

STAFFORD COUNTY PLANNING COMMISSION MINUTES
October 14, 2015

The meeting of the Stafford County Planning Commission of Wednesday, October 14, 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, Boswell, and Gibbons

MEMBERS ABSENT: English

STAFF PRESENT: Harvey, McClendon, Stinnette, Zuraf, Ehly, and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Rhodes: Are there any declarations of disqualifications for any item on the agenda this evening? Hearing none we will move on to public presentations. I would like to just take one moment, for two points. First off, we have a shorter than normal agenda this evening; just two active items. So I would just like announce and make individuals aware that we're taking advantage of the opportunity and after a short break after we are finished this evening, Mr. Coen will be chairing a subcommittee meeting of the Comprehensive Plan subcommittee. Additionally, I would just like to reinforce that for the Public Presentation portion, anyone that would like to speak on any item other than item number 1 can do so, and particularly we would invite folks to take advantage of this opportunity to provide comments and feedback and input to any portion of the Comp Plan update work that is going on thus far, or concerns or interest or otherwise. We will make this open announcement each time we have our public presentation opportunity just to reinforce and get public comment as we work on the Comp Plan update. So with that, with Public Presentations, if there's any member of the public who would like to speak on any item except for item number 1, to include any comments on the Comp Plan update, please come forward and do so at this time. Seeing no one racing down the hall, we will move on from the Public Presentations portion and move on to the Public Hearing, the public hearing item for the amendment to the Zoning Ordinance, proposed Ordinance O15-35. Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - Proposed Ordinance O15-35 would amend the Zoning Ordinance, Stafford County Code Sec. 28-39(i), "Performance standards in RBC districts," to increase the percentage of multi-family dwellings allowed as a part of the overall development within a RBC, Recreational Business Campus Zoning District, from 1 ½ to 2 ½ percent of the gross area of the district. **(Time Limit: December 22, 2015)**

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

Mr. Zuraf: Good evening Mr. Chairman and members of the Planning Commission. Mike Zuraf of the Planning and Zoning Department, may I have the computer please. This item is an Ordinance amendment, Ordinance O15-35, which would amend sections of the RBC Zoning District performance standards. The amendment would serve to increase a percentage of the RB District that can be allocated to multi-family homes and specifically the change would increase that area from 1 ½ percent up to 2 ½

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percent of the gross area of the RBC District. This is a request that was first made by the Silver Companies. It was done with their concurrent Rezoning and Conditional Use Permit requests that they made to expand the proposed... previously approved multi-family development back in 2013, that previously approved multi-family development was approved and at the time the RBC Ordinance was amended to allow multi-family units in up to 1 ½ percent of the district. With the new expansion that was proposed by the applicant for that project it did require this need to modify the performance standards. So to kind of help describe the effect of that increase, I've provided a table that shows the existing situation. Across the top row and the proposed situation going down... going over from left to right, the multi-family dwelling unit acreage currently 9.91 acres, it would be increasing up to 24.72 acres. You can see the total RBC zoning acreage would increase with this... with the concurrent zoning requests... rezoning requests and as a part of that, the percentage of multi-family uses within the district would increase from .8% up to 2.05%, specifically related to the projects that were proposed and you heard last month. And as we've discussed, currently the maximum permitted multi-family percentage is 1½% and the proposal would take it up to 2½%. Staff does note you can see there is a delta difference between what is provided under the current and proposed projects and what would ultimately be permitted in the district. If you look at the difference in the amount of land area, there is currently 8.3 acres in the RBC district that could otherwise be expanded upon for more multi-family units if the applicant seeks a conditional use permit. Under this latest proposal, that acreage would be reduced but it would still be 5.4 acres where somebody could expand... where there could be additional multi-family units. So the additional 5.4 acres under this proposal could occur. There could be development of multi-family dwellings without a future rezoning under this, but there would be a requirement for a conditional use permit. The 5.4 acres, as it relates to some of the other zoning requirements, for multi-family in the RBC, the maximum density is up to 16 units per acre applied to the 5.4 acres, there's a potential for 86 additional units under this change on other land in the RBC District. Looking at additional evaluation as it relates to the Comprehensive Plan, specifically in multi-family uses, they are in our current Comprehensive Plan recommended in Urban Development Areas. This area is designated Business and Industry on the Future Land Use Plan. Staff does note that prior approval of this use back in 2013 does make it a more compatible modification to the ordinance. As it relates to the purpose of the RBC District, the RBC District purpose states that RBC Zoning District should be located near significant environmental features such as forests, lakes, and lakes with at least 5 acres of surface water area and/or rivers. So this is more kind of a natural setting that are features that are not necessarily found in the County's Urban Development Areas, but staff does note that the intensity of this use that's proposed is not necessarily out of character with the other uses that would be permitted in the RBC District which includes office development, also higher density single-family development as well. And so, staff does note then also the concurrent applications that the Commission has previously considered would be inconsistent with the Zoning Ordinance should this amendment not pass. Staff does recommend approval. We find that the amendment is compatible with multi-family homes that are already permitted in this area. And staff does note and recommend... well, note that the applicant did contact us in response to the concern raised about the additional 5.4 acres. They're recommending that that maximum cap be reduced in the ordinance from 2.5% down to 2.1%. Right now they could go up to... the proposal under consideration really requires only 2.05%, so this provides a little wiggle room should the acreages not quite be accurate. So, with that, staff would turn it back for any questions.

Mr. Rhodes: Questions of staff? Yes Mr. Gibbons.

Mr. Gibbons: That modification, do you agree with that?

Mr. Zuraf: Yes, yes.

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Mr. Rhodes: Okay, other questions of staff? Okay, very good. Does the applicant have anything? I don't think so, right, because we're kind of...

Mr. Zuraf: Since it's an ordinance... yeah, the applicant for the other concurrent applications could speak under the public comment session.

Mr. Rhodes: Yep, that's fine. So with that, we'll open it up to public comment. If there's any member of the public that would like to speak on item number 1, they may come forward and do so at this time. With that, we will close the public comment portion of the Public Hearing and bring it back in to the Planning Commission.

Mr. Apicella: Mr. Chairman, I'm not sure if it's necessary but I would make a motion to amend the proposed Ordinance to reduce the percentage from the proposed 2½% to 2.1%.

Mr. Gibbons: Second.

Mr. Rhodes: Okay, motion and second. Further comment Mr. Apicella?

Mr. Apicella: I appreciate the applicant addressing the percentage issue. It was a concern raised by staff and by doing this change I think it mitigates the concern that an extra roughly 86 units could be built without a rezoning or proffers.

Mr. Rhodes: Very good. Further comment Mr. Gibbons?

Mr. Gibbons: No sir.

Mr. Rhodes: Any other member? And I would just note that because this is not making it more expansive, even though it's been advertised for public hearing, this is certainly a change we can make to make it less impactful. So with that, all in favor of the motion which is to modify the draft language of the Ordinance to go from increasing to 2.5% of the gross area of the district to 2.1% of the gross area of the district signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 6-0. Okay, with that now it's back with the Planning Commission to deal with the recommendation on the proposed Zoning Ordinance.

Mr. Apicella: Mr. Chairman, I would recommend approval of the proposed Ordinance O15-35, as amended.

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Mr. Gibbons: Second.

Mr. Rhodes: A motion recommending approval by Mr. Apicella, seconded by Mr. Gibbons. Further comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, this is consistent with and necessary for the related rezoning and CUP requests that the Commission recommended approval on at our last meeting, so I think it's appropriate to go ahead and move forward with it.

Mr. Rhodes: Further comment Mr. Gibbons? Any other member? Motion before us is to recommend approval of the proposed Ordinance O15-35 with the modified language that we just voted on. All those in favor of the motion signify by saying aye.

Mr. Apicella: Aye.

Mr. Coen: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed? It passes 6-0. Wonderful! After a short break we will move onto item number 5.

UNFINISHED BUSINESS

2. 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: November 18, 2015) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015, 2015 to November 18, 2015)**

3. 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: November 18, 2015) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015, 2015 to November 18, 2015)**

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4. RC1300296; Reclassification - Colonial Forge Proffer Amendment - A proposed amendment to proffered conditions on Assessor's Parcels 29J-4-310, 29J-4-311, 29J-4-312, 29J-4-313, 29J-4-314, 29J-4-315, 29J-4-316, 29J-4-317, 29J-4-318, 29J-4-319, 29J-4-320, 29J-4-321, 29J-4-322, 29J-4-323, 29J-4-324, 29J-4-325, 29J-4-326, 29J-4-327, and 29J-4-A and portions of Assessor's Parcel 28-100, a portion of the original development known as Augustine, consisting of 41.72 acres, zoned R-3, Urban Residential – High Density Zoning District, to remove phasing requirements for the commercial development. The property is located on the south side of the intersection of Courthouse Road and Woodcutters Road, within the Hartwood Election District. **(Time Limit: September 23, 2015) (History: Deferred on September 9, 2015 to September 23, 2015) (Deferred on September 23, 2015 to November 18, 2015)**

NEW BUSINESS

5. SUB15150656; Courthouse Manor - A preliminary subdivision plan for 75 cluster single-family residential lots on Assessor's Parcels 30-78 and 30-136, zoned R-1, Suburban Residential Zoning District with a conditional use permit for a maximum density of 2.25 dwelling units per acre on 33.45 acres, located the north side of Courthouse Road, west of Dent Road and south of Hope Road, approximately 1,000 feet east of Stafford Avenue within the Aquia Election District. **(Time Limit: January 7, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Andrea Hornung will be giving the presentation for the staff.

Mr. Rhodes: Okay, we are back. Let's see if we can get technology with us. Very good, Mrs. Hornung. Now we're back.

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. The number 5 item that is before you this evening is a preliminary subdivision plan for Courthouse Manor, SUB15150656. Computer please. Are you advancing? Oh, the pen doesn't work. Here we go. The project is Assessor's Parcel 30-78 and 30-136. It's located the north side of Courthouse Road, west of Dent Road and south of Hope Road. The parcel size is 33.45 acres and it's zoned R-1, Suburban Residential, with a CUP, conditional use permit that was approved this year, R15-16. The number of lots are 75 single-family residential cluster with a density of 2.24 dwelling units per acre. And that's in the Aquia Election District. And the schematic shows you the two parcels in that area. This also... this schematic also shows the zoning and you see that immediate around the site is R-1, Residential, and you have A-1 south of Dent Road, Agricultural, and then you have some B-2 further west. Here is an aerial view of the project. And you see that you have Stafford Elementary School immediately to the west. The... does the pen work at all? Oh, there we go. In the middle of the project, this is a church. And then you see Dent Road here to the south, Courthouse Road, Route 1 to the far west, and then Hope Road to the north. This is the overall preliminary subdivision plan. And this is a clean copy and further I'll highlight some of the other aspects of this subdivision. You can see the 75 lots, the church is here, you have the elementary school down here. One item of interest is that they're connecting through the school for sewer through this area. Then you have... there is a proposed Courthouse Bypass from Hope Road to Dent Road which is this area to the top. This is where it's highlighted; it's a 60-foot right-of-way. There are some areas along the way that will have... that are easements for buffering for future design of the road. And right now, it's in the Comprehensive Plan and it's predominantly on paper; there has been no design of planning for this Courthouse... Northeast Courthouse Bypass. You all see that there are several access points for this subdivision. Not only do you have the ones designated by circle... in the red circles along the Courthouse Road, there's an inter-parcel connection from the

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subdivision to Courthouse Road here and here, and then south of the area from the Bypass to Dent. There is the primary access right here to Dent, as well as a right-in/right-out down here at Courthouse Road. There is an inter-parcel connection with Tax ID 30-79 at this point for future development of that parcel so that there is an inter-parcel connection. Some other features for this subdivision are that there is a 15-foot access easement right here that allows the access from the subdivision onto the school property. Also, there is a 6-foot sidewalk right here that allows access to the school property, and they have proposed a tot lot in this area.

Mr. Gibbons: Can you indicate where the hospital is in relation to this?

Mrs. Hornung: The hospital will be further... well, it's going to be further to the right and to the north... to the top. Let's see... the north arrow is facing to the right so it's going to be northeast? The bottom right of the page. Sorry, bottom right of the page. The subdivision also has several buffers surrounding it as it adjoins not only the future bypass but the other parcels. In this area right here, we'll use green to signify the buffering which is a 17½-foot buffer and 6-foot board-on-board fence. You also have the same to the due east area down here adjacent to the school. The other areas are 20-foot buffers which are to the top part of the property. Basically, all the lots will be buffered from the adjacent uses. So, there's at least a 20-foot buffer or 17½-foot buffer and fence. Around the church there is a 35-foot buffer, from the subdivision to the church. This the overall, a clean version of the subdivision, where you can see it a little bit more clearly without a lot of the graphics on there. The open space has been set aside for the areas around the Bypass, as well as some of the buffering. Now, since the approval of the cluster ordinance where buffering is not allowed to be included as part of the open space calculation, this one was completed prior to that... the cluster was already approved prior to the approval of the ordinance. So, this probably would have taken on a little different schematic as far as open space is concerned. And that sums up all the specifics about this cluster subdivision. It meets all the requirements for the Subdivision Ordinance. Some other items are that they had a... they completed a Phase 1 Cultural Resources Study. The Stafford County Historic Commission recommended that the Phase 1 Study was sufficient, but they also conducted a Phase 2 Study. So that was already completed. And as was listed in the staff report, predominantly most of the conditions of the conditional use permit have already been attained by the development of this and they will also be solidified during the construction plan, provided this is approved. And the engineer is present for any additional questions that you may have, but I'm ready to answer any questions you might have on this proposal.

Mr. Rhodes: Questions for staff? Okay, pretty straightforward. Is there anything else needed to add? Or any particular questions for any of the applicant's representatives? Very good. This one your'n.

Mrs. Bailey: Mr. Chair, I'd like to make a motion for SUB15150656, the preliminary subdivision plan to be approved.

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

Mr. Boswell: Second.

Mr. Rhodes: Second by Mr. Boswell. Further comment Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Rhodes: Okay, Mr. Boswell? Any other member?

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Mr. Coen: Mr. Chairman?

Mr. Rhodes: Yes, please Mr. Coen.

Mr. Coen: Respectfully, I'm going to have to vote against this. When this first came before us, I had numerous things that caused concern. And one primary one was the Bypass Road. And then the comments from the Supervisors when they had this, several of them raised the same concern with having a 2-lane bypass road that's going to have a left-in to the subdivision, which I think is problematic. It could have had a right-in/right-out up along the Bypass as it is having on Courthouse Road. I believe staff said it's anticipated to have 10,000 plus cars going up and down that bypass. And I just think that it being a 2-lane road with people stopping to make a left-hand turn into the subdivision, is problematic. And so, just to be consistent and for public safety, I just think that that aspect really could have been done better.

Mr. Rhodes: Any other member? On the rare actions we actually don't just recommend on, we actually approve or disapprove, so with that, all those in favor of the motion to approve the preliminary subdivision plan SUB15150656 for Courthouse Manor signify by saying aye.

Mr. Apicella: Aye.

Mrs. Bailey: Aye.

Mr. Boswell: Aye.

Mr. Gibbons: Aye.

Mr. Rhodes: Aye. Any opposed?

Mr. Coen: No.

Mr. Rhodes: Okay, it passes 5 to 1. Thank you all very much; good luck. With that we move onto the Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I just have one item to share with the Commission. At the last Board of Supervisors meeting, they approved the applications for the North Stafford Business Park. If you recall, that was a proffer amendment, as well as a CUP amendment for location of a drive-through associated with a grocery store. It came out in the newspaper today that the grocery store is looking to be a Walmart grocery store.

Mr. Gibbons: It's a Walmart Neighborhood.

Mr. Harvey: Neighborhood grocery store; yes, thank you. And that concludes my report.

Mr. Rhodes: Very good. Thank you very much. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Rhodes: Very good. Committee Reports. Do you want to just defer that since we'll have your session, or do you want to talk?

COMMITTEE REPORTS

✧ Comprehensive Plan Update

Mr. Coen: Nope, I'll defer that.

Mr. Rhodes: Thank you sir. Chairman's Report. We didn't quite lock down... we entertained one last round of comments, I think, on the format of the staff report. Is there any other comments or feedback? Okay, we had a few there I know that Mr. Harvey was capturing and staff were capturing as we went along, so I guess there's no other inputs and we'll just... you already started to move some around, didn't you?

CHAIRMAN'S REPORT

✧ Staff Report Format

Mr. Harvey: Yes sir. With the land use cases, rezonings and conditional use permits.

Mr. Rhodes: That's right. They are just on it, by golly! Okay, well we'll go with those inputs and suggestions. So thanks for that and thanks for the idea that Mr. Apicella... that was a good idea. With that we have TRC information. Everybody got... nothing queued up? You are too comfortable down there.

OTHER BUSINESS

6. TRC Information - October 28, 2015
 - ✧ None

Mrs. Hornung: If I may, no, nothing was submitted for October 28th, but because the Holiday is November 11th and the dates have been changed not only for your meeting, but we also revised the schedule for November 18th to be the Planning Comm... TRC committee meeting. You will receive your agenda because we have about four projects. Excuse me, it'll be a full day on the 18th. We already have that scheduled.

Mr. Rhodes: Very good, okay.

Mrs. Hornung: And you'll receive that information on the 28th.

Mr. Rhodes: Thank you. And then we have no minutes to approve, so I think that that is... did we miss anything Mr. Harvey?

APPROVAL OF MINUTES

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

Mr. Rhodes: What's the record for the fastest meeting?

Mr. Apicella: This is it.

Mr. Rhodes: I think this is it, right? We're going to call it it; we're not going to look back in minutes or anything. We're just going to say that this is the fastest. So with that, for the Planning Commission meeting, we are adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:57 p.m.