

STAFFORD COUNTY PLANNING COMMISSION MINUTES
September 10, 2014

The meeting of the Stafford County Planning Commission of Wednesday, September 10, 2014, was called to order at 6:31 p.m. by Chairman Michael Rhodes in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Rhodes, Apicella, Coen, Bailey, English, Boswell, and Gibbons

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any Declarations of Disqualification on any item this evening? Very good. I'll now move over to Public Presentations. At this time, if there's any member of the public that would like to speak on any item whatsoever, you may come forward and do so at this time. When you do, I'd ask that you state your name and your address. And once you do so, a green light will come on; that green light will indicate that there is 3 minutes available. A yellow light will come on just indicating that 1 minute is available. And then when the red light starts blinking, we would just ask that you wrap up your comments. So, if anybody would like to come forward, you may do so at this time.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Buffalo's gonna win the Superbowl... some year. I'm also wearing the buffalo on my t-shirt today because it's symbolic of how it's dissipating. And it's... eventually the buffalo's gonna go away, just like the land in Stafford County and it's gonna become mountains. And like I've said to all planners all the time, we're not... God's not making any more land. You have a choice; do you want rooftops or treetops? Now, today's speech was so easy I was able to put it on a 3M sticky. Can you believe it? Legislative agenda is gonna be talked about today. Well, here's a few things I think you need to bring up to the legislation and let's see if we can get these fixed. First of all, I believe as a citizen any Planning Commissioner must live in the district that they represent. I believe that a Planning Commissioner should not be able to serve if their Supervisor does not have a majority vote in their district. I also believe that if you're a Planning Commissioner, it's a conflict of interest if you're on the BZA. Now, as you know, I only have a PHD, which is a public high school diploma. But I've gone through and I finally figured out since we have 7 Board of Supervisors, 7 Planning Commissioners, and 7 School Board members, and I think many of you all know that in 2019 I'm gonna run and I'm trying to run in 3 districts. So maybe if we can do the legislative agenda, and if I win in all 3 districts I can select 3 Planning Commissioners. Then my goal is to take bigger government and make it better and take it from 7 to 5 which should save the County \$384,000 over a 4 year period. So that way Mountain View football players won't have to knock on my door; I won't have to go to the car wash and support the North Stafford hockey team out there. And they even had the marching band come this year. It's just amazing what we could do if we got rid of these unnecessary stipends. Now, let me close with my PHD remarks. If you went to private school, it's a... that's another PHD -- parochial school. If you just went to a plain school, maybe that's home schooling -- that's a PHD, if you're privileged. And you could even get a PHD if you were a phantom, ya know, then you might be able to drive in one of those Sheriff cars. And finally, my phone is finally smarter than I am. That's another PHD.

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Mr. Rhodes: Thank you. Is there anyone else who would like to come forward and speak at this time? Again, when you do, if you just state your name and your address then the green light will come on.

Mrs. Stencavage: Hi, Darla Stencavage. I'm here tonight to ask that you deny the request for the reclassification of the zoning of the 3.3 acre parcel off of Austin Ridge. Regardless of the fact that the parcel was originally supposed to be zoned commercial, Rocky Ridge made a proffer that the area would be used for single-family detached homes or recreational facilities. And they should be held to this proffer. Individuals purchased homes based on the fact that the area would not be commercial and there is no compelling need to make the area commercial. Sufficient acreage is already zoned for commercial uses. Moreover, Stafford County must strive to maintain some green space to ensure that a buffer remains between residential and commercial property. This green space must be preserved in order to maintain good air quality in Stafford County. People move to Stafford County because of the beauty of the area and because the air quality here is better than in areas such as Fairfax County, where residents must be so cautious about the air quality on certain days that they are forced to limit their driving and cannot even enjoy being outside for extended periods. Stafford County must strive to act in the best interest of its residents, both now and in the future. And this means that a balance between residential areas and commercial areas must be decided in favor of what is best for the residents in the long term. In this instance, I believe that the most favorable long term benefit would be to keep the area undeveloped. This area of trees of green space can produce benefits for Stafford County residents much longer than commercial property, which could be left unoccupied or even become a strain on County resources. As I stated, I request that you deny the reclassification of zoning. However, if the request is approved, then I ask that Rocky Ridge is held to the conditions that were set forth during the community meeting last week and should be held to its original proffer which means that they would only be allowed to build a recreational facility on the property. Rocky Ridge and other developers need to be held to their previous promises. Stafford County must remain tough on insisting that proffers are followed so that it does not become a loophole the developers use to develop the area to their benefit rather than to the benefit of Stafford County residents. If this proffer is not followed, then who is to believe that Rocky Ridge will not try to renege on this most recent proffer in another few years. Again, my family and the residents of Booth Court and Century Street implore Stafford County officials to look out for our safety and security now, and for the health and vitality of our County in the future and deny the reclassification zoning request. Thanks.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak?

Mr. Stencavage: I'm Peter Stencavage. And this is in regards to the rezoning request for the 3-acre parcel of land. It's ironic that today, as I was outside in my back yard, there was a noticeable increase in flurry of activity on this small 3-acre parcel of land that is being decided upon tonight. Perhaps it's a done deal; perhaps it's inevitable. It calls to mind a saying, it is better to ask for forgiveness than to ask for permission. It seems like it's already decided. I am hoping it is not decided. And just to sum up, I feel like sometimes we need to think about the saying, the tail doesn't wag the dog. In this case, the tail being developers and the dog being Stafford County. Thank you.

Mr. Rhodes: Thank you very much.

Ms. Smith: Hi, Cherie Smith. Moving in about 10 years ago, speaking with the developer at the time who was Ridgewood, he had informed us that that land behind us was going to be developed. However, he did also inform us that the land immediately behind my house, which is directly impacted by this new facility that will be there, was not going to be impacted. And now, here I am, 10 years later, and it is going to be impacted. And so I am asking you all... excuse me, I did run in here... I am asking you all

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to reconsider. I think for the benefit of the property value, the benefit of my security, because if you come down to my house and if you look behind my house and if you see how close this building will be to my back yard, you will fully understand my concerns. I do not want to put up a gate. I do not want to encircle my house with a fence because of the developer. And so at the meeting last week, the developer is asking me to do all the work. I should do this. I should do that. I should do that. And I don't feel it's fair that I should do all the work and he not consider what his part is in the roll as well. So, I am asking that you guys reconsider this. I do understand that the proffer right now is for a recreational facility and not for a restaurant or for a very busy place that can have different deliveries at different times of the day, as well as noise ordinance, as well as traffic, as well as horn blowing, and all that good stuff, right behind my house. I mean, I'm really a stone throw from this particular property. So I am asking that you guys reconsider. I do want to let the Board know that the developer has been gracious to us and I do thank him for hearing us last week and I do thank him for resubmitting the documentation that he did do based on our requirements and our recommendations to him. So he did hear us and I do appreciate that as well. But I am still asking that you guys do reconsider. Thank you.

Mr. Rhodes: Thank you. Anyone who would like to speak at this time?

Ms. O'Hagan: Yes, my name is Geraldine O'Hagan. And I don't want to repeat everything that's already been said. However, I do agree with all of my neighbors on Booth Court and we really would like to work together with the builder and have the builder consider our feelings and know that we want to treat each other the way that we would like to be treated. Thank you.

Mr. Rhodes: Thank you very much. Is there anyone else who would like to speak at this time? Okay, we will move on in the agenda. There are no public hearings so we move onto Unfinished Business. The first item of Unfinished Business is RC1400142, the Reclassification of Austin Ridge Commercial. Mr. Harvey?

PUBLIC HEARINGS

NONE

UNFINISHED BUSINESS

1. RC1400142; Reclassification – Austin Ridge Commercial - A proposed reclassification from the PD-1, Planned Development 1 Zoning District to the B-2, Urban Commercial Zoning District, to allow for an entrance road and two commercial pad sites as part of a proposed shopping center on a portion of Assessor's Parcel 29-60. The portion of the property, which is the subject of this request, consists of 3.39 acres and is located on the east side of Austin Ridge Drive, 1,200 feet south of Century Street, within the Garrisonville Election District. **(Time Limit: November 11, 2014) (History: Deferred on August 13, 2014 to September 10, 2014)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Kathy Baker for the update on the zoning case.

Mrs. Baker: Good evening Mr. Chair and members of the Commission. May I have the computer please? While that's coming up, just to recap, this application is a request for a rezoning. It's a portion of Assessor's Parcel 29-60 and the rezoning is from PD-1, Planning Development Zoning District to B-2, Urban Commercial Zoning District. It is 3.39 acres and located on the east side of Austin Ridge Drive, 1,200 feet south of Century Drive. As you all may recall, a public hearing was held on August

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the 13th and it was deferred to this meeting. The Planning Commission brought up the following issues: wanted to consider proffering out additional B-2 uses on the property; consider core hours of operation for future uses; establish a timeline for working with the Austin Ridge homeowners; and also a minor comment about striking the word normal in proffer number 7. So, as a follow-up, the applicant had conducted a community meeting on September the 3rd and about 15 residents did show up to that meeting. Discussions were held on what could be done, particularly for additional buffering and screening to mitigate noise from any potential uses on the property. So, the applicant has in turn submitted new proffers and a new Generalized Development Plan and... excuse me one minute... Let me just get to the Generalized Development Plan that's been resubmitted. As I'm going through these, I'll show -- this is an aerial photo before the property was cleared. You can see the site, and to the north of the site is Austin Ridge Section 7 with Booth Court and the residences backing right up to the subject property. And these were photographs of the site. This was a few weeks ago so the site does look different as far as it's now been graded pretty flat along as you see on the top photograph. All of the mounds have been now graded out. You'll see to the bottom left is the stormwater pond facility that's existing at the end of Booth Court and would be shared by the commercial and the residential site. You'll see on the lower right is the last house on the cul-de-sac on Booth Court that backs up to the property. So this is the revised Generalized Development Plan. The layout is similar but, just to highlight a few features, this is the 10,000 square foot building which is not changing. And then you have this smaller building which only a portion is on the 3-acre property. There's been discussion about this 7,000 square foot retail building. This is actually located on the adjacent commercial property that is already zoned B-2 and would be submitted. It's part of a site plan that has already been submitted to the County for a pad site in that location. But there have been discussions about that building, so I just wanted to highlight that. This is the... the blue star is the stormwater management pond. And this, where the arrow is, is the existing buffer that is now in between the residential and the commercial property. It is actually within open space area. And in this area you will see a buffer that would consist of evergreen trees planted along the buildings... both of the buildings. It would also be supplemented with a 6-foot board on board fence. And this is additional buffering also with evergreen trees that will be planted on the opposite side of the stormwater pond to shield basically that 7,000 square foot retail building. And then this is an additional street buffer that would go between the remainder of the commercial site. So these last two areas are basically offsite from the 3-acre subject property, but the applicant is making those proffers with regard to them.

Mr. Rhodes: Mrs. Baker?

Mrs. Baker: Yes.

Mr. Rhodes: Now, I'm... sorry, I'm trying to get my GDP to come up to confirm... I thought the GDP identifies 8-foot board on board fence which is what we had talked about the other evening. And the proffer had the 6-foot. Was that... just trying to confirm... is there a reason it needs to be 6 foot for some purpose? Or is that just existing or is that something I should ask the applicant?

Mrs. Baker: I would ask the applicant.

Mr. Rhodes: Okay, thank you.

Mrs. Baker: An 8-foot maximum height would be allowed in the district if it were zoned B-2. So that's as far as the Generalized Development Plan. Additionally, they've added proffers restricting deliveries for uses on the property; also prohibiting outdoor dining if a restaurant were to go into that building, one of the buildings. It would also limit the buildings on the property to a 1-story and a maximum 20 feet in

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height. Additionally, there was concern about traffic coming into the neighborhood and thinking that it was part of the commercial property or a cut-through to the commercial property. So the applicant has proffered to install a sign that says No Outlet at the entrance to Century Drive which goes into the Section 7 Austin Ridge. They've also added additional uses that would be proffered out, including building materials, sales and storage yard, car wash, convenience center, lumber/building/electrical/plumbing supply, recreational enterprise, warehouse/mini storage, auto service, auto repair, boat sales, fleet parking, motor vehicle rental, and motor vehicle sales. They've also proffered to consult with the HOA on additional landscaping prior to submission of construction plans, and also to install supplemental landscaping, fencing, and additional landscaping near the pond before the issuance of the first occupancy permit for the property. So, I think that sums up the changes from staff's perspective and I'll be happy to answer any questions.

Mr. Rhodes: Questions for staff? Please Mr. Gibbons.

Mr. Gibbons: Kathy, on the proffers, when you proffered out all the way down, you proffered out a convenience center but not gas. Is that correct?

Mrs. Baker: That is not one of the uses that was proffered out.

Mr. Gibbons: What's that?

Mrs. Baker: That is not a use that has been proffered out.

(Inaudible).

Mrs. Baker: Is that a gas station?

Mr. Gibbons: Well, there's one right next to the other parcel.

Mrs. Baker: That is not a use that has been proffered out, no.

Mr. Gibbons: Thank you. Osmosis sets in afterwards. So, my concern is, if you don't have a convenience center then how are you going to have gas pumps?

Mrs. Baker: Well, a convenience center has a different definition than a convenience store.

Mr. Gibbons: Than a what?

Mrs. Baker: A convenience store is a different zoning definition than a convenience center. So they could still have a convenience store on the property which would be a smaller, generally smaller in size. I'd have to look up the definition or if you have the definition handy.

Mr. Gibbons: We've got that ol' definition problem again I guess. Thank you.

Mr. Rhodes: Okay, other questions for staff? I do see in the narrative of the latest proffers it does say 8 feet. Alright, very good. Applicant please.

Ms. Karnes: Good evening Mr. Chairman, Planning Commissioners, and the staff. My name is Debrarae Karnes and I'm representing the applicant. I work for Leming and Healy. We are giving out,

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as we speak, the hard copy of the revised GDP which we sent to you I believe on Monday. We apologize for the late delivery. We had the community meeting Wednesday night. We got you the proffers on Thursday, and the electronic version of this document on Monday. It's always good to have a hard copy though. I'm just going to give a one paragraph summary and then talk about what's happened since our last meeting. This is... we are talking about a 3-acre approximately portion of an approved commercial portion of the mixed use development. The developer is losing the frontage of his land because of VDOT taking for a parking lot. Approximately 40 acres of commercial were always planned. We're here now because the 3 acres are shown in the County records as PD-1 and not R-2, even though this was always intended to be commercial. Okay, so at our last meeting, the Planning Commission indicated concern that very few members of the commercial... I'm sorry, the residential development nearby -- that would be Austin Ridge Section 7 -- were not in attendance and they asked us to reach out to the community. And we had the community meeting last week. It was well-attended and I think very productive. And I'd like, at this time, to thank the members that attended, the residents that attended, for their courtesy and their constructive suggestions. And indeed we have changed the proffers. And I think we heard very loudly that the residents were concerned about potential noise and potential security issues. And their first and biggest request was that we construct a fence. And so, the revised proffers and the revised GDP show a fence along the entire area where buildings will be built pursuant to the rezoning. It is an 8-foot board on board fence as requested by the community. The community also was concerned about their view across the stormwater pond to the building that is labeled high retail 7,000 square feet. They're concerned about the view and the noise even though technically this is not part of the proposal tonight. And the developer agreed to provide additional buffering in that area and, furthermore, to work with the applicants when designing and proposing that buffer at site plan. That will be one of the benefits to the community if this proposal is approved. Otherwise, there would be no requirement for the developer to erect this, what we call, supplemental offsite buffer. In addition to other proffers, the applicant basically provided a list of uses that he agrees not to build. And we basically took this list directly from the suggestions of the Planning Commission. It is not necessarily all the uses that we would consider proffering out. In direct response to Commissioner Gibbons' question, why we didn't proffer out a gas station, technically because you could only have a gas station with a conditional use permit. But the applicant tells me that if it is the wish of the Planning Commission, he will gladly proffer out a gas station as well. Other issues included the height of the buildings. The GDP previously showed a maximum height of 40 feet, even though in all probability that would never be built. It has been now revised to show a maximum height of 20 feet and maximum 1-story buildings exclusive of any kind of ornamentation or shielding of equipment, which is normally how the County defines height. Delivery hours and hours of operation have also been addressed. Specifically, the hours of operation will be limited to between the hours of 6 a.m. and 12 midnight; delivery hours will be restricted to 8 a.m. to 8 p.m. on weekdays, and 9 a.m. to 8 p.m. on weekends. We think we responded to all of the requests we heard at the community meeting. There was also one inquiry having to do with concern about dust and we are in the process of looking into that and working with the County on that, although that's not really germane to this application. I will tell you that our initial inquiry seems to indicate that the dust isn't coming from the disturbance around the stormwater pond, but we're going to pursue that further. If you choose to take action tonight, and we ask that you do, we would need you to vote to amend the proffers to reflect the correct date of the GDP which is... it's still April -- I'm sorry -- it's still August 4, 2014, but to avoid any confusion the statement afterward should say, and sealed September 4, 2014. We'll be glad to answer any other questions or hear any other suggestions. But I think this application is sound. It represents the original intent to the development. And I think the developer should be applauded by reaching out to the community and incorporating their concerns even on matters that are offsite of the 3 acres in question.

Mr. Rhodes: Questions of the applicant? Mr. Coen?

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Mr. Coen: I defer to the great man from Hartwood.

Mr. English: Debrarae, question for you. Are you all looking to put in a restaurant in there, is that kind of what you want to go through? Is that what you're aiming for?

Ms. Karnes: That's certainly one assumption, yes.

Mr. English: So, if I ask you, as far as a restaurant, is that like a 98% that's what you want? Because I've got another question to follow-up if that's what you want.

Ms. Karnes: Well, I don't know that I can quote percentages, but certainly that's one use definitely planned for.

Mr. English: Okay. Is it possible that that building could be moved more toward 630 on this lot than where it is? And another thing that's not on this map, there's no places where you're going to put for trash containers. When you've got trash coming in, if it's a restaurant, I think you've got issues with the time the trash is going to be picked up and odor. So I think those things are not addressed on this map. And again, I'd like to know could that building be moved further towards 630 then closer to Booth Court.

Ms. Karnes: Okay, well I can ask the developer about that.

Mr. Coen: Then a couple things... under by-right, there's a couple things I'm wondering if he'd proffer out and then there's a couple CUPs which would be nice to proffer out as well, just for the sake of the residents. And it is great that after our last meeting when we said we were really concerned about the people right next door that they have been part of this process. So, we're really pleased that when we pressed that, that sort of happened. But along that same line, the motel is part of the by-right as well as machinery sales is by-right. And then underneath CUP which granted they'd have to come back for permission but still under the view of in a couple years or a decade are they going to come back and want to change it again as somebody brought up... we have nightclub and vehicle fuel sales. So, just looking at those, I think Mr. Rhodes pointed out at our last meeting that many of us had concerns about things that could be reached out to to see if, you know, those things could be added as items to be proffered out. I was curious about, granted you redid the GDP and I'm almost certain the answer to this will be that you will not proffer this specific GDP. But did the neighbors get to see, you know, the immediate neighbors, get to see this one prior to this evening?

Ms. Karnes: Prior to tonight they saw it, yes. I emailed it on Monday.

Mr. Coen: Hot diggity. And then lastly, and this sort of goes... it was mentioned that there was work done there tonight, or today. Just from a standpoint of people that I know from where I work who live in that area, it was disconcerting that this area was disheveled, leveled, cleared, at the same time as the other ones which already had been done. And so I can understand where somebody says this hasn't even been approved yet and yet you're doing stuff to it. And so that... I think it would be wrong not to at least bring that up as that there's a concern about how much is being done prior to and gives and impression (inaudible).

Ms. Karnes: I'm sorry, I just want to make sure I understand. They were saying that we were disturbing this 3 acres?

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Mr. Coen: Well, when we did... well, not we... when you all did the clearing of the other part closer down to 630, this other section was done as well. And so the question was... and that was before it came to us and I've been bombarded at work and from people in my neighborhood that's like, you know, technically legally you can but it just sort of sent a signal like it's a done deal.

Ms. Karnes: Okay.

Mr. Coen: And so I felt I should make you aware of the fact that that does send a signal. And it may not have been meant to send a signal but everything sends signals in life, and so, especially if somebody is seeing stuff going on in that parcel today, when we were supposed to discuss it, it sort of gives the impression that it's a done deal and it's sort of -- why bother. Especially it sort of goes against the fact that you went out of your way to meet with them and then they see that.

Ms. Karnes: They weren't talking about the stormwater management pond area.

Mr. Coen: Even if it is, just the perception would be. And you understand. And it goes against everything you had done last week. And so I just feel it would be incumbent on us just at least to let you know that that (inaudible).

Ms. Karnes: Okay. Well thank you for letting us know.

Mr. Coen: But it is neat that you did go reach out and all that. I'm not dissing that; I'm just wondering about proffering out some other things.

Ms. Karnes: Okay.

Mr. Coen: Thank you.

Mr. Rhodes: Other questions? Mr. Gibbons?

Mr. Gibbons: You made a statement that VDOT took 40 acres. Did they condemn that?

Ms. Karnes: No. Maybe I misspoke. VDOT has acquired some of the acreage in front of what was originally an approximately 43-acre parcel.

Mr. Gibbons: But how much did they take of it? I mean, I can find it out...

Ms. Karnes: Twelve acres, Commissioner Gibbons.

Mr. Gibbons: But I believe you sold that, didn't you?

Ms. Karnes: If I said condemned I should have said acquired.

Mr. Gibbons: What's that?

Ms. Karnes: I should have said acquired. Transferred.

Mr. Gibbons: Well, I guess that's a good western term. When a guy goes into the bank with a revolver, he acquired a fortune.

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Ms. Karnes: Are we talking about VDOT being the robber or the applicant?

Mr. Gibbons: (Inaudible). One day we'll change all the history books in Stafford to say VDOT's real name was Jesse James, but that's (inaudible).

Ms. Karnes: Okay.

Mr. Gibbons: So, you had 12 acres that you could have used for commercial. Then I had the same question, why was the lot graded? I found that very unusual when I walked it again. So, I'm going to walk it again.

Ms. Karnes: I'm going to have to ask the applicant. I do not know the answer to that.

Mr. Gibbons: And is there a possibility, as a couple of residents have said, that they thought the original use of it would be recreational. Is there any chance that you can go back to that to be recreational rather than retail?

Ms. Karnes: I think the answer to that question... will be answered by the applicant.

Mr. Wolff: Hi, my name's Richard Wolff. I'm President of the applicant. As to the issue of why we cleared the ground, we didn't know when we filed the grading permit back in December I think it was that this land wasn't B-2 and wasn't part of, you know, what would be our project. We didn't realize it had to be rezoned. We didn't know that until maybe April or May, I think it was, when the County made a determination that the zoning map was correct and not our understanding that it was all B-2 south of Section 7. So, it was cleared because we thought it was part of the B-2 ground, and that's what our permit allowed us to do. They were working a little bit today doing some fine grading, but they're getting ready to seed and straw. I mean, it had nothing to do with hurry up and get this done because you guys might deny this. I mean, that doesn't get me anything so I don't know why I would do that. But most of the work is going on in the south end of the project.

Mr. Gibbons: Okay, and the last question is the concerns, and they said that the other night at the meeting, is there any chance that you can go back to the original intent of it, recreation?

Mr. Wolff: Well, there's a chance that the use we might put on this could be recreational. But I'm not really amendable to forgoing my rezoning possibility in order to think that I'm going to get a recreational use for that piece of ground. I mean, trying to shoehorn somebody in to a particular use on a site is a difficult situation.

Mr. Gibbons: Thank you.

Mr. Rhodes: Other questions for the applicant? Mr. Boswell.

Mr. Boswell: Maybe this is for staff, based on what the gentleman just said, was the permit violated?

Mr. Harvey: No Mr. Boswell. State Code and local ordinance allows people to grade their property. Zoning typically doesn't have any restrictions in that regard unless there's a proffer that stipulates certain areas would be left undisturbed.

Mr. Boswell: Okay, thanks.

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Mr. Rhodes: And it all was part of the grading plan.

Mr. Harvey: Correct, yes.

Mr. Rhodes: Other questions for the applicant?

Mr. Gibbons: Would the teacher agree that that's a grading plan?

Mr. Coen: I'm not sure there's a curve.

Mrs. Bailey: Mr. Chairman, I do have a quick question.

Mr. Rhodes: Please Mrs. Bailey.

Mrs. Bailey: Mr. Wolff, are you the original owner of the parcel?

Mr. Wolff: Original? How far back do you want to go?

Mrs. Bailey: Well, I guess to the point where there...

Mr. Wolff: We became partners in this venture in 1993.

Mrs. Bailey: Okay. I just wanted to understand where the not knowing that it was all B-2, and were you a part of the original proffer process.

Mr. Wolff: There have been a series of rezonings on this property since '93. And so I was involved, not in the original one but in the subsequent ones.

Mrs. Bailey: Okay. So it was eluded that there was an error that was made. So, where did you think the error came from?

Mr. Wolff: Well, all of the maps that we had in our previous GDPs, including this gigantic one that we had for years and was on the Austin Ridge website, showed commercial in a different color than residential. And everything south of Section 7 was B-2; it was all pink. I mean, until the County made the determination, I would have sworn on a bible that that was the case.

Mrs. Bailey: And that was determined when we actually pulled the proffers out and read them?

Mr. Wolff: No, it was determined when everybody looked at the zoning map and saw that this little area that's shaded on here was still PD-1. And it came as quite a surprise.

Mrs. Bailey: Got it. Thank you.

Mr. Rhodes: Other questions for the applicant? Mr. English.

Mr. English: I guess my question about moving the building over and addressing the issue with trash -- could the building be moved further towards Courthouse Road?

Mr. Wolff: Well, I mean, there already are buildings on the rest of the site planned.

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Mr. English: What I'm seeing here, all it is is parking lot.

Mr. Wolff: Well, you're only seeing a small part of it.

Mr. English: I'm looking at the part where it's cut out where you're asking for a rezone. What I'm saying is, I'm asking can that building be moved more... can that building be closer towards...

Mr. Wolff: Closer towards the access road?

Mr. Harvey: Computer please.

Mr. English: Closer to the access road, I'm sorry.

Mr. Wolff: Well, that might be possible. We don't know what this use is going to be. We don't know if it's going to be a restaurant. I mean, it's just as likely not to be a restaurant as it could be a restaurant. But, you know, we certainly... and we've just laid out a building per se and can it be moved around on that site and will it even be 10,000 square feet. It could be it ends 6,000 square feet, and then it could be moved. So, we're not saying this is the final configuration. We would be happy to say that, you know, if it makes sense, we'll move it further south. We just don't know at this time.

Mr. English: Well, I think it would make sense, especially to the homeowners, if you could move it further south. And again, my concern would be, and if I lived on Booth Court, my concern would be the trash and, if it's a restaurant, you know the smell and how much trash they can get. And if the wind shifts, you know, that would be a real concern.

Mr. Wolff: I understand that.

Mr. English: So, with that said...

Ms. Karnes: So just to clarify, you're looking for us to move it closer to the North Access Road?

Mr. English: I would say closer to the Access Road, yeah, and then I want to know where you're going to put the trash and stuff.

Ms. Karnes: Okay.

Mr. Rhodes: It would seem to me, along those lines, because you're not necessarily proffering the building shape size on the GDP, right now I don't have something to exactly measure but it appears to me that that corner of that building, what we're looking at in orientation, the upper left corner of that building, is probably 120 feet from the... about 120/130 feet from the property lines of the nearest residential property in Section 7. And so maybe there's a way to have a short proffer that says it will be no closer... no building structure will be any closer than 150 feet. That moves it over 20 or 30, allows you to configure any way you need to because I know you don't know who's going to be there but it gives you a little bit further distance and there might be a consideration. But I don't have something to do exact scale. I was looking at... there's a travel lane there that's 24 feet so I was using that as an estimation in my head and I think it's about five of those lengths to the closest property line. But that might be an approach rather than saying you'll move it further south, that might be a way you can do it and retain what I understand is the flexibility to do your actual final site plans.

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Ms. Karnes: We can certainly look into that.

Mr. Rhodes: That achieves what you're saying probably by about 30 feet or so.

Mr. Gibbons: And you stated that you would use Mrs. Baker's definition of a convenience store?

Mr. Wolff: I don't know that I know the definition of a convenience store.

Mr. Harvey: Mr. Chairman and Mr. Gibbons...

Mr. Rhodes: Yes please.

Mr. Harvey: I have pulled that information. A convenience store is defined as a high intensity commercial retail operation which offers for sale prepackaged foods, household items, and other goods commonly associated with the same, and may sell gasoline as a secondary activity, and having a gross floor area of 5,000 square feet to 10,000 square feet. Now, convenience center is a retail complex typified by more than one unit and less than 10 units designed for commercial use with a total gross floor area of less than 20,000 square feet.

Ms. Karnes: And I'll ask the applicant... you don't have any problems with proffering out both convenience center and convenience store, right?

Mr. Wolff: Would a convenience store... a convenience center rather, prohibit two users sharing that building that are both retailers?

Mr. Harvey: Well, convenience center would have to be less than 20,000 square feet.

Mr. Wolff: Right. Well, this is ten.

Mr. Harvey: Yeah, so...

Mr. Wolff: What I'm trying to get at is, I mean, if two retailers shared this 10,000 foot building, is that a convenience center?

Mr. Harvey: It could be if you're looking at it as a standalone complex, but this is more integrated into an overall site development.

Mr. Wolff: Right, it's a shopping center.

Mr. Harvey: So it normally would be looked at as a retail building rather than a convenience center.

Mr. Wolff: Well then I don't have any problem. I mean, I don't know if it'll be one tenant; it might be two.

Mr. Gibbons: Mr. Chairman, the last concern I've got, and I know it's in your district, but after walking it again today, you got a lot of activity going on up until midnight right next to a neighborhood; a lot of traffic.

Mr. Wolff: Are you saying that my crews are out that late at night?

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Mr. Rhodes: No, I think he's talking about the proffered hours of operation being 6 a.m. to midnight.

Mr. Wolff: Oh.

Mr. Rhodes: I believe is what Mr. Gibbons is referring to.

Mr. Coen: And I'll just go back, I raised, under those other uses, motel, machinery sales, vehicle fuel sales, and nightclub as well.

Mr. Wolff: Yeah, I don't have any problem with those.

Ms. Karnes: And we picked those up.

Mr. Coen: Oh, you'll add those in? Hot diggity. Thank you.

Mr. Rhodes: Mr. Harvey, just from a technical interpretation, when you talk hours of operation, is that hours of operation that it is open to the public? Or would that include time that the staff is there doing shutdown procedures and cleaning and other things? That doesn't count as hours of operation, does it?

Mr. Harvey: Correct. Hours of operation is when it's open to the public.

Mr. Rhodes: Okay. And so, Mr. Gibbons, were you suggesting that it ought to be something less than midnight?

Mr. Gibbons: Mr. Chairman, I got a lot of information here in the last two or three days. And I just want to kind of digest it because... I think Mr. English has got the right idea. If we orientate that more away from the buffer area. But I'm only one Commissioner but I'd certainly like to have another go at this and walk it and make sure...

Mr. Rhodes: Just to... I think what I did hear, just to confirm, is that there was no reservation with proffering out the vehicle fuel sales type gas station, the motel, machinery sales, and nightclub...

Mr. Apicella: And store.

Mr. Rhodes: Okay, convenience store, thank you. I think there was a receptivity though you might want to... I'm perceiving you might want to just look at it a little more closely, but identifying a distance from the closest property line of the residence.

Ms. Karnes: That's correct.

Mr. Rhodes: A minimum distance.

Ms. Karnes: I really would like to check with our engineer but it sounds good.

Mr. Rhodes: Yeah, and I can understand that. But my best very educated Kentucky education guess is that you're about 120 feet from it, so in order to achieve Mr. English's thought that you're just getting a lane or two, you're probably looking at 140/150. But you need to see what that does to your site I assume. If I could just confirm though -- I know you're not proffering the GDP per se, but you are proffering... are you proffering the location of the buffer?

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Ms. Karnes: General location, yes.

Mr. Rhodes: Yeah. So that is going to be essentially there in that distance from the... because that's where you get the... okay.

Ms. Karnes: Yes. And the reason we want some flexibility obviously is if we move the location of the building slightly, we want to make sure the fence and the landscaping abuts the building lines.

Mr. Rhodes: Understood.

Mr. Wolff: If I could, the buffer that we're putting around the offsite building, I'd like to have the flexibility to move that so that it screens the building as much as possible. If you get too far down that hill, it's just not going to do a lot of good. So, you can see it's sort of at an angle and I'm not sure when we really get out there and plant this thing that it wouldn't be better if it were more... if it were closer to the building.

Mr. Rhodes: Yep. You want to get the right elevation to block the most. I understand that. I just wanted to make sure that's the way I understood it. And then there is a technical clarity you would want to add anyways to it about the GDP to make sure you're citing the right GDP in the process there.

Ms. Karnes: That's correct.

Mr. Rhodes: So, okay... other questions for the applicant? So I'll just...

Mr. Apicella: Mr. Chairman? I think I know what you're going to do. Do you mind if I just kind of jump in so we don't...

Mr. Rhodes: I would just like to first make a couple comments. I haven't... I've had one or two times in the last about 10 years where I've seen somebody really try and work, partner as actively upon request and try and work with the community. I really appreciate that. I've just got to tell you, I really appreciate it. I appreciate the effort and the follow-up to email out the revised proffers, email out a site to the GDP. That was doing a lot and I really... I sincerely appreciate that. I hear the comments of the citizens here, the Stencavages, Smith and O'Hagan, and I appreciate those. But I will just tell you -- I see this as the opportunity to get a buffer to mitigate viewshed and sound and control other activities that are going there. And so I, very openly, I just want to make sure there's no mistaking, with the changes that have been made and the modifications and the things that are in there, I'm inclined towards it. I just wanted to be very open and not belabor this. We've got some things we still have to do, but I just wanted to make sure and be clear on that, because it provides the opportunity to achieve a lot of things. That view down the cul-de-sac, Booth, stinks right now. And this is what's going to give us the chance to make that very different. And I think it's important to be able to achieve that. But I want to get... I appreciate all the efforts of folks to get other things accomplished to get to that point. And I appreciate the willingness of the applicant to kind of work that. I can understand the desire to make sure and look at the engineering aspect, but a willingness to identify a distance away, which gives even further (inaudible) I think is a great thing. The overall grading plan has that down I think about 9 feet the way I saw it, now bringing the roofline down to 20 feet makes the viewshed very different with a minimum of 10 foot or higher trees I think that's going to help a bit as those mature in there. So, I just appreciate those efforts of these people that have come out tonight and, if we're going to likely defer here in a minute to close out some things I didn't want to have left things open so I just wanted to express where I

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was at on behalf of the citizenry that was there. With that, yes please, Mr. Apicella, if you'd help me along here till the next one.

Mr. Apicella: Unless you'd like to make the motion, I'd like to make a motion to defer this to the next meeting.

Mr. Gibbons: Second.

Mr. Rhodes: Motion made and seconded; further comment Mr. Apicella?

Mr. Apicella: No sir, I think there's a little bit more work to do and I appreciate all the comments that you made and I also appreciate the flexibility and accommodation of the developer thus far and continuing flexibility and accommodation. Again, it will never satisfy everybody's concerns but I think they're trying to do what they can to mitigate the concerns as best as they can.

Mr. Rhodes: Thank you. Mr. Gibbons, anything else?

Mr. Gibbons: No.

Mr. Rhodes: Any other member? Okay, all those in favor of the motion to defer this to our next session and for an opportunity to be able to revise proffers, look at the engineering on one element to see what the possibilities are there signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; passed 7-0. Thank you all very much and thank you all for coming out.

Mr. Harvey: Mr. Chairman?

Mr. Rhodes: Yes please, Mr. Harvey.

Mr. Harvey: For the public's knowledge, the next session is September 24th -- same time, same location.

Mr. Rhodes: Thank you very much. Same bat time, same bat channel. Okay, very good. Thank you all very much. Item number 2, Mr. Harvey, Comprehensive Plan Amendment. Do you want me to handle these next three?

Mr. Harvey: Yes please.

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2. Comprehensive Plan Amendment; Urban Development Areas - Amend the Comprehensive Plan recommendations for Urban Development Areas and targeted growth areas in the County. **(History: Deferred on February 27, 2013 until further information from staff) (Discussed at June 21, 2014 Retreat) (Staff coordinating with Chairman)**
3. Zoning and Subdivision Ordinances - Review the definitions of the Zoning and Subdivision Ordinances for consistency with each document and the Virginia Code; and make necessary recommendations to ensure consistency and any changes deemed necessary to ensure the definitions are understood in a clear and concise manner. **(History: Deferred on May 14, 2014 to June 21, 2014 Retreat) (Deferred at June 21, 2014 Retreat to Subcommittee) (Staff coordinating with Chairman)**
4. Community Meetings - Discuss requiring community meetings prior to rezoning application submittals. **(History: Discussed at June 21, 2014 Retreat) (Discussed at June 21, 2014 Retreat; Planning Commission to give direction to staff) (Staff coordinating with Chairman)**

Mr. Rhodes: Okay folks. I am the holdup on 2, 3, and 4. I've gotten everything from staff; they've had it to me at least a week. I just need to put a few things together and I have failed in the last week. And I am committed to getting it done this week. So I apologize for holding us up on 2, 3, and 4, but we've just satisfied 2, 3, and 4 so I did good. Okay, we're onto New Business. Is there anything else on those Mr. Harvey that we need to highlight?

Mr. Harvey: No sir.

Mr. Rhodes: Okay, thank you. New Business, item number 5, Legislative Agenda.

NEW BUSINESS

5. Legislative Agenda - Discuss potential legislative initiatives for consideration for the 2015 Virginia General Assembly.

Mr. Harvey: Thank you Mr. Chairman. At the last meeting, the Planning Commission discussed possibly making some recommendations to the Board of Supervisors for its legislative agenda. And the Commission expressed a desire of trying to have the finalized list at your next meeting on the 24th so I took the liberty of trying to summarize some of the topics in which I've heard over the last year or two that some Commissioners have mentioned there are areas of concern. I specifically have identified three, one of which is the preliminary subdivision plans as it relates to House Bill 209. As you may recall, this year House Bill 209 went into effect to essentially prohibit localities from requiring preliminary plans for subdivisions of 50 or fewer lots. And the Commission has raised some concerns about is that really good planning and that does not afford the County an opportunity to interact with the developer in a community, and to get a better overall product for the County. Also, other items were dealing with cluster development and specifically not being able to regulate how open space is allocated within a cluster development; also, the orientation of the open space. Some open space situations we found have had narrow strips of land which don't really seem to meet the intent of preserving natural areas and promoting land conservation, and also the fact that they are administratively approved where it does not go to the Planning Commission, it does not get a chance for public input, and seeing how it interacts with the adjacent neighborhoods. The third item was Transfer of Development Rights. In the past there have been some discussions about the fact that in State Code they're reviewed

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administratively. There's not really any input once the program gets put in place. So that could be a potential area of concern. And then, monetary proffers and some flexibility of how monetary proffers can be collected, what they can be collected for, and how they can be used. Some discussion has been should we have a monetary proffer for Purchase of Development Rights. But currently the State legislation limits us to collecting proffers for items that in our capital improvements plan; in other words, County facilities, and Purchase of Development Rights are not County-owned facilities. They are conserved land that is privately owned. So those are the four items that I have gleaned from the past year or two's discussion. I open it up for the Commission to tell me what to add to the list or take off the list.

Mr. Rhodes: Well, Mr. Harvey, certainly appreciate you doing the jumpstart efforts to think through some items there. So we've got a two-part task here; one is any immediate feedback we have for Mr. Harvey. But then two would be any follow-on feedback, either these or anything else we discuss. I assume you'll need that probably by this Friday or next Monday in order to try and put something together for our next meeting.

Mr. Harvey: Yes please.

Mr. Rhodes: Okay. Mr. Gibbons, please.

Mr. Gibbons: Mr. Chairman, one thing that I feel very strongly about is that the legislature allows a 12-year application for the Board of Supervisors once it meets the criteria of being found, and we only have 90 days. And I've always been one that I wish the legislature would allow us 4 months.

Mr. Rhodes: Four months?

Mr. Gibbons: Yeah, don't change the year thing but when you look at all of the scheduling dates, and you can ask the Director, but I think that extra 30 days really makes a difference in scheduling.

Mr. Rhodes: Good idea. Okay, very good. Other thoughts, either any new items or to what Mr. Harvey has already raised? Please.

Mr. Coen: And they're excellent. Thanks Jeff. One thing to tag along under item number 1, the subdivision plan, a lot of what we talked last time dealt with the idea that developers could do it piecemeal and that there is no teeth in the ordinance, in the law. And so, the idea that if a developer does do it piecemeal, there's no recourse for them doing it. And I think the law needs to have some teeth in it if it's really going to do what the legislature wanted it to do. So thank you.

Mr. Rhodes: Okay, very good. Other thoughts?

Mr. Apicella: I just want to say it's great; I agree with the additional item that Mr. Gibbons mentioned and maybe the clarification or additional point about the phasing of development to avoid, you know, again, the one I mentioned last time is a 200 unit subdivision and doing it in four pieces... 4 times 50 piece and then being under the threshold. So I think that's important. We may not get joy I think in undoing the provision itself, it's in the code, but maybe some clarification that they can't find a way to kind of undermine some planning by doing it in a phased approach.

Mr. Rhodes: Okay. So general agreement on the four that Mr. Harvey recapped from various past conversations, adding one for the 120 days versus 90, adding some extra teeth to the phasing dynamic

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aspect of it. Okay. So any other thoughts people have the next two days, because Jeff wants to be able to put these in a more detailed form so that we can agree to them as something to go forward to the Board for consideration to give them a little time. Thank you Mr. Harvey.

Mr. Harvey: Thank you.

Mr. Rhodes: With that we'll move onto item number 6, the amendment to the Subdivision Ordinance, proposed Ordinance O14-31. I think this is one that was referred with kind of no opportunity for modification to do some alignments. Mr. Harvey?

6. Amendment to Subdivision Ordinance - Proposed Ordinance O14-31 would amend the Subdivision Ordinance, Stafford County Code Chapter 22, to remove the requirement for the Board of Supervisors approval of the use of Community Sewage Disposal Systems for subdivisions. **(Time Limit: November 17, 2014)**
(Authorize for Public Hearing by: October 8, 2014)
(Potential Public Hearing Date: November 12, 2014)

Mr. Harvey: Yes, please recognize Mrs. Hornung for the discussion on item 6 and 7.

Mr. Rhodes: I recognize you!

Mrs. Hornung: Hello... good evening Mr. Chairman, members of the Planning Commission. The Board of Supervisors referred Resolution R14-201 for the Planning Commission to look at the proposed Ordinance O14-31 from August 19th, to look at Section 22-118 in the Subdivision Ordinance which requires the Board of Supervisors to approve community drainfields for large residential subdivisions. And because it's in the State Code that you really can't deny it, we're just cleaning up some language in the ordinance to remove that so that it is more administrative, since the Board always approves them anyway and the State Code which you got those... that information attachments states that we cannot prevent those from utilized for subdivisions. And staff would... because the recommendation would need to go to the Board of Supervisors by November 17, staff would recommend, if you would like, to authorize a public hearing for this evening for October 8.

Mr. Gibbons: Mr. Chairman, I'll move for a motion for both.

Mr. Rhodes: Motion to vote forward for public hearing by Mr. Gibbons.

Mr. English: Second.

Mr. Rhodes: Second by Mr. English.

Mr. Gibbons: Do them individually?

Mr. Rhodes: Yeah, please. So, motion by Mr. Gibbons, second by Mr. English. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. English?

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Mr. English: No sir.

Mr. Rhodes: Any other member? Please Mr. Apicella.

Mr. Apicella: I didn't have a chance to ask this question. I'm just curious whether onsite sewage disposal system sounds pretty broad, so is the code such that the County can't approve any onsite sewage disposal systems?

Mr. Harvey: The County cannot deny any onsite sewage disposal system.

Mr. Apicella: And just again, as just a point as you go forward, if it's defined in the code as we go through these definitions, if there's no need to continue the definition of community sewage disposal system, assuming it is in the County Code, we might want to strike it if this goes forward.

Mr. Rhodes: Okay. Okay, all those in favor of the motion to advertise this for public hearing for October 8, 2014, signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None opposed; very good.

7. Amendment to Zoning Ordinance - Proposed Ordinance O14-33 would amend the Zoning Ordinance, Stafford County Code Chapter 28, to revise the minimum gross tract area from 75 acres to 40 acres. The amendment would also require that all future development within the P-TND shall be in conformance with the approved Generalized Development Plan (GDP) or subsequent amendments as approved by the Board of Supervisors at the time of rezoning. **(Time Limit: November 17, 2014)**
(Authorize for Public Hearing by: October 8, 2014)
(Potential Public Hearing Date: November 12, 2014)

Mr. Gibbons: I make a motion for proposed Ordinance O14-33 for 8 October.

Mr. Rhodes: Okay, before staff presents it... very good. There's a motion for advertising a public hearing...

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes.

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

Mr. Rhodes: Yeah, is there a second on the...

Mr. English: I'll second so we can go for questions.

Mr. Rhodes: Okay, we're good doing a weird order but this will work. Okay, please.

Mr. Apicella: I'm just curious why 40. Why not 30? Why not 50? How did the number 40 come up?

Mr. Rhodes: Does anybody know where it came from?

Mr. Gibbons: There's an old saying, 40 acres and a mule, right?

Mr. Rhodes: Please tell me that's not the science.

Mr. Harvey: This was the number that was discussed with the Community and Economic Development Committee of the Board. Part of the discussion was a proposal for a specific development application that has not yet been filed but may take advantage of this Code amendment if it goes forward.

Mr. Apicella: So, I'm not sure if there's any flexibility but I just wasn't clear that 40 is in the County's best interest either. I mean, it started at 30; I'm not sure why it changed to 75. It's not quite meeting them in the middle.

Mr. Rhodes: Thirty was too small. Seventy-five is now decided too large. No, it's a fair comment. Was there further advice of staff that kind of got us to 40, or is that just where their evolving discussion took them?

Mr. Harvey: That's where the discussion went to.

Mr. Rhodes: I think it's a feel.

Mr. Apicella: And so, that being said, does County staff think that's the right number or do they think something lower would be more beneficial?

Mr. Gibbons: They wouldn't disagree with the Board of Supervisors.

Mr. Apicella: Never.

Mr. Harvey: Mr. Apicella, from the standpoint of a 75-acre site, that's large enough that it's pretty much going to end up being a green field site which part of the intent of the ordinance was to allow for some infill development which tend to be smaller pieces of property. So, using smaller acreage may be more desirable. I'm not certain that there's a magic number as per se, but 40 seemed to fit well with this one development proposal that's being discussed as potentially coming in.

Mr. Rhodes: And the 30 was another infill effort.

Mr. Apicella: Again, somebody could have come in with 30 and that might be where we're at. I mean, that's the number the County gave us... this Board gave us and so be it. But I'm not quite sure why

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we're restricting ourself to a slightly higher number than could otherwise occur. And my second question is, on the second page of the report, staff report, second sentence says, in addition, it would amend Section 28-56 to require conformance with the GDP. As we heard tonight, sometimes the GDP isn't proffered. So I'm not quite sure what happens if and when the GDP is not proffered given that sentence.

Mr. Harvey: Mr. Apicella, in this particular case, there would be no need for them to proffer the GDP because it's required by Code and they have to follow it.

Mr. Apicella: So, when someone does a P-TND, you're saying they have to do a GDP? Because I don't remember that...

Mr. Harvey: Yes. The Code requires, with an application that they must submit a general development plan and a regulating plan which shows the transect zones. With this amendment, it would require by ordinance that any development would have to follow the GDP, regardless of whether it's proffered or not.

Mr. Apicella: Okay. I like that. I didn't know that's what it said, but great.

Mr. Rhodes: Okay. Any other questions as part of discussions on the motion? I know Ms. McClendon, our Parliamentarian, just kind of cringes every time I run such a sloppy meeting. Okay, very good. Okay, there's a motion to advertise for public hearing for... this would be for October 8, Mr. Harvey?

Mr. Gibbons: Yes sir.

Mr. Harvey: Yes.

Mr. Rhodes: Great, okay. The proposed Ordinance O14-33. All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? Nope; very good. We're moving through here.

Mrs. Hornung: Thank you.

Mr. Rhodes: Planning Director's Report Mr. Harvey.

PLANNING DIRECTOR'S REPORT

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Mr. Harvey: Thank you Mr. Chairman. At the Board of Supervisors meeting last week they took up the issue of the Crow's Nest Harbour case where there was a Comprehensive Plan Compliance Review request. And the Planning Commission found that the request was not in conformance with the plan. The applicant had appealed that to the Board and the Board voted to uphold the Planning Commission's decision. And that concludes my report.

Mr. Rhodes: Very good, thank you. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: Thank you. Committee Reports?

COMMITTEE REPORTS

Mr. Apicella: Mr. Chairman, the Airport subcommittee met I think it was August 25. We continue to make great progress. I think we're 95% of the way there. I'm hoping that the next meeting, or the meeting just beyond that, that we'll have a product that we can at least float by the public for review and comment. And, again, I welcome continuing Planning Commission participation at those meetings. I think our next meeting is September 18.

Mr. Rhodes: Very good, okay. Any other Committee Reports? Chairman's Report... I would just highlight just for awareness and for staff and for all awareness, there is an application that is being worked by staff and an applicant, a larger one, George Washington Village, that Mr. English is wanting to meet with the applicant, even though it's not formally with us, but he does want to meet with them just to keep abreast of how things are evolving in the dialogue. He had believed that there might be some interest by other Commissioners, and there is, by polling there is, and so probably will likely be 3 or more Commissioners that would want to attend that informal meeting. So, Mr. Harvey is going to take care of properly noticing that just to meet all the requirements and so forth. But Mr. English will work with Mr. Harvey and the applicant to find a time, a date and time, and when they do they will share it with all. So anybody who's interested can go because it will have been noticed so don't worry about the attendance dynamic, that we will have made proper notice on that aspect. Okay. That's all I had other than just I will touch on a comment that was... not a comment... I will touch on part of our invocation. Tomorrow is a day that hit many, that still has open wounds and open scars with many. There are loved ones that will never be seen again from that day or from all the actions of the volunteers of this nation since then, in Armed Forces and otherwise. It is certainly a day that we will all, at 9:37, want to take a moment here in this local area to think and to reflect. We have a privilege of having a memorial that's up there where I work at and the families were heavily involved in the design of those who lost their lives. And their whole focus was to remember, reflect, and renew. And so hopefully you'll have some time tomorrow to be able to just take a minute, whether a moment of silence or whether just a moment of thinking.

Mr. English: Just to touch base, tomorrow the County is doing something out front. Jeff, do you know what time?

Mr. Harvey: It's 8:30 a.m.

Mr. English: I think it's open to the public.

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Mr. Rhodes: And at sunrise tomorrow we will unfurl the Garrison flag over the side of the Pentagon again for the day in remembrance as well, and then go through some other activities. Thank you for raising that Mr. English. With that, I'll move onto Other Business -- TRC. Does everybody have their stuff? Nothing? Okay, good. We'll all make those meetings. Approval of Minutes -- I think there was one of them where there was an issue we wanted to double-check or we thought there might be an error in some of the recollection of the voting. But I'm not sure. I don't know which one it was but if there is a motion to approve or comment on correction, we need to address the minutes for July 9 and then for August 13.

CHAIRMAN'S REPORT

OTHER BUSINESS

8. TRC Information - None

APPROVAL OF MINUTES

July 9, 2014

Mr. Gibbons: I'll make a motion.

Mr. Rhodes: Motion for approval of the minutes of July 9, Mr. Gibbons. Is there a second?

Mr. Coen: Second.

Mr. Rhodes: Second Mr. Coen. Further comment Mr. Gibbons? Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? None. Then we have the August 13 minutes.

August 13, 2014

Mr. Gibbons: So moved.

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Mr. Rhodes: Motion for approval by Mr. Gibbons; is there a second?

Mr. Coen: Second.

Mr. Rhodes: Second Mr. Coen... he's hogging all the seconds. Any further comment Mr. Gibbons? Mr. Coen? Any other member? All those in favor signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Very good. Anything else we have forgotten Mr. Harvey?

Mr. Harvey: Not that I'm aware of sir.

Mr. Rhodes: Anyone else? C'mon, we can drag this out just a little bit... okay, very good. We're adjourned. Thank you.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:44 p.m.