right-hand corner of this photo. And also again from the aerial view at the bottom southeastern portion of the facility is the existing stormwater management facility. The Generalized Development Plan, which I will show to you in a minute, obviously consists of vehicle fuel sales and a convenience store. The size of the building is single story, approximately 4,326 square feet. It does consist of one fuel pump canopy housing six fuel pump stations. There are approximately 48 parking spaces located in the GDP, and there is a dual dumpster pad, loading space, and an air machine location. Sidewalk is provided along Warrenton Road and the existing right-of-way along Warrenton Road and South Gateway Drive is in accordance with VDOT's standards. The next slide does show the Generalized Development Plan. Again please notice at the bottom of the slide from left to right is Warrenton Road. The other corridor roadway is South Gateway Drive that does enter into the Carter's Crossing Shopping Center. The GDP does show that Jones Lane will be maintained as is, and you can also notice that the building location for the Wawa gas station is in the rear of the property and the fuel canopies are along the frontage of Warrenton Road. The next slide does show the architectural renderings for the proposed Wawa facility. Again notice the, at the top left, the fuel canopy showing the six fuel pump stations, and the surrounding elevations at the bottom of the slide do show the building elevations that were submitted with the conditional use permit application. Discussing transportation for the site, the proposed access to the property utilizes the existing right-in/right-out entrances that I had previously stated; there are no new entrances proposed into this site. A Traffic Impact Analysis was submitted with this request. Based on that TIA, the site will generate approximately 1,953 vehicle trips per day and 161 vehicle trips per hour, and that TIA was submitted to VDOT. Moving into the site design of the Generalized

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Development Plan, during the review process that staff had, we did suggest a few things. The first thing mentioned here is we suggested shifting the layout of the site 90 degrees with the main building located closest to the intersection of Warrenton Road and South Gateway Drive and the fuel canopies located to the west of the main building. The applicant stated they were unable to modify the proposed layout although they did attempt to try different ideas for the site layout. We also recommend the use of red brick, stucco, and glass and some enhanced architectural features for the main building, the fuel canopy and the dumpster pad location, and we also suggested removal of the 60 foot pylon sign. We do have alternatives that I can discuss at a later point during the presentation. This was a quote/unquote sketch that I had put together during the review process of the application; this is what we did bring back to the applicant. As I stated before, they did attempt to do something similar to this. The shaded rectangle on the far right is where the building location would be in relation to South Gateway Drive on the eastern half of that building and Warrenton Road towards the south of the building, and then the longer rectangle in the middle would have been where the fuel canopies would be located.

Mr. Apicella: Mr. Chairman, is it permissible to ask a question at this point?

Mr. Rhodes: Yes please, Mr. Apicella.

Mr. Apicella: Can you help me understand...

Mr. Santay: Yes.

Mr. Apicella: ... how the layout that you proposed is better than the layout that the applicant has proposed?

Mr. Santay: I'll get to the Urban Development Areas and Redevelopment Plan later on in the presentation, but basically in getting guidance with those documents there are certain standards that are... like to be seen in that type of development. This area specifically is located within the South Gateway... I'm sorry the Southern Gateway UDA and according to the Master Redevelopment Plan there are certain implications that provide that buildings be located closer to the major streets, canopies, like fuel canopies, be screened from view from major corridors; you know, you have certain other features involving the infrastructure that are implied with these new Urban Development Areas. That's one of the reasons why we went down this route to see if there could be a different type of site layout, instead of the standard fuel canopy up front and the building towards the rear of the property.

Mr. Apicella: Can you pull up the slide that you were just showing?

Mr. Rhodes: Computer.

Mr. Apicella: Is there a reason the building couldn't have been in the front and the bay in the back?

Mr. Santay: I would probably defer that to the applicant if they'd like to come up here at a later point in time and discuss those options. But we were told that based on the site size, their standard site layouts, they thought that what they proposed on the GDP was preferable.

Mr. Apicella: Okay, thank you.

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Mr. Santay: Obviously, during the review process we do propose conditions with the Conditional Use Permit. The first one, the site shall be redeveloped in accordance with the GDP as it relates to the layout and orientation of the main building, fuel pump canopies, and drive aisles including Jones Lane, and also the main building and fuel pumps will be constructed in conformance with the approved architectural elevations that were shown in previous slides. I put stars next to those two condition comments; it's my understanding that the applicant is bringing to you all possibly some different styles of elevations, which we do have for you on paper and I believe we have those digitally that we'd be able to put up on the slides themselves. So, keep that in mind when the applicant does come up and state their case. I just wanted to make sure that that was stated. Continuing with the conditions, the dumpster and closure and signage will be constructed with the same building materials as the main building, and that sidewalk will be constructed along the frontage of Warrenton Road. Continuing with the conditions, any canopy lighting shall be recessed within the canopy to minimize lighting intensity and impacts. There are limitations on vehicle sizes, the loading and unloading practices, delivery, and internal flow. It does prohibit excessive advertising signage, and also the installation of a perimeter trench drain for proper discharge into the storm sewer system if there are any accidental spills within the gas facility. Mr. Apicella, going back to your question and the reasoning behind the different site layout, this subject property lies within the Southern Gateway Urban Development Area, which is an area that encourages more intense pedestrian-oriented form of development, incorporating principals of Traditional Neighborhood Designs. And also, following the Comprehensive Plan and the Master Redevelopment Plan for Stafford County, it recommends certain criteria for standards, infrastructure, architectural designs, open space requirements, signage, and pedestrian features. There is an implementation strategy and review standards that go along with these... with the Master Redevelopment Plan; I can go into more detail for that if you wish later... at a later point in time. But that's the reasoning behind the difference in site layout trying to get that traditional neighborhood feel. It's... probably this could come up in discussion later; it might be a little bit difficult in this kind of an area where you've got existing uses, existing buildings, and this would be one of the first... I believe we talked about this Mr. Harvey... this would be one of the first Conditional Use Permits or Rezoning Practices that would lie within one of these UDAs that we've brought before the Planning Commission, so it is new to everyone I think.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: Yes, I did wonder when I was looking at the... I actually drove by the site, and the relationship to the UDA and the Redevelopment Area... I... just based on what's there now, I was trying to envision what else you could put there that would be more in compliance with the UDA/RDA, again given what's already there and the limitations of the property itself. The fact that it's right next to a strip mall and there are other gas stations in close proximity, hotels, etcetera, etcetera.

Mr. Rhodes: Well, I think...

Mr. Apicella: Do you have any ideas?

Mr. Santay: No, I probably could defer that to Mr. Harvey, he may have a little more knowledge in that than I would, considering he's worked on this a little bit longer than I have.

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Mr. Harvey: The Redevelopment Plan vision documents, which have some images in it, kind of show the area along Warrenton Road and this vicinity would be multi-story buildings, probably office space, with maybe residential included in it; so that would not be practical on this small piece of property. So it would either need to be consolidation and redevelopment of other properties adjacent to it or consideration of doing something different. So this is a case where we're starting the implementation process but we have to deal with the constraints of the existing zoning as it is today. So, that's some of the things that are driving this application. As Paul mentioned, there was some discussion with the applicant about maybe moving the building, and the staff concept... my observation was that the proposed building location is where the stormwater pond is, so that may require significant reengineering to make that happen, so that may be difficult to achieve and the applicant can probably speak some more about the reasoning behind the orientation as they have it in the GDP. But as you point out it's... the vision document on... is going to be hard to achieve on a small piece of property like this. It may require acquisition of more parcels to put it together as a larger project.

Mr. Rhodes: I think you combine the front-end of the implementation of the RDA/UDA concepts and design criteria, trying to find that right balance, and the fact that it is a smaller parcel right against a very busy interchange on and off the highway, you know you've got some complicating factors, certainly. Okay.

Mr. Santay: Our staff findings are obviously brought down to positives and negatives. We felt that the development of the site will obviously improve the unattractiveness of neglected locations. I think that is in agreement with everybody. Conditions intend... the conditions that are proposed intend to mitigate negative impacts that could come about from certain businesses that may come through there and then obviously it's consistent with the established development land use pattern. But the big negative is the GDP does not consider certain recommendations set forth from the Southern Gateway UDA Master Redevelopment Plan. We would however recommend that... well, staff generally supports approval of CUP1100266. We would recommend however consideration of the building design and site layout consistent with the long range vision for this area.

Mr. Rhodes: Great. Are there questions for staff? Mrs. Hazard?

Mrs. Hazard: Yes. Mr. Santay, thank you very much. Thank you for that presentation, I am...I appreciate it. You said that the TIA has been submitted to VDOT; do you... when do you expect either their comment or do they... or is there a if we don't comment after so many days it's okay (inaudible)?

Mr. Santay: They couldn't comment entirely because you're dealing with existing entrances, and they would of handled any sort of questionings once the site plan were to come in after this would go through. As far as the TIA, I didn't actually hear back exactly on their comments of whether that's a good thing or bad thing, I'm not sure. But as far as... they were well aware of the site, the CUP, the TIA, and I'm assuming I would of heard back if there was any major concerns.

Mrs. Hazard: I guess my concern or what I'm wrestling with, considering I drive through that intersection a fair amount, technically, it's really not two entrances in, because anybody going in there, if they turn at the light onto Southern Gateway you can't turn left...

Mr. Santay: That's correct.

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Mrs. Hazard: ... into this Wawa. You have to go take a nice tour...

Mr. Santay: That's correct.

Mrs. Hazard: ... of the whole area. So really the only way you are going to get in there is coming off of Warrenton... staying on 17 and turning on, I believe you said it was...

Mr. Rhodes: Jones.

Mrs. Hazard: Sorry I don't have my glasses... Jones Drive.

Mr. Santay: Jones Lane... Jones Lane, yes.

Mrs. Hazard: Jones Lane. I'm... it's part of the Highway Corridor Overlay District and I know what the requirements are; you know, they're trying to reduce the congestion, they don't want to distract... you know I'm looking at... so they kind of frown a little bit on the fast service, quick turnover and I'm not saying it's not needed there. I'm just wrestling in my mind with the access in there; are we making that intersection, I hate to say worse than it is, but I'm just struggling with it, I'm just throwing it out there, and I know the applicant can speak to that, but I just feel like I should raise that because really the only way to get into that site is really going to be coming towards my house from 95 and that's the only way to get in there. So, I'm just trying to in my mind struggle with how either signage or getting people in and out that we are not gonna continue to back up 17 at that...

Mr. Santay: I think realistically it may be frustrating for commuters coming off the interstate, you know, seeing a Wawa gas facility and turning right onto South Gateway Drive and then realizing that they have to do a U-turn to get back into the facility. I think those are unfortunately the restrictions that you run into on existing entrances. I don't know if there are any improvements that they could do or propose; maybe they could, I would defer that to the applicant and their engineering team. But yeah, I pass that way many times too personally and I can see the frustration.

Mr. Rhodes: Okay. Mr. Hirons? Dr. Schwartz then.

Dr. Schwartz: Thank you. I'm sort of new here, so the RDA talks about pedestrian usage out there; unless you got a death wish I don't know what you would be doing out there walking around. So, again looking at their layout with where they put the building, the elevations that you showed, this building has one attractive side and three pretty ugly sides. Putting the building where the staff proposed to put it, we're showing two of the ugly sides to the street and sort of hiding the only attractive side. So, the layout they have proposed is in from the street probably gives you the best possible view. Now, again, I know enough to be dangerous around here. The 610 and the 17 corridor are supposed to have connecting parking lots, right? On properties on adjacent sides? The properties to the west, if they go through the parking lots on adjacent properties, do they have access to that next light down?

Mr. Santay: I'll have to refer... I have to think about that a little bit further, but if you're saying if you were to access this parcel through Jones Lane and connect to the adjacent parcels through their parking lot, could they access the next light, I believe it's at the... is that the McClain entrance, the trucking entrance? I believe that entrance is closed off at the hotel. I don't believe you can get onto the

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McClain Drive road and eventually the stoplight by going through those parking lots. You'd probably have to get back onto Warrenton Road to get back out to that same stoplight. Mr. Schwartz, I know you were commenting on the... typically, you know structures, buildings, they'd have three ugly sides, one you know rather nice looking side which would be the front. One of the ideas when we modify building layouts is you know that the side of the building that would be facing the street frontage would more or less not just be a blank wall; we'd ask for some sort of features whether they're three dimensional, faux windows, awnings, different colorations to make them look more attractive than just looking at a plain building. But I can understand that that doesn't always occur.

Dr. Schwartz: Like I said, I know enough to be dangerous you know.

Mr. Santay: Yeah.

Mr. Rhodes: Mr. Hiron?

Mr. Hiron: I think I have a couple of questions here and as disclosure I know this area pretty darn well because I work at... my office is in Riverside Parkway and I eat lunch at the Subway that would end up behind this site almost every day. So, I know that intersection pretty darn well and that U-turn you have to make there at the Target and kind of close your eyes and pray a couple times. So that's one of my major concerns and Mrs. Hazard really kind of pointed it out of how are we going to keep folks especially people who see a Wawa advertised coming up 95 jumping off real quick and get in there and turn around there?

Mr. Santay: My first suggestion, just by traveling that way many times, is possibly creating some sort of signage right on the exit ramp as you're getting off to notify drivers that, you know, Wawa customers proceed through the stoplight and enter in at the secondary entrance. I'm sure the applicant would maybe have some more ideas on how to better portray that; that would be my first idea. I know that you know there isn't... I think creating a left turn break on South Gateway Drive to make it into that right entrance instead of going all the way continuing up and doing a U-turn, I think you'd run into problems with opposite traffic stacking behind each other, people honking at each other, and getting... yes, it'd be a little difficult.

Mr. Hiron: They'd be on top of... you'd never be able to make that left or make that, yes that left turn.

Mr. Santay: Yes, yep. Again, it's just we're restricted on what's currently out there and its... can be troublesome.

Mr. Hiron: In your staff report on page 6 of 8, the bottom paragraph, you do talk a little bit about the UDA and how it doesn't comply and the proposed layout of the building canopy does not meet this requirement. But then on the next page, 7 of 8, in that first full paragraph on that page, the first sentence talks about how suggested site layouts could help reach the future goals of this corridor. Are the suggested layouts that you talk about in that paragraph the layout that you've provided them and they kind of said they couldn't do it?

Mr. Santay: Yes, that was one that was sketched during discussions during the review process. Obviously we brought up well you know modifying the building location closer to the front canopy

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and the rear kind of opposite of what you're seeing right there on the GDP, it wasn't sketched out, but again it is a difficult site in terms of the size to try some things different. Although we'd like to see it, the applicant had stated that this seemed to be the best alternative.

Mr. Hiron: Okay. My one last I think final question for right now. Condition number 8 I believe it is, talks about the use of excessive advertising signage, corner flags is prohibited; that just kind of caught my eye a little bit, because I know in previous or other applications there's similar types of building we talk about that same... it's kind of a boiler point or boilerplate condition we always have, but the word excessive usually isn't in there. I think the goal of it is typically to keep folks from putting these flags up, and banners, and balloons, etcetera. Is there a reason this one's a little different than what we normally see?

Mr. Santay: No, it may have just been... what I tried to do is adopt this condition from a previous Conditional Use Permit, it's very similar in case and style and may have just gotten my words mixed up, but I'd be more than...

Mr. Hiron: I don't really have any issue necessarily on that, it's just...

Mr. Santay: Yes, I don't think that would be an issue to fix the condition if that was at your request, I don't think that would be a problem.

Mr. Hiron: And just one final quick thing. This is inside the boundary lines of both the UDA and RDA, correct?

Mr. Santay: That is correct.

Mr. Hiron: Okay, thank you.

Mr. Rhodes: Okay, other questions? Mr. Apicella?

Mr. Apicella: Mr. Chairman, of the 10 conditions that were noted on page 6, were there any that the applicant did not agree to?

Mr. Santay: Mr. Apicella, I can't seem to find my conditions. Was there a handy copy, Mr. Harvey, I apologize... I must not have it in front of me and if I do I just can't seem to find it.

Mr. Harvey: One moment please, Mr. Chairman.

Mr. Rhodes: Very good. I've never misplaced anything.

Mr. Santay: My apologies, Mr. Apicella.

Mr. Apicella: No worries.

Mr. Santay: Could you please ask that question one more time please?

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Mr. Apicella: Yes, I'm looking at page 6 where it identifies the proposed conditions 1 through 10, I assume that 10 is just kind of boiler plating, but of the 10 that were proposed were there any that were not agreed to by the applicant?

Mr. Santay: No, the applicant stated that they were fully aware of these conditions and obviously the first two conditions... I'm sorry the numbers 2 and 3 reference the GDP and the elevations and that typical date from my understanding they have revised and will be presenting to you the newer elevations and GDP, so those dates would be changed if this were to go for a motion of deferral and that would need to be changed in the conditions, but as far as the rest of them there was not an issue at all.

Mr. Apicella: Okay, thank you. On page 5, I would say two-thirds of the way down, you talk about the 60 foot sign and that the staff has had conversations with the applicant and that there may be some potential agreement on a lower profile sign. What was the resolution of that issue?

Mr. Santay: It's still open-ended. The history on this is that it's a larger, I would say, nonconforming sign. You don't see those signs constructed in Stafford County under today's conditions, left over from previous retail operations that were there. But because the sign is still currently in use by the Carter's Crossing West or the retailers that are behind this site, we cannot request that the sign be taken down. We have spoken to the applicant as far as, if you were to you know remove the 60 foot sign, you know, we would maybe look into the fact that we'd allow a second monument sign on the site. They may be able to enlighten us a little bit more on what they intend on doing. I know they did state they would have to talk to the lessees on that current sign right now, if they'd be willing to come off that 60 foot pylon sign, move down to something a little bit lower, more conforming to today's standards. I would leave that open for the applicant, if they would come forward.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Any other questions? The one I have is you commented about the architectural modifications to the structure, to the ancillary structures, and to the fuel canopy.

Mr. Santay: Correct.

Mr. Rhodes: What would the suggestions have been to... as far as modifications to the fuel canopy, what were you envisioning with that?

Mr. Santay: Sometimes you see certain fuel canopies, instead of the steel framing of the canopy starting at steel from bottom and steel all the way to the top, utilizing maybe a brick façade from the bottom to maybe about six or seven feet high, changing the canopy itself from just a regular horizontal shape to something maybe slanted with you know a façade being textured, a different style roof, something that just doesn't look outdated.

Mr. Rhodes: Okay

Mr. Santay: That would be pretty much what we'd be looking for.

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Mr. Rhodes: Okay, thank you. Any other questions for staff at this point? No? If not, we'll ask the applicant to come forward. If you could please just state your name for the record.

Mr. Hornung: Sure, good evening.

Mr. Rhodes: Good evening.

Mr. Hornung: My name is Chris Hornung, I'm Vice President of Planning and Engineering for the Silver Companies; we're the property owner and the applicant. I also have with me John Fairbanks of Fairbanks and Franklin who prepared the Generalized Development Plan, and Mr. Ted Yost with Wawa, in case there's any questions that come up related to that.

Mr. Rhodes: Very good, thank you.

Mr. Hornung: Do you happen to have that ready? Okay, I have a very short list of a few slides here I wanted to show to kind of answer some of your questions and then I'll go into more specifics as I go through it.

Mr. Rhodes: Computer.

Mr. Hornung: Go ahead... you can go ahead and go to the second one. This is an aerial that was taken in 2006 of what is today the Carter's Crossing project; it was the Servicetown Truck Stop. The area of pavement, the large area of pavement you see there is where the Target and the multi-tenant building currently sit. The entrance right at... on the bottom of the screen, I don't have a pointer, but you can see the Carter's Crossing entrance is essentially the same location of where that original entrance was, it was Stanstead Road at that time. The road came in and then wrapped around and went towards the auto auction; it cul-de-saced behind the building in that parking lot. That road did not connect up until the development of the Carter's Crossing project. What we ultimately did with the Carter's Crossing project is we reoriented the road; this is the second phase I wanted to show you. What existed on the corner when we acquired the property, when we started the development, there were actually two gas stations there at that time. So, we have essentially torn down two, we're now asking to come back with one and you can see on this drawing that at that time there were four total entrances into the site, into those gas stations; there were two... one... two for each of the gas stations. The major concerns of VDOT at that time was the amount of distance you had to stack and today if you look at that large concrete island that you're talking about having to make the U-turn, that was actually a requirement of VDOT because making that left-hand turn immediately coming off of Route 17 was unsafe. Based on VDOT's access management standards and working with them on the design, we agreed to only one entrance on Warrenton Road. So, we have the main entrance which is now South Gateway Boulevard, we have a right-in/right-out on South Gateway, which unfortunately you would have to make a U-turn, we would love a left it's just... you can't get it to work. We would have the main entrance being from people coming off of the interstate would come directly off of Route 17. This is an aerial, it's a few years old but it shows the Target and the road is South Gateway. Today it connects all the way through to Plantation, that's what... we did the construction, the Tamara Street extension extending Tamara Street through to Auctions so that people today can get off of this exit and go all the way over to Plantation without having to take Route 17. It also allows people that live over in Falls Run to get to Target and back without having to get on 17, and that was a major bit of work for us because we didn't own the property between the two and we negotiated with the auction and the apartment complex and

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others to make that happen. I think today it's... if you look at the County's Transportation Plan of trying to have parallel roadways, this is exactly what that talks about and we think we achieved that through this... through the construction of this project. On the middle... on the far left-hand side of the page you can see the green area over there, that's the proposed site.

Mr. Rhodes: What is the canopy just above that?

Mr. Hornung: That's another existing... that's an existing gas station that's still there today; it is a... what's the name? A Shell station.

Mr. Rhodes: Thank you.

Mr. Hornung: This was the original GPD that we submitted for the project. It showed relocating Jones Lane on the bottom left coming into the site into the middle of the parking lot of the Wawa. This was a preferred alternative for Wawa in having the best access, the best truck movements for their fuel can... fuel trucks for their deliveries, and for getting people in and out. It also showed the dumpsters on the side of the building, and what that layout did, while it was best for Wawa, it did present some access issues with the adjoiners in taking Jones Lane making that sort of an internal drive. And so from the County's standpoint that was one of the main comments we received at... when the County was reviewing it is to try to maintain Jones Lane where it was. The other thing that we originally did not... there was no sidewalk proposed along Warrenton Road because of some street buffer issues, and that has been added. If you go to the next slide, this is the current GDP; if you look on the left Jones Lane is now still a street, it's got... inner... it's a street with access to the other uses, the hotel parking lot is there and you can double-back from the hotel and get into the gas station and other uses. This does not connect all the way up to the next signal, McClain Drive, is it a public street? For the longest time it was not a public street.

Mr. Harvey: No, it's private.

Mr. Hornung: It's still not, so there's no way to legally connect to that at this time without the approval of the landowner and I know for years that's been something that has been pursued by the County and others, but it's a private street and it's going to stay that way until the owner agrees to change it. This orientation, we talked... we got a lot of comments about the orientation. We did... we spent around two months trying to come up with alternate layouts that reoriented the building, put the canopy behind the building. First of all, turning the whole thing 180 degrees and putting the canopy behind the building does not work because you have front setbacks; you have a 40 foot front setback. So what that gives you is enough room in the front to have just a travel lane with no parking. If you were to take this thing and turn it completely around and try to provide parking on the Warrenton Road side of the building you simply can't. You'd be... you'd have an access drive with loading in the rear of the building with no parking along that side of the building. If you orient the building the other way and you put the canopy where it was shown based on staff's recommendations, there are a number of other issues that are created. One is that because the site gets longer, you end up with parking on the far side of the canopy, which for Wawa produces some problems with people coming to the store looking for parking adjacent to the store, not being able to find it, parking on the other side of the canopy and walking across at night... across the fueling islands with vehicles coming in and out. So it was a safety concern. It also produced... created some circulation issues with fueling, the fuel trucks, the location of the fuel pumps, and operational concerns as well because of the loading and how the

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building is set up with different spaces and how the loading is oriented. Changing that and having either two fronts or three fronts on the building with the loadings remote from it or along the back of, what is currently the back, simply we could not find a solution that met the County's desires and Wawa's operational needs and the safety concerns that they had. So, we have come back with a slightly modified layout but it still has the same orientation. As far as the UDA is concerned, what is shown in the UDA vision is something I think that you know everyone would like to see in the County. As we stated, this site being an acre and a half, it's an out parcel; there's very limited what you can do to meet that vision. The vision from what we see is five six-story buildings, parking in the rear with plans for future you know parking decks, and things along those lines with the buildings up against the road. Economically right now, that can't be done with an acre and a half parcel; you would have to assemble quite a bit of property and candidly I would urge the County to take an economic analysis of that concept because one of our concerns is that in order to move forward with that vision you would have to buy a number of existing businesses, which would be extremely expensive, your land cost goes through the roof, to build something that today we're not getting the rents that you're getting in areas where that kind of a product works. So, I would like to see the County look at a fiscal analysis tied to the Redevelopment Plan to see what financial and fiscal conditions would have to exist before you could actually afford to build that kind of a product. I don't think it exists today, and I think it's going to be some time before economically that could be profitable for a third party coming in to redevelop in the County. This was the elevation that you have in your packet, this is Wawa's prototype. It has a two-toned brick; this is the standard Wawa you see in most locations. It did have... they went with a different kind of canopy than you're used to seeing in this layout; it has, you know, the Wawa signs on it. It's a flat roof, a little bit lower profile but it's kind of a little bit of a throwback to the way canopies I guess were some time ago. What we have come in with, and I have copies of it to distribute to you, is this concept, which in talking to the County there was desire to take the brick, make it one-tone brick rather than multi-color brick, add some of the standing seam roof elements to the South Gateway side of the building to try to dress that up, which you see on the upper left, that's the right side elevation. There's some architectural elements there of changing up that side to make it look more attractive. The columns in the front have been changed to be brick, instead of just the metal pole, they're brick, I think five/six feet up, to give it a little bit more of a dressed-up look. Go ahead.

Mr. Rhodes: Could you go back...

Mr. Hornung: Sure.

Mr. Rhodes: ... two slides?

Mr. Hornung: Okay.

Mr. Rhodes: Just to clarify... one more. Is the expectation on development as it stands now if you were proceed to have the... on the structure itself in the lower left... lower right-hand corner you've got grassed areas there instead of just surrounding it completely by asphalt, so the expectation would be those would be grassed areas?

Mr. Hornung: Is that correct? Yes, that's correct. I know in a lot of them that you see its stone.

Mr. Rhodes: Yes.

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Mr. Hornung: But this would be vegetated; it'd be mulched with plants.

Mr. Rhodes: Good, thank you.

Mr. Hornung: One more. This canopy... it's a lower profile canopy, but it's more of the... it's not the flatter canopy that was shown in the package that you have. After some conversations about the style and the appearance of the building and trying to keep it looking not... making sure that it's not dated, what Wawa has come back with is a canopy that has brick columns up a certain height up where the gas pumps are, and then more of this architectural, in my opinion it's a more attractive canopy than what was in the original proposal. It's similar to the kind of a wing that you see in a lot of them, but it's not quite as massive as those are, so it's a little bit toned down. That canopy is not illuminated from the inside; it's illuminated from below or underneath the canopy, so it is not a big glowing beacon at night. It's the lights coming from above; there's no signage on it or no light coming from panels with light radiating out of it.

Mr. Rhodes: Just to confirm, the trusses are just open trusses... on the side?

Mr. Hornung: That is correct.

Mr. Rhodes: Okay, thank you.

Mr. Hornung: This is just a comparison of the two. The prototype at the top... the all brick at the... it's all brick; it's all one color brick on the bottom. From what I understand, this is the first time this concept has been used by Wawa, and those modifications were made after working with Paul and staff. The columns are all brick and you can see on the right-hand side of the one at the bottom, the standing seam metal sort of roof awnings overhangs to dress up that side a little bit. This is that South Gateway side, I think it's a significant improvement from as far as the appearance of the building, giving it a little bit more of the same elements as the front of the building. As far as the conditions go, what we would... all that would need to be done would be to reference the plans that we have presented or we have, and I think the dates on all those are today's date. So the request would be that the conditions be amended to reference today's date because the GDP and the site and the architectural are all both dated today. From a revenue standpoint, this site is currently vacant. It does have taxes on it; it's zoned commercial, so there are some real estate taxes on it. The vertical is roughly 60% of the tax value if you look at most vehicle fuel sales facilities, so this analysis shows that with the property tax, the service district tax, which is... this property would pay, sales, and meals. Based on conservative estimates, I will say that Wawa is a privately owned company and they don't disclose their sales figures, so these came from the applicant based on average vehicle fuel sales. I think Wawa's historically have been well above average so we feel that this is the low end of it. We also included costs by simply looking at what the County's non-residential costs are, dividing it by total assessed value of the County, and applying some cost to this site. That would be things like Fire and Rescue and those types of things, so there's a \$12,000 allocation of cost coming off of the revenue on this. So, roughly about \$48,000 a year in annual revenues and we think that would be significantly higher in reality once the project is completed.

Mr. Apicella: Can you go back to that slide? Do you have a sense of what the gas tax revenue would be that stays in Stafford County? What is it... 2%?

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Mr. Hornung: Yes, I had a very hard time tracking down what the County gets back and what the average vehicle fuel sales per facility are. That is not included in that analysis, that gas tax revenue, simply because I couldn't figure it out.

Mr. Apicella: Okay.

Mr. Hornung: So, if it's 2% of gas sales... maybe Mr. Yost could give a ball park if he's not... if he can't do it, he can't but I would believe that's a fairly significant amount of additional revenue above and beyond this... what we have here.

Mr. Apicella: Mr. Yost, do you have a sense of what that might be?

Mr. Yost: (in audible)

Mr. Hornung: Of your gas sales... total sales of gas.

Mr. Yost: Total sales? I'll get back with you on that.

Mr. Hornung: Okay.

Mr. Yost: (Inaudible).

Mr. Apicella: Okay, thanks.

Mr. Hornung: A couple other... one of the questions is does this project make the intersection worse? It's a vacant pad, so any... putting anything there is going to make it worse than it is today, but it's certainly a far improvement to what was there before. And being zoned B-2, there are a lot of other uses that could go there that could be high traffic generators that would not be before you because they don't... wouldn't require a Conditional Use Permit. The excessive flags comment, I'm not sure where that came from we can strike excessive if that... I think the HCOD had some prohibition against it anyway.

Mr. Rhodes: It was excessive signage and then no flags and balloons.

Mr. Hornung: Yes, we don't have a problem with that. On the 60 foot sign, we're willing to work with the County to try to replace that 60 foot sign with something else. The issue we have is we have legal agreements in place with the folks who are on that sign that they have the right to be on it, and we're working with them to try to see if there's a way we could get them to go to a monument sign instead. We don't have that resolved at this point, and I don't know if and when it will be resolved. But we are committed to working with the County to try to reduce sign clutter. As an example there were three large pylon signs on this property when we started and today there's just this one. I think there was a billboard and two large Servicetown signs. I don't know if you remember those... that but it was definitely a monument in southern Stafford for years.

Mr. Rhodes: How long are you committed currently on the... to the signs or is it tied to their project leases in general?

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Mr. Hornung: It's tied to the lease and some of those leases are five years with extensions, so I'm not saying there isn't a solution to that. I think the solution may... right now, the desire to be on that sign is because it has some degree of visibility from a distance, which is what all tenants believe. Personally I think that sign as it's located, I don't even remember seeing that, I don't even really notice that sign so I don't know that it's giving them that much of a... but to a tenant that's their lifeblood and they want to be seen.

Mr. Rhodes: Okay, thank you.

Dr. Schwartz: Where is that pylon on the fourth page of your handout here of the landscaping?

Mr. Hornung: Keep going back... it is up where the... on the right-hand side where the entrance is, and if you see that sort of bent sidewalk.

Dr. Schwartz: Up... up.

Mr. Hornung: Keep going up.

Dr. Schwartz: Up... up... up.

Mr. Hornung: Up, up... up in there, it's right in there.

Dr. Schwartz: But it's not labeled on this, is it?

Mr. Hornung: I think it shows on the GDP, but I don't think it shows on the color one, on the regular GDP... on the regular sheet I believe it's shown. There's a color version of it and a non in that package, is there a color and a non-color?

Mr. Yost: The non-color's the old version.

Mr. Hornung: Okay, okay.

Mr. Yost: The sign is shown, it's just very light.

Mr. Hornung: Yes.

Mr. Fairbanks: Yes it is right in (inaudible from the audience).

Dr. Schwartz: Staying with this sketch here on the fourth page, you show the landscaping. What's the typography on this landscape? If you go up and down Route 29 in Charlottesville they built this all as a berm and it's... so that the landscape action has some height to it and it gives a more aesthetic look from the road. What do you got going?

Mr. Hornung: Was there... John, was there any issues with providing a berm along that frontage?

Mr. Fairbanks: I think it is possible, but there... we are limited to space. There is only 10 feet of (inaudible).

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Mr. Hornung: Yes, we wouldn't have a problem saying to the maximum extent practical we would provide berms; we don't want something that can't be maintained, but obviously something that is a you know three to one slope, it comes up and it's got a nice little rise to it is very doable on this site provided it's not interfering with anything that would need to be there. I think you've got the sidewalk, so you've got the issue of the sidewalk, the right-of-way, and the berm, but this... it appears to me that there could be some berming and we'd be willing to agree to the maximum extent practical we would provide berms in that strip.

Mr. Rhodes: And because it's perpendicular to the road, we don't worry about the headlight spillage to there... to Warrenton from the pumps?

Mr. Harvey: Mr. Chairman, that would be something that would be partly screened by the requirement for a street buffer, but that may be something that the Commission wants to talk to the applicant about in more detail. That would be any headlights from cars pumping gas or leaving the pump island.

Mr. Rhodes: Correct.

Mr. Hornung: We could use a higher or a larger percentage of shrubs in that... obviously from any business you want to be seen.

Mr. Rhodes: Mm-hmm.

Mr. Hornung: We have a certain number of street trees that are required, but I think as far as adding additional shrubs to help screen that... evergreen shrubs to help screen the headlights...

Mr. Rhodes: Yes, it's mainly the headlights.

Mr. Hornung: ... we could... we certainly could do that as well.

Mr. Hirons: Are you done with your presentation?

Mr. Hornung: I am, thank you.

Mr. Rhodes: Any questions of... for the applicant?

Mr. Hirons: I have a question.

Mr. Rhodes: Mr. Hirons.

Mr. Hirons: Your company also owns the... generally owns all that land around that area, which includes the vacant area between the McDonald's and this piece of property as well, correct?

Mr. Hornung: Correct.

Mr. Hirons: Is there any thought of putting the Wawa there, rather than the location where you've decided?

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Mr. Hornung: We showed both sites to Wawa and this was the site that they felt met their operational needs the best. I will tell you, we're currently working with a couple of restaurants on those pads in the front, but that was, when we initially talked to Wawa about the corridor, that was the site that we thought was best for them. And perhaps Mr. Yost could speak to that but from an organizational standpoint it came back to us and said that their preferred site would be this one here versus the other one.

Mr. Hirons: Was it most likely because of the entrance right off of 17?

Mr. Hornung: I think there was some concern that that entrance may have had some... there may have been some confusion with coming off of the ramp and having the one-way drive and then getting in and out. It will take people getting used to because if you look at that configuration, when you come off of South Gateway you can take a right and it's sort of a one-way road and then it becomes two-way, and then to get out instead of heading the way you would think of going to South Gateway you have to go towards the McDonald's to get out of that intersection, so I think in general...

Mr. Hirons: Well...

Mr. Hornung: What used to be is that the corner parcels used to have the best access and for us we're the ones that everybody wanted. Nowadays what has happened is the corner sites because of access management become an access issue, and so I think that probably played into it somewhat that on the other side because it was a right-in/right-out it provided a little bit easier... they felt it was a better site for people getting in and out. That's all I can say without Mr. (inaudible).

Mr. Hirons: Maybe I would like to hear his reasoning.

Mr. Hornung: Okay, thanks.

Mr. Rhodes: If you could just restate your name please.

Mr. Yost: Sure. My name is Ted Yost and... so before I answer this question I have a previous one that I did some quick math on. So, based on current average sales in our system and just using \$3.00 a gallon for gas, which I think again, is conservative...

Mr. Rhodes: Thank you.

Mr. Yost: ...at two percent we're at about a quarter of a million dollars.

Mr. Rhodes: Great, thanks.

Mr. Yost: Alright, so, in terms of analyzing the site, so we're a convenient store and convenient stores are named that for a reason because they're convenient; the ones that aren't convenient don't work. And a significant amount of our customers, especially this location for those coming off the interstate that may not be familiar, this one relies on accessibility and visibility, and the parcel you're talking about doesn't meet the standards of the one we're here tonight for. So, that's really the reason we weren't interested in the parcel in the back and we don't typically go on anything that's not on the main frontage road.

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Mr. Hirons: Okay. Do you have an answer, Mr. Hornung on the actual... how are we going to educate the folks that are not from this area how to turn onto... off of 17 at the proper entrance rather than going up into the Target entrance and making that U-turn?

Mr. Yost: Yeah, I'll let Chris speak to that.

Mr. Rhodes: Thank you.

Mr. Hornung: We'd be happy to add signage to tell people to go through. It's limited access...

Mr. Hirons: What kind of signage is what we're even talking about here?

Mr. Hornung: You could provide the blue sign that says Wawa that has an arrow straight ahead, instead of a right that could... that you could do. You could have directional signage like that that has... and you may add Target let's say to that sign that shows right turn for Target, straight through to Wawa. That would be a... it would have to be one of the standard, I think the County has some signage of... some blue signage you guys have used I've seen on Route 1 heading towards 610 that could be implemented here, and I'm positive Wawa would want to be on the interstate sign getting people to come off because that's going to be a big part of this site is pulling people that are traveling. So that would be the solution that I could think of, would be the sign with the arrow and making sure that there is another user that's in the development with a right so people can see the difference instead of...

Mr. Hirons: As you come off 95, I guess if you're coming northbound, come off 95 and you come off the cloverleaf right there, you're dumped into I believe the turn lane... I guess it's southbound 95... you're dumped right into the turn lane for Carter's Crossing.

Mr. Hornung: That's right.

Mr. Hirons: Correct?

Mr. Hornung: Yes sir.

Mr. Hirons: So, instinctively you're going to see the Wawa, sign or no sign, when you kind of turn there. Is there any way... any discussion on extending that lane so it goes up to that entrance for Jones Drive or Jones Road, whatever it is?

Mr. Hornung: There is not because in that corridor right now, 17 is pretty much widened to the extent that it's shown on the overall plan and I think adding an additional thru in that area with the signal would be far more expensive than I think you would think because adding that lane requires you to add it through beyond the Wawa further down and then merging it back in and coordinating with all the other right turn lanes that are there today that now become sort of a thru. It wouldn't surprise me if that became a very expensive project. But as far as we were concerned on this, we did not analyze that. I know when we did Carter's Crossing there was discussion of what is the ultimate section of... for this project. During that discussion there was... there were... I think there were a lot of folks that simply said 17 right now where it is to actually widen it further gets to the point where there's... there would be so... and I'm talking about at that point not further down where it's only two lanes in either

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direction. It would get so wide that it could actually make traffic worse in time with more lanes at that point, with more turn lanes and so forth because it's so close to the off-ramp. So, there is no plan to extend that thru but I think in order to do that you'd also have to get onto the interstate and deal with FHWA on widening the ramp because once you get into limited access right-of-way widening within the limited access right-of-way it's no longer a County and local VDOT issue, it becomes and FHWA issue. I think... we also looked at the possibility of taking that ramp and tying in a sort of a ramp-of-the-ramp to go into the Carter's Crossing project so you wouldn't... you could go directly off of it.

Mr. Hiron: Mm-hmm.

Mr. Hornung: FHWA is very, very...

Mr. Hiron: That's sort of like what Central Park has?

Mr. Hornung: Sort of...we've tried for years in Central Park to get a ramp coming off next to Lowe's, so you'd come right off...

Mr. Hiron: It's kind of a forced right unless you...

Mr. Hornung: Yeah, there would be two and one would go straight and the other one would kind of turn.

Mr. Hiron: My concern is you know especially travelers who aren't familiar with the area, coming off 95... I mean, it is bumper-to-bumper tractor trailers and to bounce over... I mean, I come off there and try to cut across four lanes of traffic to be able to turn left at that light. That's just an additional nightmare.

Mr. Hornung: It's certainly not the best situation, but at the same time you know might get another person or two to shop at Target too if they have to go up to that next intersection to make a left. So, you know, it's an inconvenience but people who live here over time will know to go through to get to that.

Mr. Hiron: Alrighty, thank you.

Mr. Rhodes: Mr. Apicella?

Mr. Apicella: I can't recall if this is... I haven't been there in a while but how far into Southern Gateway Drive do you have to go in order to be able to do that U-turn?

Mr. Hornung: It's right there at the...there's an entrance to Target, I don't know if you can go back to the slides... oh sorry.

Mr. Rhodes: At the no U-turn sign.

Mr. Hornung: Here it is, its right here. There is a left only here.

Mr. Rhodes: Oh.

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Mr. Hornung: So, you could come up here and make a, if you had to, make a U-turn and go back. There is a... the first full crossover is over by the McDonald's that's the first point in which...so you could come into...I guess technically you could come all the way around and loop around if you wanted to.

Mr. Apicella: Yes, obviously my concern would be the extent in which people making a U-turn are going to be basically causing an accident, especially because there might be a great deal of frequency for people wanting to get into that Wawa.

Mr. Rhodes: Other questions? Mrs. Hazard?

Mr. Hazard: I know we're going back to my original and we all are concerned. I guess my bigger concern I mean I'm... you know there's not much to do with the U-turn area. I have actually more concern with Jones and am interested to be honest if VDOT has any concern of how... should there... should that taper... and I can't visualize... I mean, I drive it but is it people going on oh there's the Wawa and the quick... I don't know... That just still concerns me. I'm as concerned about Jones, just making sure, and I did drive it, but I... there was somebody right behind me a big truck I decided not be my own, so... and my other concern is, where would the fueling trucks turn into that facility? Would they go do that because if they're going to take that Jones... I mean, they know how to drive a truck but I'm just trying to think through minimizing something happening there.

Mr. Hornung: Can you go to that plan again? Sorry.

Mr. Rhodes: Computer please.

Mr. Hornung: Thank you.

Mrs. Hazard: Sorry.

Mr. Hornung: The...oh I can do it, look at that...it's been sitting here the whole time. What we did in this concept, the original concept was you can enter in here, what we've done is we've added a longer throat to make sure that vehicles that are coming out aren't coming out at this location and potentially backing up across the entrance.

Mrs. Hazard: Right.

Mr. Hornung: So, this is... shows roughly about 65, 70 feet, so you could stack four or five cars coming out here before you get to that... this entrance in here. This lane in here is intended to be a dedicated right turn lane...

Mrs. Hazard: Okay.

Mr. Hornung: ... along 17. I mean, that's really what it's supposed to be. I think a lot of people just use it as a thru trying to get as far as they can before they have to cut over. But the intent of it is that is the turn lane and should be the right turn lane through that whole... that whole area. So, we are coming off of what is intended...was supposed to be a dedicated right turn lane. From VDOT's standpoint, the original entrance was part of the original plan that we did and it met their guidelines at

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that time. If anything this with the longer throat... their requirement I believe as far a throat distance is... is it 30 feet?

Mr. Fairbanks: Thirty-five.

Mr. Hornung: Thirty-five feet and we're probably 65, 70 feet by the time you get to the first turn. So we feel this... well we know this meets their standards and it exceeds their standards. From the fueling truck standpoint, Ted, I might need you help here, I believe it comes in... does it come around the dumpsters Jon?

Mr. Fairbanks: It actually comes in from the business ramp...the fueling truck goes in around the rear of the building and comes to the front of the building...

Mr. Rhodes: We need for all seven people watching...we need whatever answer to be made into the microphone, if you could please.

Mr. Hornung: Okay I'm sorry. Jon, can you? Yes.

Mr. Rhodes: Thank you.

Mr. Hornung: Sorry.

Mr. Fairbanks: I'm Jon Fairbanks.

Mr. Rhodes: Thank you.

Mrs. Hazard: Thanks.

Mr. Fairbanks: Just trying to see if I have a cursor. Okay, the delivery truck would come in on Jones Lane at the rear of the building and come out on South Gateway... excuse me. The fueling truck would actually come in on Jones Lane. We looked at different alternatives to get the vehicle into the site and the most practical is to come in at the rear of the building, come around the front of the building, and come around this direction in front here, and then come in here and leave on South Gateway.

Mr. Rhodes: Okay. Other questions? Is... currently the right turn lane off of Warrenton, are there arrows painted there now? I just don't...

Mr. Fairbanks: That's a good question...

Mr. Rhodes: The right turn only arrows?

Mr. Fairbanks: There should be arrows. I believe that there were; we did do a survey of the site and I believe that there are arrows on the ground.

Mr. Rhodes: Okay.

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Mr. Fairbanks: They may not be very visible.

Mr. Rhodes: Sure.

Mr. Fairbanks: Am I doing it?

Mr. Rhodes: You keep flying it all over there...

Mr. Hornung: There are arrows on that picture but not at...

Mr. Rhodes: Got you. Yes, yes see them.

Mr. Hornung: Not at the intersection so...

Mr. Fairbanks: Yes, and as Chris was saying there are three thru lanes, so that is intended to be a dedicated right turn lane for the businesses on that corridor.

Mr. Rhodes: Got you, okay. Other questions for the applicant?

Mrs. Hazard: Maybe that can say Wawa.

Mr. Rhodes: None? Okay. Thank you very much. I will now bring it to the public comment portion of the public hearing. I don't know if anybody's here but you all can... oh, no, never mind. So if there is anybody that has... would like to speak for the public comment portion of public hearing they can come forward at this time. Unless we want to bring them in from out in the empty room, which I don't think they're there, we will now close the public comment portion of the public hearing and bring it back to the Commission. Are there any other questions of staff or the applicant? Any comments from staff of other items left?

Mr. Santay: Just one more comment, Mr. Schwartz, I know you mentioned you know the berm along the corridor of... or the frontage of Warrenton Road. Being under the Highway Corridor Overlay District, I know one restriction is if there is parking within the front setback along Warrenton Road that a berm would required, but in this case obviously they're not proposing any parking spaces within the front setback. And I do know that based on the landscaping standards within the Zoning Ordinance, if a berm is shown on the plan, it can reduce or provide different alternatives for landscaping. So, landscaping can either be shown you know without having a berm installed or with having a berm installed, but just keeping in mind that if a berm is installed it can reduce the amount of landscaping that is required. That's just the flexibility that the landscaping manual does offer to, you know, site plan applicants and things and such.

Mr. Rhodes: Okay, thank you. Yes, Mrs. Hazard?

Mrs. Hazard: Looking at the attachment 8, page 2 of 3, thank you for putting your Chapter 527 TIA requirements; that's actually very helpful, the chart. If I read this correctly then VDOT has 30 days to reply if they didn't request a meeting and 90 days if they did request a meeting. Is that... am I reading that correctly in review process, bottom box?

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Mr. Santay: VDOT may request a meeting with the locality and applicant within 30 days, review to be completed in 90 days if VDOT requests a meeting.

Mrs. Hazard: Right. Is there... so and then it said otherwise review to be completed in 30. Do you know where we are in that or is that...?

Mr. Santay: Mrs. Hazard, I don't. I was just under the impression because VDOT received the TIA and the only verbal comments they gave me were the fact that it was existing with existing entrances. I don't know if they ever have you know made any comment official. I'd have to...unless the applicant knows of any comments, there was none brought to my attention.

Mr. Rhodes: And it was received when?

Mr. Santay: I'm sorry Mr. Rhodes?

Mr. Rhodes: When was it received by VDOT?

Mr. Santay: Oh, I'd have to go dig through the file and find out, but at the time that the application was submitted, which I believe was sometime in July, we would have sent down the TIA down to them at that time.

Mr. Rhodes: Okay, okay. Any other? Okay, so we have really three options going forward. Certainly we can, if there are any open items we can recommend deferral, we could always forward it recommending approval or recommending disapproval. One of those options if one was wanting to go forward and we wanted to accept this GPD, I'd ask Mr. Harvey or Ms. McClendon just to confirm, how do we accept a new document that's presented to us tonight if we were to choose to want to proceed since it's part of the conditional use items?

Mr. Harvey: Mr. Chairman, Ms. McClendon is looking at that information in the by-laws because the by-laws do address, as I recall, proffers but I don't know if it is all new material.

Mr. Rhodes: Applicable to the GDP? Okay.

Mr. Harvey: So, she's verifying that.

Mr. Rhodes: Thank you.

Mr. Harvey: I guess for clarification purposes for the staff, there was discussion on a number of issues that the Commission had and if the Commission is so inclined we may need to rewrite the Conditions, specifically about the dates for the architectural design.

Mr. Rhodes: Right.

Mr. Harvey: A berm to the extent possible along the Warrenton Road frontage, also landscaping to the extent possible on Warrenton Road frontage to shield headlights from the fuel pumps and then also deleting the words excessive advertising signage from condition 8. Those are the issues that I recall.

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Mr. Apicella: I thought there was one other about signage to tell...

Mr. Harvey: Oh, that's correct, directional signage.

Mr. Apicella: Right.

Mr. Rhodes: Okay.

Dr. Schwartz: It seems that the biggest concern everybody has here is ingress and egress. We've exhausted all possibilities?

Mr. Santay: It appears that way just because of the size of this site and the existing entrances.

Mr. Rhodes: Let's give Ms. McClendon a moment just so we know what the options are. Yes, those were the same items I had as well. I don't know if... I think that covers them all on maximum extent possible for mitigation but berms... maximum extent possible for berms, maximum extent possible of landscaping to mitigate headlights, deleting the comments about the excessive advertising signage or to take the excessive portion out, addressing the signage as appropriate to help with the... guide those coming off 95, especially for the turns but others... Mrs. McClendon?

Ms. McClendon: Mr. Chairman, it states in the by-laws that no written material submitted to the first time before the Planning Commission can be voted on in the same night, unless two-thirds of the membership decides that they would like to go ahead and handle that.

Mr. Rhodes: Okay so if there's a desire we would need to first accept...

Mrs. McClendon: That's correct.

Mr. Rhodes: ... that new information. Okay, that's good.

Ms. McClendon: That's correct Mr. Chairman.

Mr. Rhodes: Just so we have clarity on that, thank you. This is in the... clearly in the new George Washington Magisterial Districts, so... or District rather, so I'll hand it off...

Dr. Schwartz: I'd like to make a motion to defer this matter to a later meeting.

Mr. Hirons: Second.

Mr. Rhodes: Okay, so for the next meeting which would be February 1<sup>st</sup>? I don't think there's anything that sounded like it would take extensive time to do this; would that be appropriate Mr. Harvey?

Mr. Harvey: Yes, Mr. Chairman, right now the agenda for February 1<sup>st</sup> is fairly open; there are no scheduled public hearings.

Mr. Rhodes: Would that be acceptable Dr. Schwartz?

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Dr. Schwartz: Yes.

Mr. Rhodes: Okay, we have a motion to defer to the next meeting and seconded. Any further comments? Dr. Schwartz?

Dr. Schwartz: I'd like to get some better answers as to what's going on with that 60 foot pylon because that was sort of left very vague and wide open there. And living in the area here the ingress and egress... that's our major concern here. Scratch our heads a little bit more and see if there aren't more possibilities that can fall out, those are my two concerns.

Mr. Rhodes: Okay, thank you. Mr. Hirons?

Mr. Hirons: Yes, I just want to mention that, as I said earlier, I'm really very familiar with this area. I work in the area and I frequent the stores, almost all the stores including the Patient First or Urgent Care at the end of the existing shopping center.

Mr. Rhodes: That's what boys will do.

Mr. Hirons: It is within the UDA and I really struggle with the fact that it's in the UDA and I think this kind of takes away some of... it doesn't meet some of the criteria of the UDA/RDA to make it pedestrian friendly, etcetera. As you know there's a little joking about, you know, you take your life in your hands in there, but from where I work over on Riverside Parkway there are a few people, not a lot, but there are a few people who walk all the way from there to Subway to McDonalds to Target, mostly to Subway, for their lunch. You know, it's a little bit of a struggle to go across 17 I'm certain, but hopefully at some point there'll be some significant crosswalk improvements there to help that out. I think if this ends up being approved and going there, it's really going to eliminate the ability to walk all the way over there because you're going to be dealing with more traffic and traffic coming in and out. I think there are other uses that would be good there, that would encourage folks to possibly, you know, at least walk in between the buildings that are there and the stores that are there, but also from work. So, I appreciate it; I'm glad the motion was made to defer this so I can continue to think about this and work on this issue because I'd say I'll probably be having dinner at Wawa tonight, so it's definitely not something that I'm against the brand or against the applicant, but I just... I don't know if it's the best use so I'm certainly going to vote in favor of deferring it.

Mr. Rhodes: Thank you. Other comments from the Commissioners? I would just highlight that I would like to thank the applicant and all involved for the modifications to the GDP. This is one of the first ones as we're going into a new area of UDA/RDA and while there are complications, it's certainly starting to set the tone. So, taking that approach upfront I think is a positive one and gives us something that we can leverage with others to get a consistent theme through there, so I'm certainly appreciative of that. I didn't hear significant issues in there, certainly we'd work to modify the few conditions that were applied and if the smart brains that are involved think of any great idea of additional condition we can do to just further along the 60 foot sign knowing that you have some limitations that might assuage some other items here, but it doesn't seem like a lot of hard items where we can give it a little more time, so we can come back on. I guess that is the first of February, correct? Okay, great. So, all those in favor of the motion to defer this until the first of February signify by saying aye.

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Mr. Apicella: Aye.

Dr. Schwartz: Aye.

Mr. Hirons: Aye.

Mrs. Hazard: Aye.

Mr. Boswell: Aye.

Mr. Rhodes: Aye. Any opposed? None, passes 6-0. We'll rewrite some ones and come back again, thank you very much. With that we are at item number 7, Planning Director's Report; Mr. Harvey.

6. RC1100314; Reclassification - Electrifiers, Inc. - A proposed reclassification from Agricultural to M-1, Light Industrial Zoning District to allow flex office use. Parcels 44-93B and 44-94 consist of a . . . . The property is located on the east side of . . . . . approximately 1,500 feet south of its intersection with Warrenton Road within the Hartwood Election District. **(Time Limit: April 17, 2012)**

**Postponed**

PLANNING DIRECTOR'S REPORT

7. Annual Report

Mr. Harvey: Thank you Mr. Chairman. For my report I'd like to start off with discussion of the Planning Commission's Annual Report for last year. I took the liberty of preparing a report for the Commission to consider and please let me know if there are certain topic areas that I did not cover that the Commission would like to see addressed and/or additional areas highlighted. I tried to keep the report to a minimized format so it's less than two pages in length.

Mr. Rhodes: Good man.

Mr. Harvey: The State Code does specify that the Planning Commission should provide an annual report to the Board of Supervisors.

Mr. Rhodes: Could you write the State of the Union? Oh, sorry.

Mr. Harvey: Just to highlight some of the things that have... that are in the report, last year the Commission conducted over 21 regularly scheduled meetings in the last 12 months. There were countless committee meetings to discuss issues such as the Committee of 4,000, which dealt with the Urban Development Areas and the final adoption of the Comprehensive Plan, there was committee discussion with regard to Transfer of Development Rights and the Telecommunications Plan, as well as discussion about Farmers Markets. The Planning Commission considered seven Preliminary Subdivision Plans last year comprising a total of 867 potential lots for the future. The majority of those lots were located within the Urban Service Area compared to the rural area, so that shows that, in general, the County's on track for good planning. There were 35 public hearings conducted dealing with the topic areas of the Comprehensive Plan, Ordinance Amendments, Reclassifications, as well as Conditional Use Permits. And there was one public hearing regarding Departure of Design Standards

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for Landscaping. The Planning Commission considered one waiver last year, and in other business the Commission considered Ordinances dealing with Wetlands Mitigation Banks, Recycling Facilities, liquor sales, and exempt subdivisions to name a few. Those items had not been quite acted on by the end of the year, some of which won't be acted on but were discussed nonetheless. Regarding the budget, the Commission stayed within its budget limits. There was approximately 74% of the budget was expended and with mid-year review of 2012, we find that we're within the expected expenditure levels. Last year all Commissioners achieved required training. Mr. Apicella was appointed last year however there was no training opportunity available at that point in time, so I'm sure he'll consider taking up that objective this year.

Mr. Apicella: Absolutely.

Mr. Harvey: So, again I ask for any input the Commission may have with regard to this, if there's any modifications you'd like to see. Ultimately, at the Commission's direction, I'll forward this on to the Board of Supervisors for their information.

Mr. Rhodes: Mr. Howard... I mean Mr. Harvey, is there really a particular date for deadline on this?

Mr. Harvey: No sir.

Mr. Rhodes: If I might suggest, consideration of any comments back to Mr. Harvey certainly in the next week or so and otherwise we would just barring that we motion this... our consent and approval at the next meeting.

Mr. Harvey: Yes sir, so would you prefer that this be put on new business for your next meeting?

Mr. Rhodes: I think that'd be fine or whatever is most appropriate. Yes, and then we'll just technically vote on it, and go and say it's all of ours... you agree? Okay.

Mr. Harvey: Thank you. Continuing with my report, I mentioned earlier this evening about the Board of Supervisors and the discussion about the Urban Development Area for Courthouse and as well as the UD Zoning District. Again, the Board held their public hearing last night; they had some good citizen comments and have deferred consideration of it to get more additional information from the County. We had, in the interim between the Planning Commission's action and the Board hearing, received towards the end of the deadline for the advertisement comments from VDOT. VDOT said with the traffic analysis they wanted to see some more information; specifically, provide background, electronic files, some more rationale as to how the study was conducted, and things that the consultant considered. So we're working with the consultant to address those issues and we intend on having that all resolved before the Boards' final disposition on the plan document as well as the Ordinance. The Board also conducted last night the public hearing on the Telecommunication Tower out at Wildcat Corner; that item was deferred until the second meeting in February for the opportunity to have a public meeting with the nearby community, as well as to address some questions that were raised at the hearing. And the Board also approved the Implementation Plan, which I mentioned earlier, and now you have it as Chapter 7 of the Comprehensive Plan. And that concludes my report for this evening.

Mr. Rhodes: Thank you very much, Mr. Harvey. County Attorney's Report?

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COUNTY ATTORNEY'S REPORT

Ms. McClendon: I have no report at this time Mr. Chairman.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Rhodes: Thank you very much. Any further committee reports? We heard on Farmers Market, I don't think there's any others, okay. Chairman's report, I would just... the one item I would raise... not necessarily raise, just share... Mr. Apicella, as he had gone through and reviewed his homework for today, he had shared some questions over with staff I guess it was yesterday. I would just highlight that certainly I think if you do have some advanced questions you know what is standing out to you, it's not a bad measure to take just to share them over with Mr. Harvey and he can disseminate it out, not that I'd necessarily expect that you get a full formal written report, but it can't hurt to help inform the staff and they'll be at some degree more prepared to know what some items of concern are of you, and certainly not a requirement but wouldn't frown on it either. And it just helps to enhance the process, so if there are a couple of particular areas and you want to share those with Mr. Harvey he can share those along, granted the demands on staff and what their workload is like... is it a degree to which they'll be able to target and focus those, but it certainly can't hurt to have that awareness in advance. I don't think there was any other item I wanted to share tonight, so we'll move on to other business. Mr. Harvey?

OTHER BUSINESS

8. TRC Information - Meeting Cancelled January 25, 2012

Mr. Harvey: Mr. Chairman, at the last meeting the Planning Commission expressed interest on getting more information with regard to the TRC meetings. I brought that forward to the staff and they reminded me that we have to make it a part of our application process with the developers as far as what sort of media we're providing back to the Planning Commission. So the question was raised, does the Commission prefer paper copies and/or would you rather see an electronic copy of the plans? And also is the Commission anticipating a desire for the entire plan set or just an overall plan sheet that highlights how the property as a total would be developed but doesn't get into all the nitty-gritty engineering issues?

Mr. Rhodes: If it was to go to the former... kind of the simpler form, the overall and electronic, etcetera, what is the flexibility to get that further information if once they start to review it there are particular areas of greater interest? Can that be made available at the TRC or what are the other options?

Mr. Harvey: Yes, the full sets of plans are always provided at the TRC meeting and that's what's used as a basis for staff review comments. If we provide an overall plan sheet, it may give the Commission a view of the project and how it fits in with the adjacent properties; it may spur on some questions that we can dive into with the more detailed engineering portions of it.

Mr. Rhodes: Okay.

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Mr. Harvey: But it's at the Commission's request. I know some people prefer more information, others want to see the overview.

Mr. Rhodes: Any reactions, comments? Personally I'd be fine with the simplified a little bit on the overview with the option of then following up with you if there are particular areas of concern, either in advance or that I know that I can address at a TRC. But I don't know if there's other preferences on the approach. Mr. Apicella?

Mr. Apicella: I think that would work for me to start and then we can see if generally that's the best way to go and if not we can always choose to modify it going down the road. I do have a question though... on the system itself, when you track a project, it's assigned a number, staff go in and make comments, can Planning Commissioners get access to that information as it's working... a package is working its way through the system?

Mr. Harvey: Yes. All of our development applications are put on a system called IWR, Integrated Web Resource or Report, and the key there is knowing the application number. If you know the application number then you can input that into the system and it'll give you all the review comments that are outstanding and to be resolved, and you can also look through the history of all the comments. The TRC agenda includes the description with the application number on it, so if you see something on the TRC memo that we send out that peaks your interest, you can go in and look at the IWR website and access those comments and track it periodically as you go back through and look at those.

Mr. Apicella: Is there a different level of access for staff versus the applicant themselves? I thought you had to... if you were a staff member you plug in your... an ID? Maybe I'm incorrect.

Mr. Harvey: For the online version, there are certain staff members are authorized to make modifications remotely. But for the most part, the online application reads our internal software, so for the most part it's a read-only version that anyone can look at if they know the application number.

Mr. Apicella: Okay, thank you.

Mr. Rhodes: Okay, so I think I heard we go with the overview plan and simpler.

Mr. Harvey: Is there any preference for paper or a PDF?

Mr. Rhodes: Electronic is fine by me; anybody prefer paper?

Mr. Hirons: Please, no more paper.

Mr. Rhodes: Okay, PDF.

Mr. Harvey: Mr. Chairman, we'll work towards making that happen.

Mr. Rhodes: Mrs. Hazard.

Mrs. Hazard: Could I just clarify that? Like for an upcoming TRC... I guess we're still figuring out who's covering them. Would that... would those plans be available to all the Commissioners? And

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I'm not trying to get into the nitty-gritty but in terms of, you know, the TRC meetings coming up, there's three applications, some people may go to all of them some people may go to some. I know for the ones in my district, even if it's one for some reason I try and get to, I know I would like to look at them. So I didn't know if they were going to go to everybody or just to (inaudible).

Mr. Harvey: Yes, our goal would be... again we have to have a little bit of front time working with the development engineers to give them advance notice... would be that they provide us with their application submission, a disc in PDF format that we can attach those overall plan images to the TRC memo so that all the people that get the TRC memo can see that; so all the Commissioners would get it, the Board of Supervisors, everybody, so you would get an overall picture of the plan. That would be our goal.

Mr. Rhodes: Okay, great. Thank you. And when is the next TRC?

Mr. Harvey: The one for the 25<sup>th</sup> was cancelled due to not having any new applications for review, so we will wait for the next submission to see when the next meeting will be.

Mr. Rhodes: Okay. And then, I think the target is still we'll make it available, but first make it available to whatever projects there are, whatever districts they're in, we'll make it available to that Commissioner first and if they are not able to cover it, we'll offer it out to the others. And we'll see how this works; maybe we can get a little better coverage. We know we have found we have got some flexibility for those of us who work up north, to be able to call in on our particular one.

Mr. Harvey: Mr. Chairman, as always staff welcomes any comments that the Commission may have, individual Commissioners or the Commission as a whole, regarding projects that are currently under review.

Mr. Rhodes: Very good. Circling back with one item I failed to address. Just... hopefully everybody has gotten their conflict of interest and other paperwork submitted in. Maybe I'm the only one who hasn't and I'm going to do it now, as soon as we are done. Somebody here is bound to be a notary. We will figure that out. With no minutes to approve, I would say we have done it. Thank you very much everybody. We're adjourned.

APPROVAL OF MINUTES

None

ADJOURNMENT

With no further business to discuss the meeting was adjourned at 9:00 p.m.