STAFFORD COUNTY PLANNING COMMISSION MINUTES
August 26, 2015

The meeting of the Stafford County Planning Commission of Wednesday, August 26, 2015, was called to order at 6:30 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, Ennis, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: I'll now ask if there are any declarations of disqualification for any item on the agenda this evening? Yes, Mr. English.

Mr. English: I met with the Stafford Commons Retail Center about a week ago. Just letting you know.

Mr. Rhodes: Yeah, thank you very much. And has been our practice, though not necessarily a disqualification, we just like to ensure full transparency. So thank you for that Mr. English.

Mrs. Bailey: Yes, Mr. Chairman, I did speak with the agent in regards to item 1 on the agenda, the Conditional Use Permit for Aquia Towne Center.

Mr. Rhodes: Very good. And once again, not a disqualification, just ensuring transparency. Very good. Yes, Mr. Gibbons.

Mr. Gibbons: I got the same as Darrell on items 2 and 3; I met.

Mr. Rhodes: Okay, and again, just to share. Very good. Okay, thank you very much for that folks. With that, we're going to move onto Public Presentations. So, this is the opportunity for any member of the public to speak on any item that is not an item for public hearing. So if you'd like to speak on any item of business or any other topic, other than items 1 through 3, this is the opportunity to come forward and do so. When you do, we'd ask that you state your name and your address. A green light will come on indicating 3 minutes to speak; a yellow light will come on to let you know that there's about a minute remaining; and then a red light will start flashing when the time has expired and we would ask that you conclude comments. Is there anyone who would like to come forward and speak at this time? I went through all that for nothing? Okay, very good. With that, we will move on from Public Presentations and we'll move onto the Public Hearings. The first item for public hearing is CUP15150778, the Conditional Use Permit for Aquia Towne Center. Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. CUP15150778; Conditional Use Permit - Aquia Towne Center - A request for a Conditional Use Permit to allow two (2) drive-through facilities within the P-TND, Planned Traditional Development and HC, Highway Corridor Overlay Zoning Districts. The drive-through facilities

are proposed for a stand-alone pharmacy and pharmacy within a grocery store on a portion of Assessor's Parcel 21-49. The site consists of 24.96 acres, located on the east side of Jefferson Davis Highway, and south side of Washington Drive, within the Aquia Election District. **(Time Limit: November 24, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Mike Zuraf for the presentation.

Mr. Rhodes: Thank you very much. Mike?

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; if I could have the computer please. This item is a Conditional Use Permit for Aquia Towne Center. The specific request is for a Conditional Use Permit for two drive-through facilities within both the P-TND, Planned-Traditional Neighborhood Development Zoning District, and HC, Highway Corridor Overlay Zoning District. The site is Assessor's Parcel 21-49 and covers almost 25 acres. The applicant is Mosaic Aquia Owner, LLC, with Clark Leming as the agent. Looking at the location of the site, the site is on the south side of Washington Drive, which is the main access road into Aquia Harbour, and east side of Jefferson Davis Highway. The adjacent zoning to this area, to the north is R-1, Suburban Residential; also to the same to the east and south, where the Aquia Harbour residential neighborhood is located. To the north, in that R-1 area to the north, is a place of worship. And then to the west is B-2 zoned property; there are two rows of commercial pad sites that have various restaurants, a vehicle fueling station, a bank, and I believe that's all. And a hotel as well. With… before I get to the existing conditions, just a history on this site. The original Aquia Towne Center shopping center was zoned B-2, Urban Commercial. In the mid-2000's much of the shopping center was demolished with the exception of a movie theater and pharmacy, which are still there. In 2007, redevelopment of the complex began with the construction of a 5-story office building. In 2008, the site was rezoned from B-2 to the P-TND zoning district. And then at that point, the original scheme of the development envisioned a complex in a dense pedestrian-oriented mixed use development with retail, office, and residential development with structured parking. At that time, development of the site was put on hold. Currently, a revision of the original site plan is being reviewed that modifies the plan to allow more of a… I guess a less dense mixed use project. It still includes multi-family residential development which is located on the southern half of the site. And then the commercial uses would be on the northern half of the site around the areas where the current office and movie theater are located. This existing… the aerial view of the site shows how much the site is currently vacant with older original parking areas still in place. The undeveloped areas around the perimeter of the site include a stormwater management facility and wooded areas that serve as a buffer from the Aquia Harbour neighborhood. There are no perennial streams, 100-foot RPA buffers, or 100-year floodplain on this site. This is the General Development Plan included with the project. The site will maintain its two full-service access points off of Jefferson Davis Highway and Washington Drive. The complex that this is focused on is set back from Route 1 behind two rows of commercial uses. The GDP shows in highlights the areas where the drive-throughs would be located. It does propose a free-standing pharmacy closer to Jefferson Davis Highway, on the left-hand side of the screen circled in red. That would have a drive-through, and then on the right, to the eastern side of the site would be a proposed grocery store with a drive-through. This is generally in the location of the current movie theater. Zooming in on these two uses, and looking at the plan, this is for the free-standing pharmacy, the drive-through window is located on the northern side of the building, in proximity to one of the primary travelways and the orientation of the stacking lane does direct stacking away from this principle travelway to the rear of the building in the area of where the loading space is located. Looking at the General Development Plan in the area of the grocery store, the drive-through facility is associated with this grocery store and located on the south side of the building. Access to the drive-through is off of a drive isle that provides access to loading areas to the rear of the building. The GDP depicts two stacking

lanes that total 150 feet in length per the zoning requirements. A bypass lane is included. Vehicles would exit the drive-through onto the drive isle that runs in front of the store. The drive-through window is located 275 feet from the edge of the site and the closest residential properties in Aquia Harbour. The setback and existing privacy fence and required transitional buffer should mitigate any visual impacts from any lighting or noise that might be associated with the drive-through. Staff notes also in addition that the layout of both drive-through facilities should result in minimal internal traffic conflicts. The main intent of requiring a Conditional Use Permit is to ensure the facility does not have a negative impact on the main corridor highway; in this case, Jefferson Davis Highway. That might occur if vehicles stack onto the main road and the location of both drive-through facilities are set back extensively from Route 1 and would not have impact on the corridor highway. Staff has proposed several conditions limiting the use of each drive-through to a pharmacy. Now, we have this next one, the orientation of drive-through facilities as shown on the GDP. This was proposed proffer 2. The applicant has proposed modified language to this condition 2, which was provided to you tonight just before the meeting. This would provide more flexibility and not tie the drive-throughs to the location shown on the General Development Plan. It would generally though require that the drive-through uses, wherever they are on the site, could not be any closer to Route 1 than the western-most drive-through, or any closer to the residents than the grocery store drive-through is now. And this was proposed by the applicant and they can maybe speak to that a little bit more when they get up. The next is coordination of design of the canopy with the buildings; provide recess canopy lighting according to the design of the canopy with the building, and recess the canopy lighting; prohibiting carnival style banners, balloons, and other attention getting devices; and requiring building façades consistent with the Neighborhood Design Standards that are required within this project. Speaking of the Neighborhood Design Standards, we didn't have this at the time that this report was mailed out. We did receive these revised Neighborhood Design Standards because the existing Neighborhood Design Standards for the Aquia Towne Center did not address drive-through uses, so the applicant is requesting a modification to the Neighborhood Design Standards. This is an administrative modification that would incorporate these new images to tie in with the drive-through uses. Then also, they are including, just for your information, modifications to the architectural elevations because the previous whole concept of Aquia Towne Center had more multi-use buildings, multi-level, multi-story, and this is a lower density product that is being pursued at this point, and so they've modified the elevations to match the new design concept of the project. Looking at the evaluation factors, with the positives, staff believes seeing conformance with the Comprehensive Plan, the Comp Plan identifies the site as located within the commercial node as part of the Suburban Land Use designation. Staff believes the proposed drive-through facilities are consistent with the Comp Plan Land Use recommendation; it's consistent with the established and proposed development patterns on this site; and then conditions intend to mitigate impacts to surrounding properties. Staff does not see any apparent negative impacts and recommends approval of the application pursuant to the Resolution R15-297.

Mr. Rhodes: Great. Questions for staff? Yes, Mrs. Bailey.

Mrs. Bailey: Mr. Chairman, Mr. Zuraf, with the proposed replacement condition number 2, it gives that more flexibility to move the building anywhere on the site for Aquia Towne Center, or just position it, you know, right or left or whatever the case may be? Could you explain that a little bit?

Mr. Zuraf: It does provide more flexibility where it could be relocated within the project, or really anywhere between where the pharmacy is located and where the grocery store is located. So, this does offer some flexibility on that use.

Mrs. Bailey: Okay. But they would still have to meet the requirements as far as what the ordinance require for the glare and the…?

Mr. Zuraf: It meets, yes, stacking requirements and architectural requirements are still going to be in place.

Mrs. Bailey: Okay. Has staff had a chance to talk about that? Or what were your thoughts about that?

Mr. Zuraf: Well, we've just received it earlier this afternoon from the applicant and worked to kind of modify that language to where you see it now to make it a little, you know, workable as we move forward to the site plan phase. And I guess the big issue is, you know, the whole purpose of the use permit… the whole intent of the use permit requirement is to limit impacts on the main highway as it relates to the Highway Corridor. It does include a conditional use permit requirement within the P-TND zoning district so there's a little unknown there as to how the drive-through might affect the P-TND concept.

Mrs. Bailey: So if they did come back and change the location, that would really just be a matter of adjusting the site plan, is that correct?

Mr. Zuraf: Right, right. Yeah, that would be an administrative act.

Mrs. Bailey: Okay. So, I did have a question about the pharmacy where it's currently sited. And if you could go back to one of the slides where it shows the traffic flow.

Mr. Rhodes: Computer please.

Mrs. Bailey: Yes, that one right there. So, I was just… as I was looking at this visually, it states in here that this building is in proximity to one of the primary travelways within the complex. So that top right-hand corner is where the primary road would be, where you would have the flow coming in and out of the primary road… or one of the primary roads. See the top left where the arrows goes to the right and left.

Mr. Zuraf: Right. The primary road is… if I can get this working. It's not going to cooperate tonight. But it's… the primary road is the road that runs across the top of the screen.

Mrs. Bailey: Right.

Mr. Zuraf: I believe it's the other one, yeah. That's the current drive isle that runs down in front of the office building that's in place.

Mrs. Bailey: So, as your cursor is moving in that direction, someone could take a turn in to the right to enter into the pharmacy parking lot.

Mr. Zuraf: Right. And then swing around, loop around.

Mrs. Bailey: But then if you go further down, up at the top where you were before, and continue down to the right, straight down…

Mr. Rhodes: Towards the office building.

Mrs. Bailey: … towards the office building. And they can turn in there.

Mr. Zuraf: They could turn in and possibly, if there's not cars stacked, they could potentially swing into the pharmacy that way.

Mrs. Bailey: I was just curious if that would be a cause of concern because you might have traffic coming from the other direction to come into the drive-through.

Mr. Zuraf: There would be a little bit of…

Mrs. Bailey: It's looks like three different traffic patterns in that same vicinity there.

Mr. Zuraf: There would be some opposing traffic. If it's striped off, it shouldn't be a problem. And typically, with the pharmacy uses, which this is limited to, the amount of stacking is not often up to the full required 150 feet.

Mrs. Bailey: Okay.

Mr. English: There's not going to be any curbing on that right side, is it Mike?

Mr. Zuraf: Where it kind of loops…?

Mr. English: Right here where the arrow… is that going to be curbing there or is it just lined? To box that traffic in?

Mr. Zuraf: No, there's not. So it will be striped.

Mrs. Bailey: And then I guess, I hate to say assume that people on that outer, the two arrows where one's going out and one's coming in, as you go back towards the drive-through, and then you're going to intersect at that primary driveway. Is there a stop sign there?

Mr. Zuraf: The applicant is saying yes.

Mrs. Bailey: Okay, I was just curious about that. That's all.

Mr. Rhodes: Other questions for staff? Great, okay, thank you Mike. Applicant please.

Mr. Gibbons: Mr. Chairman, I was impressed with the person operating the mouse. It looks like they got (inaudible) credit hours for that.

Mr. Leming: Wait till you see me operate the mouse. Good evening Mr. Chairman, members of the Planning Commission. I'm Clark Leming on behalf of the applicant. This is the first time I've ever stood before you and not had my jacket on. I didn't want my engineer to feel underdressed tonight. Actually my jacket is in Tricia's car which I drove to the BZA hearing last night. So, onto Aquia Harbour but I thought I should tell you that.

Mr. Gibbons: You can borrow mine.

Mr. Leming: Because I'm sure you all were wondering that, right?

Mr. Gibbons: You want to borrow mine?

Mr. Leming: I'm good. I was hoping the rest of you would take yours off, except Mrs. Bailey of course. This is an exciting time at Aquia Towne Center and we are very close to this becoming a reality. Of course, the residential portion is under construction and the commercial is not far behind. As Mike indicated, site plan is under review and this Conditional Use Permit application is one of the final t's to cross and i's to dot before they can proceed to construction. We hope to be through the site plan process in October, and from then on to construction plans and breaking ground momentarily. It's been a long time coming. With regard to the condition, there are… the back pharmacy, the one that is associated with the grocery store, there aren't many options for that. We think that's pretty much exactly where it's going to go. There's a little more doubt about the front pharmacy. As you are aware, there is a pharmacy on the property and there are discussions about the relocation of that. Those simply are not concluded at this point, so we don't know exactly where the building is going to be. We hope it's going to be there, but that is not all signed, sealed and delivered. So that's why we're requesting the flexibility. I think, though, from the standpoint of the County, really the only purpose for these conditional use permits is to protect the Highway Overlay Corridor. That's why the County requires these. So I don't think that the modification… actually, ours if more restrictive than theirs, but we're fine with theirs. And appreciate the flexibility because it does allow us to make adjustments and, if this should happen, if the pharmacy does not develop as we think it will right now, it allows us to go another way with that. So we appreciate your alls consideration on that. And I'll be happy to answer any questions that you may have. There were a few questions about traffic flow. I hope those were answered. You know, the principle streets are very well laid out. The review that a TND zoning goes through is a little more intense than a lot of other rezonings, other commercial zonings, because of the grid pattern that's necessary and a lot of definitions that we've had to become much more familiar with. This is… remember, this is Stafford's first TND. There's another one under consideration, but this is the only one that's ever been adopted, right Jeff? So, this is something, uh, somewhat new for all of us. So, I appreciate your consideration. As I said, my engineer is here and we're happy to answer questions if any of you should have any.

Mr. Rhodes: Questions for the applicant?

Mrs. Bailey: Mr. Chairman, Mr. Leming, the… because there is a request for two drive-throughs for pharmacies, it seems to be a little bit unusual. Could you elaborate on that?

Mr. Leming: Well, as I think most of you know, there is an existing pharmacy on the property that has a right that they can exercise, if they so choose, to stay on the property. That's why that building is still there. The grocery anchor is… if you're at all familiar with negotiations with anchors in shopping centers, they pretty much tell you what they want. And you go with that if that's what you want. And this anchor desires a pharmacy and a drive-through for that pharmacy. So, that's pretty much the bottom line for the developer.

Mrs. Bailey: The anchor grocery store, there is currently a theater there so is that theater building going to be completely torn down?

Mr. Leming: Yes, the grocery store would be a new building.

Mrs. Bailey: And would it go in approximately the same location?

Mr. Leming: Approximately the same location as the existing theater. Yes, larger.

Mrs. Bailey: And I ask that question because on that side of the property, you have the fire station, you have the retention pond, so there looks like there would be less of an impact to some of the neighbors in Aquia Harbour.

Mr. Leming: Yeah, the larger portion is going to expand mainly to the north rather than in the other direction.

Mrs. Bailey: Okay.

Mr. Leming: Yes, it'll come out further to the west and somewhat further toward Aquia Drive… or Washington Drive.

Mrs. Bailey: Okay, that's all I have.

Mr. Rhodes: Very good. Other questions? Mr. Gibbons.

Mr. Gibbons: Yes, what is the square footage of the anchor?

Mr. Leming: Do we know that? Come on up and introduce yourself.

Mr. Smith: Darren Smith with Bohler Engineering. The anchor is about 76,000 square feet.

Mr. Gibbons: Seventy-six?

Mr. Smith: Yes.

Mr. Rhodes: Okay, very good. Other questions for the applicant? Okay, very good; thank you very much.

Mr. Leming: Thank you all.

Mr. Rhodes: At this time I'll open up for public comment. If there's anyone… any member of the public who would like to comment on agenda item number 1, the CUP for the Conditional Use Permit for Aquia Towne Center, you may come forward and do so at this time. When you do, you would state your name and your address, and then the green light will come on with 3 minutes, yellow light with 1 minute, and red light would be the end of the time. Anyone? Very good. I'll close the public comment portion of the public hearing and bring it back in. Are there further questions for staff or applicant or other discussion?

Mr. Gibbons: I'll second Mrs. Bailey's motion.

Mr. Rhodes: Mrs. Bailey, this is in your district.

Mrs. Bailey: Yeah, I would like to make a motion to approve CUP15150778 with the amended wording of condition number 2.

Mr. Rhodes: Okay, there's a motion and seconded by Mr. Gibbons. Just to confirm, this is just amended, this is not new information received tonight since it was just rewording?

Ms. McClendon: Mr. Chairman, this is a condition imposed by the Planning Commission.

Mr. Rhodes: Oh, that's true; thank you very much. Okay, so with the amended wording. I always get that backwards. Okay, so there is a motion before us. Is there further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Further comment Mr. Gibbons? Any other member? I will say I will miss the movie theater. I like the movie there; I'm very sad, but that's okay… if this goes forward. With that, we have a motion before us to recommend… recommending forward to the Board of Supervisors that they approve the Conditional Use Permit for Aquia Towne Center for CUP15150778. All those in favor of the motion 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. Good luck to you.

Mr. Leming: Thank you.

Mr. Rhodes: Thank you very much. With that, we're going to move onto item number 2… well, I assume we will do 2 and 3 together?

2. RC15150710; Reclassification - North Stafford Office Complex Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcels 19-31A, 19-31B, 19-31C, 19-32, and 19-32A, consisting of 21.42 acres, zoned B-2, Urban Commercial Zoning District, to modify the site layout as described below. The property is located on the south side of Garrisonville Road and east side of Furnace Road, within the Rock Hill Election District. **(Time Limit: November 24, 2015)**

3. CUP14150319; Conditional Use Permit - North Stafford Office Complex Retail Food Store - A request for a Conditional Use Permit (CUP) to allow a drive-through facility within the HC, Highway Corridor Overlay Zoning District. The drive-through facility is proposed for a retail food store on Assessor's Parcel 19-31B, and a portion of 19-31A and 19-31C, which is zoned B-2, Urban Commercial and under concurrent consideration for a proffer amendment. The site consists of 4.44 acres, located on the south side of Garrisonville Road approximately 700 feet east of Furnace Road, within the Rock Hill Election District. **(Time Limit: November 24, 2015)**

Mr. Harvey: Yes please.

Mr. Rhodes: Okay, very good. So items number 2 and 3 Mr. Harvey?

Mr. Harvey: Again, Mr. Chairman, please recognize Mike Zuraf for the presentation.

Mr. Rhodes: Thank you very much.

Mr. Zuraf: Okay, with items 2 and 3, just as I'm going through the presentation, you also did receive two new handouts tonight for these; one for item 2 and one for item 3 at your desk, that I'll refer to as we move along. These two items are for the North Stafford Office Complex Retail Food Store drive-through. This is associated with a reclassification, specifically a proffer amendment and a conditional use permit. The reclassification is an amendment to proffered conditions on Parcels 19-31A and 31D, an area covering 21 acres. The conditional use permit is for a drive-through facility within the Highway Corridor Overlay District on a portion of 19-31A, a 4.44 acre portion. The site is zoned B-2, Urban Commercial, and the applicant is Chris Hornung. The location of this site is highlighted in red. The site itself is on the south side of Garrisonville Road and east side of Furnace Road, and also a street within Vista Woods, High Street, stubs into the site as well. Adjacent to the site, to the south and east and southwest is R-1 zoned land that makes up a portion of Vista Woods subdivision with single-family detached homes. To the west you have some A-1 zoned property with rural residential homes. To the north and west is more B-2 land; these are portions of the North Stafford… the office complex in that location where there's some commercial uses fronting on Garrisonville Road. And then other properties to the north, on the opposite side of Garrisonville Road, include more rural residential homes, and a B-1 zoned property where the Comcast office is located. The conditional use permit is a smaller area, as mentioned, highlighted in blue within the larger site. This overall site was rezoned from A-1 to B-2 in 2004 with proffers. The original development scheme here reflected more of a planned office complex with some smaller amount of retail. No development has occurred on the property since then. In early 2014 the proffers were amended to modify the pad site alignment and access points, internal traffic patterns, and building standards. This was also included with a conditional use permit for the development of a Sheetz vehicle fueling station and convenience store which is now under development on the corner of Furnace Road and Garrisonville Road. Here's the aerial view of the site. It's a planned… the planned Sheetz gas station is at the northwest corner as mentioned. The remainder of the site currently is undeveloped. There is rolling terrain, primarily open fields, there's a farm pond that's in place, and to the south there is a perennial stream with 100-foot CRPA buffers, and 100-year floodplain along that stream. So now, looking at the proffer amendment, in late 2014 the proposal for the retail food store originally came in and was reviewed by the Planning Commission, and was on its way to the Board. But at the time, the proposal was put on hold. There was a desire to relocate the store location. So the new site that was chosen conflicts with the proffered open space park which has not been built yet. And so the proffers need to be amended to relocate that park. This image shows the current proffer exhibit that identifies the proffered park location in the center of the site. Proffer 3 references the access points and internal street layout as required to follow this exhibit. And proffer 9 requires the park location that is included on this exhibit that's referenced in proffer 3. So with the relocation of the retail food store, the applicant is proposing to relocate the proposed park, and this is a new proffer exhibit that highlights the new location, slightly modifies the internal street network, but the access points into the site do not change. With the relocation of the park, it moves 200 feet to the northwest. The new location is still centrally located in the site providing access to the surrounding businesses. This would be a 10,000 square foot park size; that's the amount that has been retained and was always proposed as the area of the park. There are other changes to proffers 2, 7, 9, and 14 that include a minor text reformatting and spelling corrections. In the change to proffer 7, it was discovered that this had an effect on the already approved and developing Sheetz site, with the change to say office… that sprinklers would be required in office and commercial buildings that would bring the Sheetz site under

this requirement. And the Sheetz building is not planned or designed to include sprinklers. So, under this amendment, it would require it for buildings in excess of 10,000 square feet, thus not applying to the already developing Sheetz store. So this is the additional modification to the proffer that you received tonight. With the evaluation of the issues with the proffer amendment, it's in conformance with the Comp Plan, maintains the original proffered community amenity. Staff doesn't see any apparent negative impacts and recommends approval of this request pursuant to Ordinance O15-32. And moving right along to the Conditional Use Permit issue, this also, the Planning Commission public hearing for the same proposal originally was conducted in October of 2014. And moving the site of the store to a new location required a new public hearing with the Planning Commission. This was the original site of the store as was considered back in October of last year. This is the new location which relocates the site and moves it away from High Street, the High Street and residential properties there, and forwards it to 610. So, for a comparison of the change, I put together this image that shows, in red, the original site area; the blue highlights where the store was located and the parking lot in orange, and you can see, underneath it, in black and white, the new store layout. The GDP shows the same size building as before, 41,912 square foot single-story retail building. The majority of the parking area is located in the front northeast corner of the store. A drive isle surrounds the building to provide access to loading areas. There are two full service access points via the internal street network out to Garrisonville Road and to Furnace Road. The drive-through window is now located on the southeast side of the building. There's one stacking lane, 150 feet in length, and the vehicles would enter from the drive isle on the side of the store. Adjacent to the drive-through is a grocery pick-up area with pass-through lanes and parking spaces to serve that use. Now the drive-through area is on the same side as the closest residences, but that the site is 240 feet farther away. There are existing proffers that will require installation of a privacy fence and double row of evergreen trees, which should mitigate visual and noise impacts. And we have additional conditions that we'll get to that further address this issue. Again, the main idea of a Conditional Use Permit for a drive-through is to avoid negative impacts on a corridor highway from vehicles stacking out onto Garrisonville Road. Given the location of this drive-through setback, a good amount from Garrisonville Road, staff doesn't believe there would be any impacts. Also, the facilities intended for pharmacy uses -- staff's recommending a condition to limit the drive-through to pharmacy uses which would also lessen the impact. The building design has been included as part of this request which is similar to what was provided. I don't know if the Planning Commission saw this before, but it was worked out before it was going to be going to the Board late last year. So, these are the images that are proposed for this store. Due to the location within the Highway Corridor Overlay District, the buildings need to conform with the Neighborhood Development Standards, which is an element of the Comp Plan, and this includes Architectural Design Standards. The design of the building was modified to conform with the County's Neighborhood Design Standards plan. Many details of the proposed building are consistent with that plan. The conditions proposed are limit the use to drive-through facilities for a pharmacy; they require that to orient the drive-through facility as shown on the General Development Plan; coordinate design of the canopy with the building and recess canopy lighting; prohibiting carnival style banners, balloons, and other attention-getting devices; require building façades consistent with submitted elevations; require the installation of a double row of evergreen trees to screen loading areas that's in the back of the site; and installing conduits for future traffic signals at the Garrisonville Road entrance. This was added in when the Planning Commission originally considered the issue back last year. Now, there was some follow-up discussion about the impacts of the drive-through on the residences off of High Street. Two additional conditions were proposed to require that the volume of any loud speakers will be maintained so they are not audible from the adjacent residential properties. And then, to ensure that the buffer gets installed, that as part of the transitional buffer the applicant shall construct a solid privacy fence and plant a double row of evergreen trees along the properties boundary with the residential lots fronting on High Street prior to occupancy of the grocery store. And this is what was included in the amended resolution that you received in front of you at your

desk tonight. With positive aspects, staff believes it's in conformance with the Comp Plan, consistent with the established and proposed development patterns, and conditions intend to mitigate impacts to surrounding properties. Staff doesn't believe there are any apparent negative impacts and recommends of approval of the resolution with the modified conditions.

Mr. Rhodes: Questions for staff regarding the proffer amendment or the conditional use permit? Mr. Gibbons?

Mr. Gibbons: Mr. Chairman, I'd like to make a request when the developer comes up, that the privacy fence be put in so it blocks it during construction, if they would do that.

Mr. Rhodes: Okay, very good. Other questions? Yes, please Mr. Coen.

Mr. Coen: Yes, Mr. Zuraf, just a couple real quick questions. I remember this one, particularly because I kept going on about turning in from Furnace Road with trucks. Do I understand that by moving the grocery store over, that now the pad site that's closest to High Street could actually be theoretically closer to the homes than the initial grocery store was?

Mr. Rhodes: Computer please.

Mr. Coen: And we had gone through double rows of trees, etcetera, and all that's negated now?

Mr. Zuraf: No, that proffer still applies and this new condition would require that that buffer to be installed before this store is occupied.

Mr. Coen: Okay. Second question, and this is really one of I think Mr. English's favorite questions. But in proffer number 12 about delivery hours, I noticed it's gone… the blue edition is 7 o'clock, so which would make me think that the initial one was 7-something other than o'clock.

Mr. Zuraf: No it was just really written in as 7 a.m. when it should have been… yeah, yeah. It was always 7 a.m.

Mr. Coen: Alright. Just looking out for you Mr. English. And then lastly, what's the purpose of the park? And the only reason why I ask that is because with the 18-wheelers coming in and loads of traffic, anybody going westerly on Garrisonville Road will have to go down to Furnace and come in one of those two entrances to get to said grocery store and/or the Sheetz and/or whatever those pads will be. I'm not sure it's going to be very safe for people to just sort of meander to a park. So I'm just curious…

Mr. Rhodes: It's to support all the office buildings.

Mr. Zuraf: It was a carryover from when this was envisioned as an office park, that the park would be a spot for the employees. But this could still be a spot for the employees of the retail stores.

Mr. Coen: So it's just to eat lunch or something.

Mr. Zuraf: Yeah.

Mr. Coen: Okay. Thank you.

Mr. Rhodes: Other questions for staff? Applicant please.

Mr. Hornung: Good evening Mr. Chairman and members of the Planning Commission. My name is Chris Hornung and I'm with the Silver Companies, which entities of the Silver Companies own the Furnace 610 entity. This is the same project that we brought to you last fall. Unfortunately, from the time you heard it to the time it was on its way to the Board of Supervisors, our tenant started looking at the overall layout and decided they would prefer a different location on the site. So we spent several months redesigning where they would be located and have come up with what I believe is a much better design for this particular use on this property. It has moved it closer to the corridor highway which is 610, but it has moved it as Mike pointed out further away from the residential area on the side. During the last hearing, some of the major issues that were brought up were the architecture. And the architecture before you is essentially the same that we discussed and worked through in the last session, except for there are some minor color modifications that I think work better. The drive-through configuration, which we believe is now a much better design, and it functions more efficiently than the one we discussed at length last time. The neighborhoods adjacent to the property we believe are better protected and the traffic circulation of the project works better as well. The proffer amendment… really, the goal of the proffer amendment was to clean up some language that didn't make a lot of sense. So the 7… it said 7 a.m., we changed it to 7. While we were there we cleaned up some things. There was one oversight in that I was actually trying to make the proffers more restrictive by saying instead of just commercial office buildings, that commercial and office buildings would provide sprinkler systems in them. I thought that the office/commercial… calling out office/commercial was confusing because I'm not really sure if that's an office building or commercial building or what it is, and in changing that to provide you with more protection, the County with more protection, I inadvertently forgot that Sheetz was already under construction and under that. So, what we have proposed is limiting that to 10,000 square feet which would exclude the Sheetz from that requirement. A couple other things that have happened since we have met with VDOT on the new intersection that is being proposed opposite Keystone Drive; VDOT has looked at our traffic analysis and on our warrant study. And according to VDOT they will approve a traffic signal, a new traffic signal at that location. The timing of it, it will have to meet warrants, will most likely be and we believe it will be at the same time that the grocery store opens. But VDOT's specific requirements have to do with the actual number of turning vehicles and that will either come with the grocery store or with the grocery store and one other user, which we're working on and we believe will happen at the same time. So we do… we will install the signal. The previous proffer condition said that we would install the conduits. With this project, at a minimum, we plan to actually install the signal and then make it active once the warrants are met and VDOT allows it to be activated. On the buffer along the residential side, we are, Mr. Gibbons, willing to go ahead and put that up at the start of construction. The one thing we would ask is that the landscaping portion of that buffer not be installed until later because, with the building comes the irrigation system needed to make sure that survives. So we're willing to go ahead and put up the fence right away and would like the landscaping to follow.

Mr. Rhodes: So we would just modify 11 so that after the fence it would say, prior to site construction, and then it would go on to say, and a plant of double row evergreen trees prior to occupancy.

Mr. Hornung: That would be our preference, yes sir. The… hold on a second… the parks and recreation proffer, or the park proffer, it was a proffer that was in there. We did not want to go back and ask you to eliminate a proffer that was there before. Candidly, this type of a park, if not well-maintained, becomes a place where trash accumulates and people hang out that you may not want there. We're willing to go ahead and put the park in, to plan it, to put seeding, to maintain it with the property owner's association as sort of a respite in the middle of the center. If that's not the Board's wish, we're

willing to make a donation to the County's Parks and Rec in lieu of that, if that would be your preference. But we're committed to moving forward with what we had originally proposed if that's the Commissions' desire.

Mr. Apicella: So, what would that look like?

Mr. Hornung: What would that look like? What would the park look like?

Mr. Apicella: No, what would the donation look like? Can you be a little bit more specific?

Mr. Hornung: You know, I would say we're probably… if we're looking at the construction cost of that and the ongoing maintenance, probably somewhere in the neighborhood of $10-15,000. With that, I'm ready to answer any questions. Hopefully I've got the ones you (inaudible) earlier.

Mr. Rhodes: Thank you. Questions for the applicant?

Mr. Gibbons: I want to make sure now, Chris, what you just said. You'll put the park in, seed it, and the property owners will maintain that.

Mr. Hornung: That's correct.

Mr. Gibbons: And then we can let the Board take a look at it, right?

Mr. Rhodes: Yeah, the Board can… yeah, I think that would be something the Board would decide if they wanted to do something different. Questions for the applicant? Very good, thank you. So at this time, we'll open up the public comment. If there's any member of the public that would like to speak on this item, items number 2 or 3, you may come forward and do so at this time. See no one race down the aisle, we will close the public comment portion of the public hearing and move it back to the Planning Commission.

Mr. Gibbons: Mr. Chairman, I move for RC15150710.

Mr. Rhodes: Okay, so motion to approve the… that was the proffer amendment.

Mr. English: Second.

Mr. Rhodes: Second by Mr. Gibbons. Further comment Mr. … excuse me, second by Mr. English. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mr. English? Any other member?

Ms. McClendon: Excuse me Mr. Chairman, you've received new proffers at the dais tonight that the Planning Commission needs to act on first if you'd like to proceed.

Mr. Rhodes: Thank you very much. Okay. So we first need a motion to accept the new information that was received tonight to be able to act on it.

Mr. Gibbons: So moved Mr. Chairman.

Mr. Rhodes: Okay, so we're going to put the other one aside and move to accept the new information which was the proffer amendments by Mr. Gibbons.

Mr. English: Second.

Mr. Rhodes: Second by Mr. English. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Further comment Mr. English? Any other member? All those in favor of the motion 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. So we're now willing to operate with the proffer amendment that we received tonight. And now, Mr. English… I mean Mr. Gibbons -- I want you all to do this differently -- Mr. Gibbons, so you have a motion to recommend approval of item number 2, RC15150710, so seconded by Mr. English. And further comments, Mr. Coen.

Mr. Coen: Yeah, I just wanted to thank the applicant for, even after we voted, you've addressed almost everything I crabbed about a year ago. So thank you very much.

Mr. Rhodes: Very good. Any other comments? Okay, just to clarify, Mr. Gibbons, your mot… I'm sorry, I was almost to the Conditional Use Permit; I'm jumping ahead. So, there is a motion here to recommend approval of the Reclassification, North Stafford Office Complex Proffer Amendment, RC15150710. 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 opposed; passes 7-0. We're now onto the Conditional Use Permit.

Mr. Gibbons: I'll move for CUP14150319 sir.

Mr. Rhodes: Okay, so that's a motion for the CUP as stated with the modified language that we discussed, which was to insert into that first sentence of item number 11, prior to site construction, after the word fence and before the word and. So there's a motion, second by Mr. English. Further comment Mr. Gibbons?

Mr. Gibbons: Yes sir. I'd like to thank the staff for the outstanding redesign of the drive-through. This will be one of the first ones in Virginia that you can go online and order your groceries, then pick them up on the way home.

Mr. Rhodes: Very cool. Mr. English? Any other member? I do like a lot of aspects about where they did move it, so it worked out pretty well. Okay, all those in favor of the motion which is to recommend approval of Conditional Use Permit CUP14150319, with the modification to proffer number 11 as was stated tonight, 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; passes 7-0. Good luck on that one.

Mr. Hornung: Thank you.

Mr. Rhodes: With that we're going to move onto Unfinished Business, which is item number 4 or… I guess 4 and 5 together for the Stafford Commons Retail Center. We had a reasonable deferral last time because we were waiting for VDOT comments. And I know that that's probably an issue still, which is fine, but we do want to get an update on just where things stand. So this will be helpful tonight. Mr. Harvey.

UNFINISHED BUSINESS

4. RC15150498; Reclassification - Stafford Commons Retail Center - A request for a reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial complex including a bank, restaurant, and retail building on Assessor's Parcel 39-13. The property consists of 0.50 acres, located on the

west side of Jefferson Davis Highway, approximately 1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: September 8, 2015) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015)**

5. CUP15150499; Conditional Use Permit - Stafford Commons Retail Center - A request for a Conditional Use Permit (CUP) to permit up to three drive-through facilities within the HC, Highway Corridor Overlay Zoning District. The drive-through facilities are proposed for a bank, restaurant, and retail building. The site is on Assessor's Parcels 39-12 and 39-14, which are zoned B-2, Urban Commercial, and Assessor's Parcel 39-13, which is the subject of a concurrent rezoning request from the A-1, Agricultural to the B-2 Zoning District. The site consists of 10.45 acres, located on the west side of Jefferson Davis Highway, approximately 1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: September 8, 2015) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015)**

Mr. Harvey: Thank you Mr. Chairman. Erica Ehly will give the staff update.

Mr. Rhodes: Great, thank you.

Ms. Ehly: Good evening Mr. Chairman, members of the Commission. If I could have the computer please? As a reminder, the subject property consists of approximately 10½ acres and is located on the west side of Route 1 approximately 1,100 feet south of Hospital Center Boulevard, with the Hartwood Election District. The applicant is requesting a reclassification from A-1 to B-2 of Assessor's Parcel 39-13, which is approximately one-half acre in area, and a Conditional Use Permit on Parcels 39-12, 39-13, and 39-14, to allow three drive-through facilities within a proposed commercial retail center in the Highway Corridor Overlay District. The drive-through facilities are identified as a bank, a fast food restaurant, and a pharmacy. The applications have been deferred since… deferred twice since the June 10th public hearing. During the interim period, the applicant has met with staff, representatives of VDOT, and Commissioner English to discuss issues related to site design and to potential impacts of the proposed development on the transportation network, fire and rescue facilities, and natural resources. Although the applicant has requested a 30-day continuance for these applications, a revised GDP, proffer statement, and impact statement have been provided to the Commission, and the relative changes have been described in the staff report. Also, I understand from the applicant that additional revisions to the site design are being contemplated, and an alternative entrance design concept has been submitted to VDOT, which is different than depicted on the revised GDP. The applicant is here this evening and can describe those in greater detail. Also, I can go forward with an overview of the status of the initial staff recommendations, if it is the desire of the Commission, although these may change or be addressed further in forthcoming submissions.

Mr. Rhodes: I don't know what the others are, I think it might be helpful just to do a real quick run-through of those just to keep us flowing as we go into the next sessions and assess this further so we can just see the evolution of this.

Ms. Ehly: Okay, Mr. Chairman. The June 10th staff report for the public hearing provided several staff recommendations regarding the applications. As you may recall, the VDOT second review comments found the TIA lacking primarily in addressing the denied entry of vehicles, which means that the transportation network was unable to absorb 337 trips during the AM peak hour and 2,203 trips in the PM peak hour, and Saturday traffic was not addressed. Staff requested that the application reflect the necessary mitigation measures recommended for this development. The applicant has proposed a

redesign of the entrance, as depicted on the revised GDP, and provided a supplemental analysis to VDOT related to the redesign of the entrance. These are both currently under review by VDOT and comments are expected prior to September 15th, which is the statutory deadline for VDOT review. The applicant has also included proposed cash proffers toward offsite improvements, and estimates were submitted to staff regarding those. Staff has requested additional detail in order for the transportation division to complete the review of the estimates. Staff also recommended the submission of an access and internal circulation plan. The applicant has stated that a plan will be submitted at site plan review and that connectivity to and the construction of the proposed sidewalk on Route 1 will be proffered. Staff recommended the revision of the GDP to address safety concerns regarding circulation congestion in the area of the entrance drive-aisle, including coordination with the transit service provider at the design stage. The revised GDP depicts that the entrance has been redesigned to a right-in/right-out/left-in only and the potential conflicts that were identified within the proposed drive-aisle were addressed by: relocating the parking outside of the entrance drive-aisle; the transit stop has been relocated further into the site within a pull-off area; parking was removed from both sides of the entrance drive-aisle; the entrance has been revised to a single egress lane and the GDP reflects the required 35-foot minimum throat length; VDOT did provide preliminary comments regarding the entrance design which was included in the backup documents for the Commission. These comments could potentially require a redesign. Fire and rescue initially requested that the applicant limit the maximum height of structures to two stories, prohibit open burning onsite, and require the provision and maintenance of an automatic fire sprinkler system for the proposed 13,000 square foot building. Proposed conditions include a maximum limit of two stories and prohibition of open burning; that the conditions will be revised to be consistent with the revised recommendation of Fire and Rescue for the incorporation of non-combustible building construction, coupled with a fire sprinkler system and standpipe system to occur for buildings more than three stories in height if the two-story limitation would not stand. The applicant has stated that it was not feasible. And the proffer statement limits height to 35 feet but introduces the possibility of a 65-foot hotel and a 4-story building. So, that was kind of convoluted there; I hope that was clear. Staff recommended the revision of the GDP to show minimum required number of parking and loading spaces. The applicant revised the GDP to remove 23 parking spaces. Staff still considers the site over-parked and is recommending a condition to limit parking to the minimum required parking for the proposed uses on the site. Staff recommended increased landscaping, including additional canopy trees to help mitigate the clearing of approximately 7 acres of forested area. Increased landscaping is not reflected in the proffer statement or the GDP. Staff recommended the revision of the GDP to reflect the avoidance of slopes 25% or greater. The proposed conditions do include that slopes greater than 25% will not be disturbed in the location of RPA and manmade slopes will not be greater than 25%. Staff recommended the submission of an evaluation regarding potential existence of threatened or endangered species or related habitat. An evaluation has not been submitted. Staff recommended a proffer statement and condition that identifies specific elements from the neighborhood development standards in the Comprehensive Plan that will be implemented in the proposed development. The proffer statement addresses building exteriors and signage but not screening, landscaping, parking, lighting, and the provision of amenities in commercial centers such as bicycle parking and benches. Those are recommended by the Neighborhood Design Standards that would be applicable to this development. Staff also recommended a revised GDP and proffer statement that identifies the required right-of-way dedication of 67½ feet for Route 1. This has been reflected in the proffer statement conditions and GDP. And, finally, staff recommended a proffer statement that includes the completion of a Phase 1 cultural resource study if evidence of historic resources is found during site development activity. This has not been included in the proffer statement but it is included in the proposed conditions. And the revised GDP that was submitted also identifies an additional future inner-parcel connection at the northern property boundary. This was requested by VDOT. The existing entrance to Cavalier Skating is

shown, including right-turn lanes which was requested by VDOT, and the minimum 67½ feet of dedicated right-of-way is shown on Route 1.

Mr. Rhodes: What is the… back one slide? What is the left lower red circle?

Ms. Ehly: That is the 67½ feet right-of-way.

Mr. Rhodes: Oh, I see. Thank you.

Ms. Ehly: And that's a summary of the status of the (inaudible).

Mr. Rhodes: Very good. I just, again, I know that there's… I know from Mr. English there's been a lot of work with the applicant and they're trying to work to address many sometimes competing different aspects of this. And so I understand from (inaudible) that there'll be more iterative dialogue going on, but I thought it would be helpful to just be up to date with what's transpired so far. Are there particular questions for staff before we have the applicant come forward? Please Mr. Coen.

Mr. Coen: And I sent some questions and staff was very excellent, as always, in getting them. I'm just curious, and we can keep the map up, is the parking layout set up for a multi-story hotel or would that require a different type of parking arrangement? You know, I don't know that you know that… I'm not trying to make you… but that's one thing that pops into my head is that if this was planned with one thing in mind and now we're saying theoretically it could be something different, that would necessitate more parking spaces. So, that's just something for you or Mr. English to ask at some point. Thank you.

Mr. Gibbons: Maybe we could put a park in there.

Mr. Rhodes: Yeah, that was actually… and I'm going to ask the same or make the same statement, just slightly different form. My reaction, when I was hearing the staff comment about to the minimum number of parking spaces necessary, was I was curious if that is based on the maximum potential use of all the current pad sites or of the location. How did you come up with a minimum number of parking spaces I guess was the question?

Ms. Ehly: Mr. Chairman, the minimum number of parking spaces wouldn't necessarily be related to this GDP. The applicant is not proffering the GDP. They are proffering parts of it. So, the condition is contemplated to limit parking to the minimum required parking for whatever the uses are that are proposed…

Mr. Rhodes: Oh, okay.

Ms. Ehly: … at site plan review. And that would be consistent with the Chesapeake Bay Act.

Mr. Rhodes: Gotcha. Okay, any other questions for staff before we have the applicant come up?

Mr. Apicella: Mr. Chairman… when was VDOT asked to review their revised transportation approach?

Ms. Ehly: Mr. Chairman, Mr. Apicella, I believe it was July 31st.

Mr. Apicella: And how long do they have?

Ms. Ehly: They have 45 days. VDOT has 45 days.

Mr. Apicella: So that would take us to where…?

Ms. Ehly: September 15th, 14th.

Mr. Apicella: And what is a reasonable amount of time for both staff and the applicant to review and react to VDOT comments, not knowing what those comments might be but especially in light of the comment in the staff report that it might require another change to their transportation proposal? Because the request says they want a 30-day extension; seems like we'll be back at this point again revisiting another possible extension. So, why don't we at least contemplate our reasonable timeframe now rather than having to keep looking at this and revising the deadline?

Ms. Ehly: Mr. Chairman, Mr. Apicella, I did speak with the applicant… the applicant's representative today and that was discussed, that the timeframe might be extended… the request for a continuance might be extended because 30 days doesn't seem reasonable.

Mr. Apicella: So, again, from your perspective as the lead on this, what do you think is at a reasonable extension timeframe? I know it's not going to be precise and we may still have to revisit it but just so that we're not, again, the next time we meet on this, having to once again try to push the can down the road.

Ms. Ehly: Mr. Chairman, Mr. Apicella, unfortunately, the timeframe depends upon the submittal. And the quality of the submittal and whether it addresses all of the issues. And then how many comments we get from VDOT.

Mr. Apicella: Okay, let me try to take a different (inaudible) here. Do you think, again, not knowing how VDOT is going to respond, that 60 days might be more reasonable and rational than 30 days at this point in time?

Ms. Ehly: Mr. Chairman, Mr. Apicella, certainly 60 days would be more reasonable than 30.

Mr. Apicella: Thank you.

Mr. Gibbons: Why don't you make that a motion?

Mr. Rhodes: Well, we'll have the applicant come up in just a moment. Any other comments for staff? Okay, thank you very much. Applicant please.

Ms. Karnes: Good evening Planning Commissioners, Chairman, and staff. My name is Debrarae Karnes and I'm here again to present this case, Stafford Commons, which proposes a rezoning to B-2 for a half-acre site and a Conditional Use Permit for three drive-through uses. Mr. Coen sent a question to the Planning Director yesterday and said, what has changed? And this gives me my opening. And the first thing I want to tell you is what has not changed, which is no VDOT comments. What I'd like to do is outline the different transportation approaches just to bring you up to date. And before I finish, I'll talk about the probable best time for the deferral, if that's okay. Now, just to give you a rough summary of where we are, we first proposed a full signalized entrance. And that was our first submission. VDOT did not like that proposal. They oppose a signal at that intersection because of the existing signal at Hospital Center plus the planned signal at what South Campus. We then went back to the drawing

board, identified the biggest problem was associated with left-turns out. We came out with a revised access; right-in/right-out and left-in, but no left-out, which substantially improved LOS. I'm not saying it fixed everything, but it was a substantial improvement. And we're waiting for VDOT's comments. The one issue was there will be U-turns. And when we met with Commissioner English, and I don't want to brownnose here, but the great thing about meeting with Commissioner English is he gave me his comment right away rather than chasing it for 45 days for comments. He said, "you're fix for the U-turns is too far away. I want to stop the U-turns at an earlier point in time." We went back to the drawing board and we've now come up with a revised plan that we ran informally by VDOT by email yesterday. And that is a little bit more unique. Two unsignalized entrances separating the left turns in and the left turns out which the traffic engineer tells me preliminarily solves the earlier problem. He's got to do more study. But it's an option we wanted to look at in order to present the Planning Commission with all of the options available. By the way, if we went with that option, that's going to mean some more interior site design. So that's where we are right now, asking you for another postponement, number one, to get the VDOT comments, and number two, to explore this third potential access. In the meantime, as you've heard, we've continued meeting with staff and with Commissioner English. We worked through a lot of things on the site. There's still other things on my computer that we've agreed to change that we haven't yet reflected in the proffers, including a sidewalk from the interior of the site to Route 1; including blocking in the internal access arrangements; and even meeting with the Fire Marshal. A question arose on parking. I understand the… well, first of all, parking is mainly a site plan issue. You don't know how many parking spaces you need until you know your uses. The engineer calculated parking based on parking demands for the uses he believed would be there, even though we don't have them locked in. So, the number and location of parking spaces we will continue to work on. Same deal with the Fire Marshal. The Fire Marshal wasn't so much concerned about a 6-story hotel in that the building code is going to require all the bells and whistles such as fire suppression systems. Nor does he care about 2-story and under buildings. So we're going to continue working with him to see what we can negotiate with him to achieve the fire protection assurance that he wishes. When I wrote the request for deferral, I was still thinking at that point we were going to be dealing with the second alternative option. And now we have a third option that we wish to consider. That is going to take us at least 60 days in order to get everyone's comments, see if we can obtain consensus, and give you the best possible plan. I think… I haven't dealt with every issue addressed by staff and I'll be more than happy to answer questions, but I think that is a good summary of where we are. And so we'd like to request deferral to give us a chance to work out this access issue.

Mr. Rhodes: Okay. Questions for applicant?

Mr. English: I was going to recommend 90 days. Is that too long?

Ms. Karnes: It's no problem.

Mr. Rhodes: Okay, so, I knew what 60 was, doggone it.

Mr. English: Just add 30 to it.

Mr. Rhodes: Ah, smart aleck. So, why don't we… I don't know what we're going to do with our second session in November, so about 75 days is the 11th of November. That is our first session in November. Is that what we're talking about here? But 90 would take us to the day before Thanksgiving and, do we even have a meeting even scheduled then?

Mr. Coen: It's the 18th.

Mr. Rhodes: I think we modified it. Oh, is that what we did? We split the difference? Okay, so the 18th, I'm sorry. Okay, so 18th of November; is that where we're…?

Ms. Karnes: I'm wondering if it makes sense to have it read no later than 90 days. And so if we do work out things before then, we can…

Mr. Rhodes: Thank you. Because I was going to also throw out the point, the thought that maybe we put it on the agenda for the 28th of October; at least get an update if nothing else.

Mr. English: That's fine.

Mr. Rhodes: And then, if we've still got more to go, we've got another session in there. So that would be a willingness to extend the… do we have a deadline on this?

Mr. Gibbons: Oh, if she extends, you don't have a deadline.

Mr. Rhodes: Yeah, no. So she has a willingness to extend the deadline to at least 18 November but maybe we put it on the agenda for 28 October.

Mr. Apicella: May I propose an alternative Mr. Chairman? Which is for a period of up to 90 days. And if they're ready to go even before October 28th, it probably won't happen, then they could go before October 28th. Let's not wait until the 28th if it's possible to proceed forward. But it gives them the maximum amount of time.

Mr. Rhodes: Don't we typically set a date when we're going to bring it back on the agenda? Or do we leave it open-ended?

Mr. Harvey: Mr. Chairman, typically the agenda reflects a deferred to date, if you're deferring something. We could always defer it to the October meeting and, if you need more time, ask the applicant and defer it again.

Mr. Apicella: So, kind of back to my point before about keeping… this is about managing expectations so the public is sitting here waiting for us to do something, waiting, waiting, waiting, and we keep kicking the can down the road. So folks might show up on the 28th expecting some significant resolution and we might not get there. Alternatively, again, they might be ready before the 28th.

Mr. Rhodes: So, but I don't know if we leave it open-ended, how we plan to decide to put it back on the agenda.

Mr. Apicella: Staff puts stuff on the agenda all the time. I'm not sure how this is different.

Mr. Rhodes: Well, those are times when the application actually gets filed and is (inaudible).

Mr. English: Yeah, I'm going to make a motion for the 18th of November.

Mr. Rhodes: Okay, there's a motion to defer this to the 18th of November by Mr. English, seconded by Mr. Coen. Further comment Mr. English?

Mr. English: Nope.

Mr. Rhodes: Further comment Mr. Coen?

Mr. Coen: No sir.

Mr. Rhodes: Any other member? I think that's a long time, but okay. All those in favor of the motion 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? So we were just deferring items 4 and 5 just for clarity to the 18th of November. Thank you very much Ms. Karnes and everyone.

Ms. Karnes: Thank you.

Mr. Rhodes: With that, we move onto New Business, item number 6, WAI15150774, The Glens, Section 7. Mr. Harvey.

NEW BUSINESS

6. WAI15150774; The Glens, Section 7 - A request for a waiver of the Subdivision Ordinance, Section 22-176(f), Private Access Easements (PAE), to allow a PAE in a major subdivision, on Assessor's Parcel 27-17, zoned A-1, Agricultural, located on the south side of Stefaniga Road, approximately 5,000 feet west of Mountain View Road adjacent to The Glens Section 6, within the Rock Hill Election District.

Mr. Harvey: Thank you Mr. Chairman. Please recognize LeAnn Ennis for the presentation.

Mr. Rhodes: Hello ma'am.

Mrs. Ennis: Computer please. Mr. Chairman, members of the Planning Commission, item number 6 is a waiver request for The Glens subdivision. It's located on Assessor's Parcels 27-17 and 17B. It's located on the south side of Stefaniga Road west of Mountain View Road and east of Poplar Road. The current zoning is A-1, Agricultural, and it consists of 173 lots. This is the aerial site; located here. And this is the location map that includes Parcel 17B and 17… a portion of 17, sorry. The applicant is requesting a waiver of the Subdivision Ordinance for Section 22-176 to allow a private access easement within a major subdivision and to serve more than two lots. Section 22-176(c) permits a PAE only in a minor or family subdivision, and (f) prohibits PAEs within major subdivisions altogether. The PC approved the preliminary plan in 2003 for 173 single-family dwellings on public water and private drainfields, with a minimum 3-acre lots, all served by public streets. On the southern side of the

subdivision proposed four lots with a public street named Bergamot Court. This section did not have any connectivity from the primary subdivision. The applicant is requesting to change Bergamot Court to a PAE where they are reducing the number from four to three lots. Parcel 17B was not part of the original preliminary plan but is being incorporated in the acreage of this proposal. Two of the proposed lots will have direct access off the PAE and the third lot is proposed to have access off Stefaniga Road and not use the PAE, although the PAE is going through it. The applicant stated that the reduction in the number of lots was due to poor soil conditions. The 23-acre site produced three conventional drainfields on the lots, so that's why they reduced the number of lots. Due to the reduction in buildable lots from the preliminary, the applicant met with VDOT about the street acceptability and maintenance of that long street, which was approximately a thousand feet long. It was over a thousand feet long; I don't know the exact number. And the proposed PAE is now like 500 feet. VDOT requires the streets to serve a minimum of three lots and has limitations on the length of the road that it would be eligible for maintenance. VDOT discussed the length of the roadway and how many lots it served for their maintenance with the applicant and suggested to the applicant requesting a PAE from the County. The PAE, as shown, would be considered to serve three lots even though the applicant indicated a restriction for the third lot access. Also, it was advised that the PAE and major subdivisions were prohibited. Therefore, staff advised the applicant for a waiver of both of the Subdivision Ordinance of (c) and (f). This is the preliminary plan. As it shows, it was supposed to be four lots going down through there and the length of the road. You can see on this subdivision that it comes straight off of Stefaniga Road. This is the PAE as they're proposing, in orange, off of Stefaniga Road. As you down here in the front, this right here is the driveway that they're showing. And the access easement goes through their property here and they do not have access coming off of it this way. So although it goes through their property, it's to serve this lot and this lot. The Subdivision Ordinance, Section 22-241, requires two conditions to be met for the PC to grant a waiver. The first condition would be if the changes would impose unreasonable burden on the subdivider, and second, that there would be no substantial adverse effect on future residents. Currently, there is no definition for unreasonable burden and it would be left up to the PC to determine that. The applicant indicated in the waiver request, which you have in your package, that construction of the cul-de-sac could lead to additional impacts to associated wetlands. Also, construction of the turnaround would impact the proposed drainfield on one of the lots at the end. The PAE's radius does not have the same VDOT standards for a cul-de-sac. So the radius at the end of the cul-de-sac is mainly on a private access easement is to obtain frontage for those lots. And it's for frontage; they're for looks. They're not actually constructed typically for the turnaround of a fire truck or anything like that. So, in a regular subdivision, the radius of a cul-de-sac is 55 feet from centerline… from the center point of the cul-de-sac and that's where you have the radius. So there's a turnaround for emergency vehicles or just vehicles.

Mr. English: So there's not going to be a cul-de-sac?

Mrs. Ennis: On paper, yes.

Mr. English: On paper, it is or isn't?

Mrs. Ennis: On paper it is.

Mr. English: There is going to be a cul-de-sac.

Mrs. Ennis: Yes. They need it for… well, okay. I guess there isn't a cul-de-sac but we are talking about it. So they're not going to put, I guess, the cul-de-sac in because of…

Mr. English: It dead ends.

Mrs. Ennis: Yeah.

Mr. English: Wow.

Mrs. Ennis: Sorry, I didn't mean to mislead you. Continuing on, if a waiver is granted, the effect on the future residents would be maintenance of the PAE. The cost and effort to the maintenance of the PAE would be the sole responsibility of the property owners to which it serves, so that would be the two lots. The one that it goes through does not, if this is granted this way, would not be required for maintenance of that road. If a public street were constructed as approved, the maintenance would be VDOT's responsibility. Granting the waiver would not only…

Mr. English: LeAnn?

Mrs. Ennis: Yes sir?

Mr. English: If VDOT said that they would take… would they require you to have a cul-de-sac?

Mrs. Ennis: Yes.

Mr. English: They would.

Mrs. Ennis: They can… VDOT will take three lots on a road. The original preliminary… you know, they had four and they could reduce… they lose one lot because they don't have a perk site. They could still take that road in. So VDOT still… just so you all understand, they still would take that road into the system because it serves three lots. They talked to the applicant, and because of the length of the road and there was some soil issues, I guess, and they didn't… VDOT really didn't want the maintenance of a long road like that. So that's why they asked them to seek the waiver from the County. So, granting the waiver would not have any effect on the adjoining property owners. If the PC decides to grant the waiver of Section 22-176 of the Subdivision Ordinance, staff recommends three conditions. Your report said two, but I talked this over with Jeff after the report was done. The driveway, staff would like the driveway to be a minimum of 18-feet wide to accommodate emergency vehicles -- two lanes; the driveway shall be paved with asphalt or concrete so it's not stone and there's no ditches or potholes and stuff to be maintained -- it's a little bit less expense in upkeep in the beginning from the homeowners; and as I talked to Jeff, I would rather see all three lots come off this PAE versus making the one come off of Stefaniga Road because of the site distance and the location of the PAE to the proposed driveway.

Mr. English: A question for you, LeAnn. Is this, this private road that we're talking about, so is this not part of The Glens?

Mrs. Ennis: Yes, it is part of The Glens. It just does not, you know that VDOT connectivity where, you know, you're intermingling? It is part of The Glens.

Mr. English: Okay, and if it's a private road, then the residents… who would be responsible? The three people that live on that road would be responsible? Or would it go back to the HOA to be responsible?

Mrs. Ennis: Yes. That was not in the… I assumed, how we had done all the other PAEs, is that it's by the people who lived off of it. Nothing came from the engineer. You could probably direct that but the HOA… there was nothing in the waiver request that said that the HOA would maintain that PAE.

Mr. English: So, is it possible that the HOA would pick that up? Or is that not an option?

Mrs. Ennis: Probably not because it's…

Mr. Harvey: Mr. Chairman and Mr. English, the applicant is here and he could address that directly.

Mr. English: Alright, I'm sorry.

Mrs. Ennis: Yeah, and you know, they could… do you want to talk to them about the preliminary? They could eliminate it from the preliminary plan.

Mr. Harvey: I'll get to that in a moment.

Mrs. Ennis: Okay.

Mr. Harvey: Mr. Chairman and Mr. English, I do want to point out that the third condition that LeAnn mentioned that she and I spoke about, the applicant has no knowledge of that. And we'd recommend if the Commission is inclined to approve it with conditions, that the applicant agree to the conditions. As Mrs. Ennis was talking about, the applicant has multiple alternatives here. Currently, this is part of a larger approved plan, so they could follow under their vested rights under that approved plan for The Glens. But state code changed last year, as you may all be aware, that basically says that a subdivider can sidestep the Planning Commission and the preliminary plan process for projects of less than 51 lots. So it could void out their prior approval and go with the current standards if they so choose.

Mr. Gibbons: You want to go over that one more time? How many lots does he have? One-seventy?

Mr. Harvey: The overall project was much larger, yes. Excuse me?

Mrs. Ennis: One seventy-three.

Mr. Harvey: One seventy-three. But this portion of that project itself is only three lots. So they could segregate this away from the prior approval and…

Mr. Gibbons: So, he's allowed to subdivide those three away from the mass?

Mr. Harvey: He could. Because it's physically separated today as it exists on the ground. So it's not physically incorporated into the rest of the overall neighborhood.

Mr. Apicella: And when you say we'd only have to meet current standards, what are those current standards?

Mr. Harvey: Well, it's part of what we're talking about today, is whether it's going to be a private road or a public road. Under today's VDOT standards, they're a little bit different than the standards that were approved at the time that this subdivision was done. I'm not exactly sure of all the details. I know VDOT will allow us a narrower road than they used to under certain circumstances. This might be

classified as one because it only has three lots served on it. So they may be able to take advantage of a smaller pavement width. There may be some other things that the current standards have that are a benefit or a detriment depending upon how the engineering is done and the cost.

Mr. Apicella: Mr. Chairman?

Mr. Rhodes: Yes, please.

Mr. Apicella: I'm not sure if LeAnn's finished.

Mrs. Ennis: No, I wasn't.

Mr. Apicella: Okay, go ahead.

Mrs. Ennis: Okay, I turned it off. Computer please. Maybe I was finished; I thought there was one more slide. If the PC decides to grant the waiver… oh, I already said that. Okay, ta-da. I'm done.

Mr. Rhodes: Now she's done.

Mrs. Ennis: I thought there was one more thing.

Mr. Apicella: Mr. Chairman, I do have some questions. So, I'm just trying to reiterate what I understand the County requirements to be. PAEs are only allowed under Stafford's ordinances for a family or a minor subdivision.

Mrs. Ennis: Yes sir, that's what (inaudible).

Mr. Apicella: And they're not allowed in major subdivisions, no matter how many lots are involved.

Mrs. Ennis: Correct.

Mr. Apicella: And, in this case, we're talking about three lots that would abut whatever road is put in place here, right?

Mrs. Ennis: Yes.

Mr. Apicella: Has the County granted a waiver of this particular requirement in the past?

Mrs. Ennis: Yes. We did a waiver with… the month before, Garrisonville Landing.

Mr. Apicella: Right. And was the cost of…

Mr. Gibbons: That was a different circumstance. That was (inaudible) 200-foot buffer back to the…

Mrs. Ennis: It was… I was just answering that yeah, we have a PAE in a major subdivision, yes.

Mr. Apicella: So, I'm saying… again, a little bit more clarity here… so was the cost of building a VDOT standard road the primary basis for approving the waiver in any of the previous cases?

Mrs. Ennis: No.

Mr. Apicella: What are the dimensions of the originally proposed Bergamot Court?

Mrs. Ennis: I didn't print out the email but the applicant might be able to clarify that a little bit more. But it was over 1,200 feet, because that was in one of the staff reports and we removed that link.

Mr. Apicella: And they designed that in their plan; that was what they wanted to do.

Mrs. Ennis: From their preliminary plan, yes. I did obtain that from the engineer, and then the proposed PAE was like 500 feet.

Mr. Apicella: Okay. So, again, originally in their proposal they were going to do a road that was 1,200 feet long, right?

Mrs. Ennis: Yes.

Mr. Apicella: In reading the staff report, a VDOT road to serve these particular lots would cost about $63,000 versus a PAE that would cost $46,000. Is that what I read (inaudible)?

Mrs. Ennis: That was provided by the engineer.

Mr. Apicella: Right.

Mrs. Ennis: So that was the engineer's request.

Mr. Apicella: But that was part of their application, and so there's a delta of a grand total of $17,000 of doing a VDOT standard road versus a PAE.

Mrs. Ennis: Yes, because Jeff did talk to the applicant and he did agree to… because most PAEs are not paved. So, and they're just gravel roads. So he's agreeing to pave it which is not a norm.

Mr. Apicella: I'm just trying to figure out what's the difference…

Mrs. Ennis: So that might be why they're so close in figure is what I was getting at.

Mr. Apicella: Still, they're still fairly close. And so the $17,000 delta is the unreasonable burden the applicant has identified in this case. Is that what I'm hearing?

Mrs. Ennis: It appears so. You can confirm that with the applicant if you don't mind.

Mr. Apicella: Well, I read the staff report. That seems like it's the case since the primary basis for this waiver request is cost.

Mrs. Ennis: And the soil.

Mr. Apicella: Well, the soil. That's a completely separate issue as far as I'm concerned. So, from what I can see the road, whether it's a VDOT standard road or a PAE, it comes directly off of Stefaniga Road, right?

Mrs. Ennis: Yes.

Mr. Apicella: And Stefaniga Road is a windy and often travelled route, and it's a secondary road in Stafford County, right?

Mrs. Ennis: Yes.

Mr. Apicella: Um, do we have a lot of PAEs off of secondary roads?

Mrs. Ennis: Yes, we have.

Mr. Apicella: In major subdivisions.

Mrs. Ennis: Oh, no, not in major subdivisions, no.

Mr. Apicella: Okay.

Mrs. Ennis: We used to allow that in major subdivisions but I think in 2007 we modified the ordninance to not allow those changes.

Mr. Apicella: But I guess my point is, what I see in this particular circumstance, is it's not interior to this subdivision; this is directly off a secondary road and it's going to affect three lots. And from your vantage point, what are the conditions on Stefaniga Road at that particular proposed entry point?

Mrs. Ennis: The entrance… he's building a better entrance than what a PAE typically allows. So, he's got you know, where you turn right, there's no turn lane or anything but the only thing I had concerns with was the location of the driveway with the curve and it being so close to that PAE. That's why I don't have any issues with the location of the PAE in that portion of Stefaniga Road. I can't attest to it, but it appeared to have a better sight distance than the curve of the driveway.

Mr. Apicella: Okay. Again, my perspective, having driven down Stefaniga, in many places it's not the most optimal road to be driving on.

Mrs. Ennis: Yeah.

Mr. Apicella: Now, when the applicant went through the process of getting the development approved, did they identify wetlands in the parcel?

Mrs. Ennis: Yes. They have to identify that on the preliminary plan and within the construction plans.

Mr. Apicella: Okay. So, why is… why is… I'm trying to remember the name of this road… Bergamot Court, a 1,200-foot long road, very much in line, in my view, with what's proposed as a PAE? Why wasn't this an issue when they decided to designate Bergamot Court? The relationship to wetlands?

Mrs. Ennis: We currently don't have a construction plan for Bergamot Court. We've never received one for that.

Mr. Apicella: But it's in the site plan that I saw.

Mrs. Ennis: That was the preliminary plan. So that is just a preliminary plan and the wetlands are taking consideration. But I don't know the exact review of what the environmental planner reviews for on that. I do know that there was RPA behind those lots and that was the concern, was the RPA behind the lots.

Mr. Apicella: I guess my point is, again, when they're scoping out a project and they're trying to figure out where the roads are going to, it's sort of incumbent on them to try to figure out where the wetlands are.

Mrs. Ennis: Yes.

Mr. Apicella: And where they're going to put a particular road. And have we verified that there are wetlands…? First of all, where are the wetlands? Because I can't really distinguish that on the information (inaudible).

Mrs. Ennis: From what I gather, they're associated wetlands. So, it's associated right next to the RPA and it's associated that way.

Mr. Apicella: Can we see on the pictorial where they are in relationship to the…?

Mrs. Ennis: Computer please.

Mr. Harvey: And Mr. Chairman and Mr. Apicella, it may be easier to see them on the graphic that was included in your staff report because this image that Mrs. Ennis would have to put up isn't blown up. But there are some areas where, if I had a highlighter and I could do it for you, I could show you where the wetlands are in relation to the property. Generally, there are wetlands along the creek, which is quite obvious, but then there's also wetland that would essentially come from the edge of the private access easement or the southern edge of the private access easement.

Mrs. Ennis: It's this area.

Mr. Harvey: Yes, and it comes down along this… in this direction like this, to here. The wetlands location in relation to the PAE proposal, yes, it's very close… it's relatively close to the house. I'm not sure of the scale. (Inaudible).

Mrs. Ennis: I think it affected the drainfield more.

Mr. Apicella: But even then, to get to lot 20, you're still going to have to go over wetlands with a PAE, right? You have to actually reach lot 20. Am I correct?

Mr. Harvey: Yes. And under the configuration of the PAE, it appears that it misses the wetlands because of the narrower pavement (inaudible).

Mr. Gibbons: When I walked the lot the other day, if he puts the PAE in... that's why I sent you my comments, Steve… he doesn't get into the wetlands. If you're the VDOT puts the restriction in, if he goes with a public road he's in the wetlands. And that's part of this whole problem.

Mr. Apicella: Again, I'm having a hard time figuring out where the wetlands are because it wasn't shown on the information.

Mr. Gibbons: And I understand. And that was one of the requests I was going to ask the Commission tonight, to come back with a revised plan to show if you had VDOt there and if you didn't have VDOT there.

Mr. Apicella: Can you pull that up one more time?

Mr. Rhodes: Computer please.

Mr. Apicella: So, I'm going to go back to despite the issue of the wetlands being where they're located currently and the bad soils and the issues they have with the perk sites. Are there any other configurations that they could do to have a road from Stefaniga to lot 20 that does not impact the wetlands? To VDOT standards.

Mr. Harvey: Mr. Chairman and Mr. Apicella, that would require an engineer to look into it. But the private access easement, as proposed, is located closer to that northeast property line. I'm not sure under VDOT standards whether you can move that road much further north and east. And that may be an option, but we would have to rely on an engineer to give us more feedback on that.

Mr. Apicella: Well, again, it goes back to the underlying point of if and when we offer a waiver to be (inaudible) circumstances, it creates an unreasonable burden and it doesn't impact current or future residents. So, kind of going back to Mr. English's question, you indicated that either the residents, these three homeonwers, and/or the HOA are going to be responsible for maintaining this PAE. So if the road requires… this PAE requires patching, maintenance, resurfacing, or snow removal, that responsibility shifts from VDOT to these homeowners. So how does that comport with the second criteria that says it's not going to create an issue for future residents?

Mrs. Ennis: I can't answer that. I mean, the impact (inaudible).

Mr. Harvey: It does add additional costs to the future residents.

Mr. Apicella: Okay. And so, my last question here is, so if the waiver is not approved, would the applicant still be able to proceed forward with the development of the two or three lots, albeit with a slightly higher cost of building a road to VDOT standards in some configuration that touches across three lots?

Mrs. Ennis: Yes.

Mr. Apicella: Alright, thank you.

Mr. Rhodes: Any other questions for staff?

Mr. Gibbons: Well, Mr. Chairman, since it's in my district…

Mr. Rhodes: You want to let the applicant come up? Or you mean you have questions?

Mr. Gibbons: No, go ahead. Let the applicant (inaudible).

Mr. Rhodes: Yeah, if we could let the applicant come forward.

Mr. Snyder: Mr. Chairman and members of the Planning Commission, I'm John Snyder with Augustine Homes, and I'm Director of Land Development for Augustine. This situation goes back many years, actually back to when we acquired the property in November of 2003. And since I am computer illiterate, that one parcel of ground, which is 17B…

Mr. Rhodes: Computer please.

Mr. Snyder: I'm sorry?

Mr. Rhodes: I thought we'd put the picture up there.

Mr. Snyder: Okay, yeah. Seventeen-B… okay, I'm sorry… was originally left out of our land purchase. And over the course the years, 17B was deemed to be a cemetery and not a part of this… our overall purchase of ground for The Glens. Subsequently, we did more research and I had another surveyor research the original title and what we purchased, and he determined that the original surveyor made a misinterpretation of the deeds back between… I forgot their names now. But the original surveyor went up the new realigned Stefaniga Road… I'm sorry, around the old Stefaniga Road as opposed to going up the new Stefaniga Road. And consequently, there was this quarter acre left out. Now, next month VDOT will be coming to the Board of Supervisors with a request to vacate that existing portion of Stefaniga Road so that it will be incorporated into this and then ultimately, in October, all of 17B will then officially be a part of this little piece that's left over. Now, going back about I'm going to say six years ago the Service Authority determined, because in the original rezoning for this, it was noted that we had to have public water and private sewer. Because this piece of ground was so far removed from the rest of The Glens, the Utilities Department granted, I'll use the term, a waiver that we didn't have to extend the 12-inch water line up Stefaniga Road some, oh, I think it was about 2,500 lineal feet. So, consequently, this little piece of ground has been sort of segregated from the rest of The Glens. And it is not going to be officially part of The Glens subdivision. We have anticipated with these three lots that they're going to be self-sustained all by themselves out here, no HOA requirements, etcetera. So, with that stated, we initially submitted a plan and it went to VDOT and David Beale asked, well why are you doing a public road? Why can't you do a private access easement and I think Mrs. Ennis has explained how we've gone back and forth between VDOT and staff to come up with this access easement and these three lots in its current configuration. And with the utilization of the private access easement, we do not impact the little piece of wetlands that comes up into that section of this project. So, I don't know if I've answered all of your questions and I'll try to, if you've got some more, I'll try to answer them. But that hopefully gives you a summary of how we've gotten to this point.

Mr. Gibbons: Mr. Chairman, now I can ask…

Mr. Rhodes: Yes Mr. Gibbons.

Mr. Gibbons: Since it's in my part of the world, you got to remember now -- that's a long piece of road to be plowing in the winter and maintaining. That's a heck of a burden to be putting on three homeowners. I mean, I've been in favor of private access easements and your problem is the wetlands. And I've been out there and I wanted to get a better diagram to go back out there Mr. Chairman, because I'm not against anybody trying to work a situation out. But like Steven's pointed out, you've got to show that it's a burden on it. And the homes that are not on public streets are not valued the same as on a private access. So the value of the homes on a PAE is lower in value out there than it is on the other. So, I've been out there, I've walked it, and to be honest with you, there's got to be a better solution to the problem than what you came in with. So, Mr. Chairman, I'd like to postpone this for two weeks and

come back to the Commission with a good layout and walk it with the engineer. Because, you've got to be careful about fire. We had a bad fire out in Apple Grove the other night and if we can't get the apparatus turned around, that type of stuff, I'm leery about that. I mean, I did my homework, I gave it to Steve; I spent two days on this thing. And one of the big reasons that you're doing, you know, this is to get away from the wetlands problem.

Mr. Snyder: Yes sir, that's one of the main reasons, and the fact that VDOT… I'm not trying to throw anybody under the bus but… VDOT just indicated they would prefer not to maintain (inaudible), you know. And I guess another thing here, I guess they're looking at the public taxpayer dollars and where that maintenance fund goes and where their dollars go to maintain a street. And if they could put that back onto three property owners, then they were looking at it that that was better for them overall. I mean, you've got to understand that we didn't start out down this road to try to do this. This was working with the conjunction of VDOT and staff here to do this.

Mr. Gibbons: I'm not accusing you of trying to do anything, but the problem is, a public road, the way it was designed, you're in the wetlands.

Mr. Snyder: Yes sir.

Mr. Gibbons: The PAE, you're not in the wetlands.

Mr. Snyder: That is correct.

Mr. Gibbons: Alright, so the three residents have got to shoulder costs of that because you didn't want to get in the wetlands. So there's got to be some way of taking care of those three homes. I don't know how to work it out right now. But you can't put that burden on them for that length of a road. That's tremendous cost.

Mr. Apicella: I'd go back to the comment that our Planning Director indicated that there might be another alternative that had not yet been investigated to go to the current standards, which may not be as burdensome or impactful as the old standards. That may or may not be the solution, but it might be a solution. And I don't disagree that looking at other alternative might be the right way to go, again, given the what I think are very strong criteria that have to be filled.

Mr. Gibbons: So, Mr. Chairman, I'd like to postpone this to the next meeting.

Mr. Rhodes: Motion to defer to the 9th of September.

Mr. Boswell: Second.

Mr. Rhodes: Okay. So, a motion by Mr. Gibbons; second by Mr. Boswell. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Further comment Mr. Boswell? Any other member? Yeah please.

Mr. English: My question is, John, is it possible that The Glens would take that in as part of an HOA? Have you even looked at that for them to do that?

Mr. Snyder: No sir, we haven't, Mr. English, because, as I stated earlier, these three lots are basically offsite.

Mr. English: Okay.

Mr. Snyder: I mean, their only connection is a common property line down, on this exhibit that's before me here, at lot 21. And there is no… and actually, in that instance, that is Section 6 which is Millstone at the Glens and that is a Homeowner's Association we set up because it was on the other side of the creek, so there's only 15 lots in that HOA. And frankly, they're sort of struggling with the maintenance of the stormwater management facilities and so forth there. So we have two Homeowner's Associations right now that the main Glens, which is probably, I'm going to guess right now, about a hundred to a hundred and twenty-five lots. Millstone at the Glens, which has I believe it's 18 lots, and then these three lots were just sitting out here by themselves, and we were just thinking that it was better to have these three lots totally by themselves, thinking from a marketing standpoint it just made more sense.

Mr. English: Well, you could donate it back to park land.

Mr. Snyder: Wish I could.

Mrs. Bailey: Mr. Chairman, I just have a quick question. If there were to be a road maintenance agreement and we reverted, rather than the two lots there were three lot owners that were sharing in the road maintenance agreement, which would be recorded I would presume…

Mr. Snyder: Yes ma'am.

Mrs. Bailey: … and I would presume there would be an amount for each homeowner, how do you go about determining what that initial amount would be for road maintenance? And then I would assume further down the road, whoever the three homeowners or lot owners would be, if it needed to be increased they would do so. But how do you initially come up with that figure?

Mr. Snyder: Generally, in the past when we do things like that internally, well, let's just take a townhouse for instance, and you have those streets that are privately owned and maintained. So you look at the lifespan of that particular pavement. And, in this instance, let's assume that this should last about twenty years. So you look at twenty years down the road, you project out and say it's going to cost X number of dollars. Then you set that up in a what we can call a sinking fund and you contribute X number of dollars per month, per year, whatever, so that at the end of that twenty years you're going to have the funds there to repave, do whatever it needs to happen.

Mrs. Bailey: Well, I would just be curious, as you're going back to re-evaluate everything, the quality of the road that you would put in there, expecting a twenty year lifespan, because I would assume that that would be in conformance with somewhat of a VDOT standard.

Mr. Snyder: Yes ma'am. We've initially talked about doing 6 to 8 inches of 21a/21b and 2½ to 3 inches of SM, or select material asphalt; yes ma'am.

Mrs. Bailey: And then something else to consider would possibly be the builder/developer setting up the initial fund as a starter, you know, if it were to go in that direction.

Mr. Snyder: Yes, right.

Mrs. Bailey: It's just a thought.

Mr. Snyder: Right.

Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes.

Mr. Coen: Sorry. Just a quick question. How many parcels are left to be built in The Glens and in the other sort of 15 unit one?

Mr. Snyder: This is it.

Mr. Coen: This is it.

Mr. Snyder: Yes.

Mr. Coen: So these are just the last three. Other than that, it's a done deal.

Mr. Snyder: That old button, the last button on Jobe's coat. This is it right here.

Mr. Coen: Okay. And if I understood the sentence correctly, the first person who's right on Stefaniga, does not have to opt in to paying this. And I don't, from her, it didn't seem to be that if you made their driveway go into this either road of PAE, they would have to. So it's theoretically possible that the idea goes, oh, it's going to be three, but it's really only going to be two because person number one could say screw you, I don't want to.

Mr. Snyder: Well, it actually is going to depend upon you folks. I mean, if you're directing us to put that third lot into this, we can do that. I mean, right now the way we set it up, which seemed to be the way that everybody wanted it to go, is we deliberately put that one house back out onto Stefaniga. We can just as easily put that house accessing this private access easement. So all three lots will be on this easement; that's no problem at all.

Mr. Rhodes: Okay, very good. Well, we have a motion to defer this to the 9th of September. All those in favor of the motion 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.

Mr. Gibbons: Mr. Chairman, I want to make a general comment. Augustine is an outstanding builder, so it has nothing to do with the quality of your product of what you've done.

Mr. Snyder: Thank you.

Mr. Rhodes: Just want to come back with a little bit more informed layout of the information, where the water areas are and other sensitive areas, and just make sure we fully understand what the information is in there.

Mr. Snyder: Okay.

Mr. Rhodes: Thank you very much.

Mr. Snyder: Thank you.

Mr. Rhodes: With that, we're going to move onto Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

- Discuss Legislative Agenda

Mr. Harvey: Thank you Mr. Chairman. For my report this month, I wanted to bring to the attention of the Planning Commission that the Board has already started to talk about its legislative agenda. The clerk to the Board has put out information to the departments to solicit input. They would hope to get input by this Friday. Also, in your hand-out, I gave you some information of what the Virginia Association of Counties is looking at as possibly for their agenda. So, I'd be happy to take forward any suggestions that the Commission may have with regards to specific legislative items you think should be considered by the Board to ask of the General Assembly. If you can't think of any tonight, if you could email them to me by close of business Friday, I can forward those on to the clerk.

Mr. Rhodes: Yeah, please Tom.

Mr. Coen: If memory serves me, Mr. Harvey, last year we talked about our concern with the idea that under a certain number of units that they don't have to come before the Planning Commission. And I don't remember, was that one of our items last year that we brought forward? And it just seems as though that might be something that we want to be concerned of continually on that regard.

Mr. Apicella: I agree, Mr. Chairman, that there's a way that you can piecemeal a larger parcel into smaller bunches to get around the requirement which, again, doesn't in my view serve anybody's purposes, including the developer if there's a oops, we missed something. That's part of the reason why I think they might not see it this way. I think we add value to, certainly staff adds value to looking at what the potential positives and negatives are of any site plan.

Mr. Rhodes: There's two in favor. Any thoughts or reactions to that one? Any opposition, how about that? Okay. Well, there's one suggestion. And if there are any others, that's great, but you have till Friday.

Mr. Apicella: I think in reading the paper, Mr. Thomas mentioned a potential issue with regard to cluster subdivisions. That might also be one that we would probably support. I think in that case he was

talking about including stormwater management ponds as part of the open space. There may be more than two at the nap but I think the general idea is what really is open space versus what is something that the developer has to do.

Mr. Gibbons: I thought the Board was going to take that on as theirs?

Mr. Apicella: Maybe; it doesn't mean we can't support it.

Mr. Rhodes: Okay. So there's a couple, Jeff, and then if anybody else has another thought, you've got 48 hours… not even that much. Okay, very good. Anything else Jeff?

Mr. Harvey: Those are my highlights for tonight.

COUNTY ATTORNEY'S REPORT

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

- ✧ Planning Commission Approval Authorization Update

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

Mr. Rhodes: But you handed out something?

Ms. McClendon: Yes, Mr. Chairman, I did but I don't have a report on it. It's not an updated; it's actually information that's just basically put together for the Commissions' ease of reference.

Mr. Rhodes: Yeah, thank you. And this was a point we had brought up at the last meeting. We had talked about the differences in the authorities and our independent authority versus (inaudible) and the rest of the authority, but she did… Ms. McClendon did put that together to better represent with some clarity and authority how those are based. So thank you very much for that; appreciate it.

Mr. Gibbons: Mr. Chairman, I had one item that I talked to you about before. I don't know how to bring it forward, but we've had two fires up in North Stafford, one the houses were closer together than the 10 feet that the Fire Chief had recommended and they lost the sidings on both the house on either side. The one in Apple Grove that had 10 to 11 feet, there was no damage to the adjacent homes. So that was two or three feet; it makes a difference. So I don't know how to have the Commission bring this forward. Do we have to get permission to go the Board?

Mr. Rhodes: That raises that point we had addressed before about the 9, 8 feet difference. Is that something we have to get referred to us from the Board to look to modify that?

Mr. Harvey: Mr. Chairman…

Mr. Rhodes: I think right now it's at what, 18 feet total on both sides and then they can go 10 and 8 or something.

Mr. Harvey: That is correct in the R-1 zone. If they want to proceed with a cluster development, they can use those reduced setbacks. Part of the… I failed to mention in my staff report… the Board of Supervisors did adopt the changes to the cluster regulations, as well as change to the Comp Plan. One of

the Comp Plan recommendations was to have a minimum of a 10-foot separation… or I should say 10-foot side yard on any house in a cluster development. So that would be something you would potentially impose as a condition on a use permit for the higher density.

Mr. Rhodes: Oh, okay.

Mr. Harvey: So, agricultural clusters it's not a problem because the setbacks are already 20 feet and 10 feet, respectively. But it's the R-1 zones where the houses are a little bit tighter which now we have some guidance as far as imposing conditions to stipulate that distance. But if the Commission feels it's desirable to have it codified, then that's certainly something the Commission can ask the Board of Supervisors to consider.

Mr. Apicella: Just kind of following that logic though, you could still do a cluster in R-1 without bonus density and not have to meet that. Because the reduced setbacks would still be allowable in that case.

Mr. Harvey: That is correct.

Mr. Apicella: So we wouldn't be fixing it if we didn't address it in that case.

Mr. Rhodes: I believe there was fairly uniform desire and interest of all to find a way to approach that further. So what I think I hear, Jeff, is that we would need to draft something to the Board to suggest that it was generally included in what they approved with the Comp Plan, but we would like to more specifically address it in ordinance.

Mr. Harvey: Yes.

Mr. Rhodes: So, could you draft something up like that to communicate?

Mr. Harvey: Yes sir.

Mr. Rhodes: That'd be great. I think it's (inaudible), right? Great, thank you. Thank you for that. Thank you Mr. Gibbons. Yeah, you had mentioned that you wanted to address that. Committee Reports.

<u>COMMITTEE REPORTS</u>

- ✦ Comprehensive Plan Amendment; Urban Development Areas and 5-Year Update

Mr. Coen: I'm not sure if Mr. Zuraf wants to lead on this. We have… our last meeting we talked about the subcommittee to deal with the Comp Plan, and so I communicated with Mr. Zuraf and Mr. Harvey. They drafted up a proposal to go forward. I'll throw it over to Mike and then I'll interject.

Mr. Rhodes: How much time do we get for this, Mr. Harvey? Mr. Zuraf?

Mr. Zuraf: The Board gave till January 31st…

Mr. Rhodes: Okay.

Mr. Zuraf: … to come back with what kind of proposals, you know, we were thinking. Not necessarily having to go through a full public hearing and everything. And the Board okayed that at their last meeting, that extension. And so what you… I think you received by email this afternoon and then you have a paper copy, we went ahead and drafted up a potential kind of schedule on how to proceed with scope of work ideas, kind of first starting out with an idea of an organizational meeting kind of section that identifies issues to consider at the first meeting as to how the committee really wants to go about the whole process as far as frequency of committee meetings, level of community engagement. We listed out a whole slew of different ways to potentially go about reaching out to the public to get their input. And you've got to think about, you know, if we do everything and then need more time, you may want to pick and choose what you might think might be the most effective. And just overall considering the format of the plan, what we need to work on, and what direction we want to go to. And after we kind of go through this organizational meeting and see what the real kind of scope of work might be, then we can modify the schedule. But we just identified how the future meetings might and the future process might go kind of by sections of the future months, assuming we were maybe going to go about possibly two rounds of community meetings. I just threw out that as an option. Of course, if the Planning Commission committee wants to have fewer meetings or more meetings, we can adjust the schedule accordingly. So that's kind of what we provided, just how the process might run if we're going to be going out and seeking public involvement. And so we'll adjust this based on what the committee desires.

Mr. Coen: Thank you Mike. Mr. Chairman, and one of the things in communicating with difference members of our Commission, that people were more in favor of were Saturday sessions. Last time when we were doing… last year when we were doing our work, we were given a very focused set of tasks which… a very focused short timeframe. And so we thought that it was prudent to try to do it in a more compressed fashion. But even by doing it in the afternoon, it made it difficult for members of this Commission to attend. And in fact, a member of the subcommittee had difficulty attending an afternoon session. And so that sort of leads us to the question of evenings versus a Saturday. And evenings would still be problematic because of the number of people who work in D.C., both on this Commission and in the general public and try to get to an evening meeting. I know that at least two members of this Commission teach classes at night so that would preclude them from participating on certain days of the week. Many other members of this Commission serve on numerous other committees, both Stafford as well as civic commissions. So that would preclude them. And then if you take out the number of times that staff has to be at other meetings, it would make it rather difficult to try to do it in the evening. So, we have a precedent for having work sessions on Saturdays. By having it on Saturdays we could have far more members of this Commission participate, which would be helpful in the process. The public would have a better access to try to come and participate as opposed to trying to rush down 95 or rush here to get here in an evening.

Mr. Gibbons: I've never seen anybody rush on 95.

Mr. Coen: Yeah, well that's true. Well, you know, if you go on the new lines. And then, quite honestly, staff and several members and I had discussed about trying to have some structured Saturday sessions. I know in the past there were concerns about meeting starting at 7:30 in the morning, and that is problematic on many counts. But there also was a discussion by members of this Commission and staff of possibly having break-out groups that would might look at certain topics in that so they could focus in on certain areas of interest that way. And quite honestly, at least from my opinion, it would be far more effective to try to do this with Saturdays. Again, it wouldn't be every Saturday nor would it be an all day affair; we're talking two hours or a little bit more to deal with things if you make it focused and make it that the public can have access. And then once we go through our organizational one and

decide which of these other community engagement, then that may well be different avenues and different time periods. But that's sort of where we're at at this point. And it's up to the Commission how we would like to proceed.

Mr. Rhodes: Thoughts or reactions of folks?

Mr. Apicella: Speaking just as one participant, it's going to be very difficult for me to meet mid-day as the committee met in the past, and as Tom just talked about, I have several other committees/commissions/groups that I serve on in the evenings, plus I work in D.C. So, it becomes problematic. So it just turns out for me at least under those circumstances Saturdays work better. I think we could hold public input sessions on certain weeknights as appropriate, but focus our major effort in terms of doing the work on the Saturday sessions.

Mr. Rhodes: I think it's absolutely impossible to find a time that's going to work for that people aren't going to have issues with. So, you know, I don't feel strongly in any direction because there's always going to be a complication. I do think, not as much to the date… I don't want to close off discussion on that but… not as much on the date but the larger construct. There are two reactions that I have that I would just share. One is that I think the overarching principle that we're working all this towards, from the Comp Plan perspective, is we have to accommodate the projected growth. We have… I mean, that's just the template and the standard outline that we're trying to figure out. So we're looking to a plan to do that. And I think it is a proper principle that we have had in place throughout this process was trying to figure out one of the considerations being how do we minimize or mitigate the impacts on our infrastructure as we try to plan for that growth. I think those are kind of those bumper stickers that are on the wall, and there's probably a few others that are overarching that we're doing all this towards. But the one other reaction I had, just thinking back to the long strange trip that it was from 2005 on, is while we did, you know, that big long journey was a full, trying to go full and then we went through a lot of other dynamics. I think in retrospect, part of this effort might benefit from one of the early sessions being to prioritize. If we can only get one thing accomplished, what are we going to get? If we can only get two, if we can only get three -- to kind of focus that so as we're going through September, October, November, some of it may drag out on some aspects and that may be helpful to modulate some of the efforts. So those are just a couple general considerations. I am somewhat agnostic on the timing and dates because there's just always a complication in Northern Virginia. Other thoughts? Mr. English.

Mr. English: I'm kind of with Steve and Tom also. Saturdays would work but I don't know about staff. I don't want to have to put them out every Saturday either.

Mr. Rhodes: They have no life.

Mr. English: I don't think we're being fair to them so maybe looking at maybe one Saturday a month or something to start out with because their time is valuable too.

Mr. Coen: Yes sir. And quite honestly, when we did the other committee… and this sort of gets to what Mr. Rhodes was saying about prioritizing. Staff and we did a very good job of prioritizing and honing in on what we needed to do and what timeframe, in large part, to be considerate to staff. Granted, that's why I said we're not looking at something that would be many Saturdays. In large part, because when you really look at it that when staff has to deal with our meetings every other week, and then there's a certain large project that's coming back before the Supervisors that they're going to have to be dealing with those other weeks, there's a lot that they have on their plate. So the idea is not to do it so that it's onerous on staff or anybody else. But the idea would be to… one of our concerns was to try not to,

when we were doing it during the afternoon, keep them later. The same is going to be at night, that it gets to the point where people start looking at the clock and say I have to get up at three in the morning to get into D.C. the next day. So, Mr. English, certainly we're not looking at doing something that way. And again, if you do breakout things. Say, for example, we were looking at… I'll just grab something… agriculture and we were going to look at agriculture, that doesn't necessarily mean that everybody would have to meet on that and it might be easier to do that in a smaller setting -- using the public notification rules as certainly they apply. So I agree with Mr. English.

Mr. Rhodes: Other thoughts as we try and work this forward? Okay.

Mr. Coen: Do we want to send out a date? Do we want to anticipate a date? Quite honestly, logistically if I understand my legal aspect, we could not do anything this Saturday because we can't advertise it in time nor do I really like to do things last minute. The 5th is Labor Day weekend…

Mr. Rhodes: That'd be a good one.

Mr. Coen: Yeah, I'll be around. And so, the earliest would be the 12th if staff thinks it's good, the 12th or 19th, as our organizational session. And I think Mike and Jeff have really done an excellent job thinking this through and thinking of different elements to it so that it's totally what they think would be appropriate.

Mr. Zuraf: We'll go and look at the schedule and calendars and, you know, shoot a message out to the subcommittee and get a poll… poll the subcommittee members to see what they prefer. And we'll move forward.

Mr. Coen: Well, if the full Commission's okay, can we poll everybody? Part of the idea is to get as much input as possible. That's what I think would be great is to get as many of the members in on this as possible if they'd like to.

Mr. Zuraf: Okay.

Mr. Rhodes: Okay.

Mr. Coen: Thank you.

Mr. Rhodes: So, what we do know is we're going to kind of lock down a date. We're going to start out targeting a Saturday and just kind of evolve from there. Okay, very good. Thank you very much for that.

Mr. Gibbons: Mr. Chairman, I've got one…

Mr. Rhodes: Please.

Mr. Gibbons: I got a letter here from Shelton Woods subdivision on the mailboxes? Can we schedule that for the next meeting? You know, the Post Office doesn't want private mailboxes no more; they want all…

Mr. Rhodes: Oh.

Mr. Harvey: Yes, Mr. Chairman, as Mr. Gibbons has indicated, the Postal Service has implemented a program and apparently it's been in effect for a number of years but hasn't really implemented it yet, and is starting to in this region where any new development would have a what we call a gang-box. In other words, a mailbox with multiple mail slots in it that serve the homeowners within the neighborhood.

Mr. Rhodes: Ew yuck.

Mr. Harvey: Regardless of the size of the neighborhood or the type of homes. In the past we typically used those for townhome and apartment complex developments. But now the Postal Service, as a cost cutting measure, is applying that same standard to all new single-family home neighborhoods as well. And…

Mr. Rhodes: In the nation?

Mr. English: No, just Stafford.

Mr. Rhodes: No, I mean, is this a pilot thing…? This is a national standard.

Mr. Harvey: It's my understanding this is a national standard and Virginia has been a little slow in implementing it. And now they're starting to get religion and implementing it. And we've had discussions with VDOT about it because it has some ramifications about how the streets are designed and where they can put them, and the Postal Service is imposing this on projects that have already been approved through the Planning Commission, have had their construction underway, and saying well, if you want mail service, you need to put in these gang-boxes. Too bad, so sad. There's not anything really that the County can do in this regard other than maybe contact our Congressman to get them to try to change the policy. VDOT is basically… my discussion with VDOT representatives has been they've talked to the Postal Service and the Postal Service has said this is how it's going to be and you guys figure it out.

Mr. Apicella: I'm just not quite sure what is our roll in this at this point in time, if it's not real… seems like there's just so little grain is here.

Mr. Gibbons: Well, part of this is there's an appeal process. I just got the letter tonight. So it looks like the appeal process, the Planning Commission and Board can get involved in it. It doesn't mean we'll win the appeal.

Mr. Rhodes: So the thought being add it to the agenda and give staff a little time to maybe find out whatever else we can find out about it and at least we can be made aware. So they can just unilaterally change the… In theory, did they put something out to all municipalities and governments informing of this for planning purposes?

Mr. English: (Inaudible – microphone not on).

Mr. Rhodes: But usually, when changes like that come out, they will tell you that starting 2017 these will be the requirements for…

Mr. Coen: Maybe they sent us a letter and we haven't gotten it yet.

Mr. Rhodes: Well that's what I'm wondering… have we found that it was actually something communicated out a couple years ago and we just never picked up on it? Or are we aware?

Mr. Gibbons: Well, Mr. Chairman, it's been in the press quite a bit.

Mr. Rhodes: Really? I'm completely out in left field.

Mr. Gibbons: The problem we have is when you put those in, you've got to put like an area where people can pull off and go get it.

Mr. Rhodes: Yeah, you've got to plan for them.

Mr. Gibbons: There's no planning; I didn't see none.

Mr. Coen: Mr. Chairman? I'm just sort of curious if this now applies… this applies to George Washington Village and other things of that scale, which would be a really interesting wrinkle.

Mr. Rhodes: Sounds like it.

Mr. Harvey: Yes.

Mr. Coen: Is that something that we think that should be a part of our legislative agenda, to tell the Virginia Legislature and they need to pressure all their Congressmen on this? And Senators?

Mr. Rhodes: It's going to be interesting. Okay. So, maybe we can see what we can find out and at least just bring it up in some form when we find out something?

Mr. Harvey: I'll dig into it a little bit more. I just basically gave you my experience as to this point. And it's pretty much look at the hand and keep going.

Mr. Rhodes: Yeah. Very good. Interesting. Very good, okay. Other Business. You got your TRC stuff?

CHAIRMAN'S REPORT

- Staff Report Format

OTHER BUSINESS

7. TRC Information - September 9, 2015
   - Saddle Ridge - Hartwood Election District

Mr. English: Yeah, I got it.

Mr. Rhodes: You rolling? Okay. I'd entertain a motion for approval of the June 24th minutes.

APPROVAL OF MINUTES

June 24, 2015

Mr. Gibbons: So moved.

Mrs. Bailey: Second.

Mr. Rhodes: Motion by Mr. Gibbons, second by Mrs. Bailey. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Mrs. Bailey?

Mrs. Bailey: No.

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 opposed; passes 7-0, so those are approved. Anything else folks? More fun to come. Thank you very much, we are adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:49 p.m.