

STAFFORD COUNTY PLANNING COMMISSION MINUTES
January 27, 2016

The meeting of the Stafford County Planning Commission of Wednesday, January 27, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, and Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any Declarations of Disqualification on any agenda item?

Mr. English: Mr. Chairman, I met with the folks with Royal Farms a couple of weeks ago and also with Clark Leming in reference to Stafford Commons.

Mr. Apicella: Thank you Mr. English; anybody else? Okay, are there any changes to the agenda?

Mr. English: Yes sir, Mr. Chairman. I need to ask for a deferral on RC15150498 and also CUP15150499, ask for deferral to February the 10th.

Mr. Apicella: Is that a motion Mr. English?

Mr. English: Yes it is.

Mr. Apicella: Is there a second?

Mr. Coen: Second.

Mr. Apicella: Okay. And the applicant has agreed to that deferral?

Mr. English: Yes.

Mr. Apicella: Okay, there's a motion on the floor to defer items 3 and items 4. Mr. English, anything else?

Mr. English: No sir.

Mr. Apicella: Anyone else?

Mr. Coen: No sir.

Mr. Apicella: Okay; all those in favor of the motion to defer signify by saying aye.

Mr. Rhodes: Aye.

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Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0. Okay, I'll now open the public presentation portion of the meeting. And just for the sake of the folks who are watching on TV, I know there's probably thousands at the moment, we have a relatively small audience; I just want to see if anybody is interested in coming forward during the public presentation portion of the meeting. Okay, seeing none, I'm going to close the public portion... public presentation portion of the meeting and move on to items 1 and 2 which are public hearings. We can discuss those jointly.

Mr. Harvey: Mr. Chairman, we do have (inaudible)...

Mr. Apicella: Oh, my fault, we do. We have... I actually should look at my agenda... we have a presentation tonight by Mr. Chris Rapp who's the Director of Public Works, who can provide an update on the Transportation Program. Thank you Mr. Rapp; my apologies.

PUBLIC PRESENTATIONS

County Transportation Construction Project Quarterly Update By Chris Rapp, Director of Public Works

Mr. Rapp: Good evening Mr. Chairman, members of the Planning Commission. It's a pleasure to be here tonight. Christopher Rapp, Director of Public Works. I am pleased to provide the following road project update. We've been very busy. We had good weather this fall and early winter. Poplar Road, Phase I and II - the punch list has been completed and we're awaiting re-inspection and acceptance by VDOT. Truslow Road - the new alignment is open to traffic and the cul-de-sac is paved, and we're still working on laying drainage pipe and waterline and there's some other work to do but we'll be done with that by June. Mountain View Road, Phase I - the paving and striping is completed and the contractor is working on the punch list. And Mountain View Road, Phase II - the punch list items have been completed and we're awaiting VDOT final acceptance. On Poplar Road and Mountain View intersection - we're still undergoing right-of-way acquisition; we've acquired most of the right-of-way and easements. There's several other property owners we're still working with, and we're obtaining quotes on relocation costs for when we do get that right-of-way. Brooke Road Safety Improvements - land acquisition was completed. Dominion Virginia Power has started the relocation efforts; they're actually well under way and as soon as they finish, Verizon is scheduled to start relocation in February. We're also working on a draft MOU with Stafford Schools and Stafford Hospital to relocate the fiber optic line that is along the road. This project, Jefferson Davis Highway and Telegraph Road, the intersection improvements were completed this summer. On Garrisonville Road, we've been quite active. We're now in the utility relocation phase. We continue to work with property owners; we've settled 25 of the 39 properties, obtaining right-of-way and easements. We're still working with others. We did file several Certificates of Take. We continue to work with those property owners, including Mike's Diner and Professional Collision to address their concerns and reach a purchase agreement. We also had a public informational meeting that was well attended for several Route 610 projects, including Onville Road, Garrisonville Road widening, and the intersection with Route 1 that I'll discuss in a

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minute. And that was well attended. Centreport Parkway - that is complete. The new roadway is open and we're awaiting VDOT acceptance. Those are some older photos, but it's actually complete. Enon Road, we anticipate a public hearing in March and we're working on that advertisement and notification to the surrounding land owners. The right turn lane at Route 1 and Garrisonville Road - since I've last spoke with you, the Commonwealth Transportation Board, the CTB, they approved the request to shift the limited access fencing that's along Interstate 95. And we've been working with VDOT to get final plan approval. Right now the steps are, there's a power pole that is in conflict, so as soon as the snow clears Dominion will hopefully be out there to relocate the power pole. And then VDOT, their contractor will actually install new signal poles. They're going to replace all the signal poles and make improvements for the additional right turn lane. That'll be about 30 days and then we'll start our right turn lane improvement. And the whole project will be wrapped up by July. The intersection improvement at Route 1 and Courthouse Road - we anticipate a public hearing in March. We had an informational meeting with citizens this summer that was well attended. The wayfinding signs - the contractor has been out drilling foundations. These are quite substantial; they're at least 8 feet deep with reinforcement bar and then they pour concrete. They've completed 22 of the 39 foundations. They've drilled others. As soon as the snow melts, they'll be back out early February. They've also been working on the signs themselves; those are painted and they're being prepared for installation. And Truslow Road - we also had another safety improvement project where VDOT had identified fixed objects in the clear zone. And we removed 196 trees. The photo there shows some stumps; we actually cut those stumps to no higher than 4 inches above the ground. And lastly, Juggins Road sidewalk - this was a nice project. We added sidewalk along a portion of Juggins Road. And that concludes my report. Do you have any questions?

Mr. Apicella: Any questions for Mr. Rapp? Mr. Coen?

Mr. Coen: Hi. Just a couple things if you could just send them; you don't have to answer anything. If you could just send me some information. I remember on the Brooke Road issue there were some comments way back when by some public about where the road would be and how it would be widened and etcetera. So, I you could just send me some information on that project in general.

Mr. Rapp: Sure.

Mr. Coen: And then, just because I remember being in a meeting where we were discussing the Courthouse Road update and there was a lot of questions about particularly when it goes back to where the Route 1 separates and there's the wooded area; I'm just curious if in all the plans that's still remaining or if that's going to be sort of taken away to widen Route 1. Thank you.

Mr. Apicella: Any other questions? Seeing none, thank you Mr. Rapp. And I greatly appreciate the information and your time. I was wondering if you might be willing to send us a copy to Mr. Harvey for our benefit of the presentation?

Mr. Rapp: He has a copy already.

Mr. Apicella: Great. Thank you so much.

Mr. Rapp: Thank you.

Mr. Apicella: Okay. Now moving on to public hearings, items 1 and 2; Mr. Harvey.

PUBLIC HEARINGS

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1. RC15150925; Reclassification - Stafford Lakes Plaza Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44-62 and 44-62B, zoned B-2, Urban Commercial, to modify conditions relating to site design standards and building requirements. The site consists of 25.77 acres and is located on the north side of Warrenton Road, east of the intersection with Village Parkway, within the Hartwood Election District. **(Time Limit: April 26, 2016)**
2. CUP15150926; Conditional Use Permit - Stafford Lakes Plaza Royal Farms - A request for a Conditional Use Permit (CUP) to allow motor vehicle fuel sales in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, and a convenience store in a HC Overlay Zoning District, on a portion of Tax Map Parcel No. 44-62B. The site consists of 1.91 acres and is located on the north side of Warrenton Road, east of the intersection with Village Parkway, within the Hartwood Election District. **(Time Limit: April 26, 2016)**

Mr. Harvey: Thank you Mr. Chairman. If you could please recognize Mike Zuraf for the presentation.

Mr. Zuraf: If I could have the computer please. Good evening Mr. Chairman, members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. I'm going to present items 1 and 2 together. This is for Stafford Lakes Plaza Royal Farms. It's a zoning reclassification and conditional use permit. First going through the zoning reclassification, item 1, this is a request to amend proffered conditions on the Stafford Lakes Plaza site. The applicant is proposing to construct a Royal Farms gas station and convenience store on a portion of this overall site. The proposed Royal Farms site would not comply with some of the existing proffers, including internal street access points and fire sprinkler requirements. The applicant is proposing these amendments to support the development of the Royal Farms, in addition to other development requirements. The total area is 25.77 acres and zoned B-2, Urban Commercial. Looking at the location, this is the zoning map; the site itself highlighted in blue. As mentioned, it's zoned B-2. It's on the north side of Warrenton Road, east of the intersection with Village Parkway. For some history on the zoning, in 2007 the property was rezoned from A-1, Agricultural to B-2, Urban Commercial, with proffers. The original development scheme envisioned commercial retain and office complex with anchor stores to the rear of the site and several pad sites fronting on Warrenton Road. In 2010, an infrastructure plan was approved for grading of the site and installation of some of the utilities. And since that time, no development... additional development has occurred. Here's an aerial photo of the site. This is, for reference, the open field across from the Walmart out by Stafford Lakes Village. The site is undeveloped, has generally level terrain near Warrenton Road. On the north half of the site, to the rear, the land slopes down to Falls Run. The graded area is open grass area and the other remaining areas to the northern half of the site and adjacent to Cardinal Forest are wooded. Falls Run, at the northern property line, is a perennial stream. It includes a 100-foot Critical Resource Protection Area buffer and 100-year floodplain. Surrounding the site, as mentioned to the east is the Cardinal Forest subdivision. Opposite side to the south is the Walmart and other undeveloped commercial pad sites. And to the north and west are undeveloped properties. This, just for reference as well, is the image of the original GDP for the entire commercial development. The area highlighted in red is the area where the Royal Farms is proposed. The location was originally envisioned for two retail office pad sites with access from internal streets. You can see the access off of the internal streets would be kind of to the back side of the buildings in reference to Warrenton Road. So, (inaudible) just went ahead and superimposed the General Development Plan for this Royals Farms onto the overall site, so it looks a little odd but I tried my best to just kind of show how that Royal Farms would fit into the overall site. So the area that originally had three pad sites would now have two pad sites fronting on Warrenton Road. Getting into the specific proffer amendments, there are multiple proffers where there are changes recommended to street names; specifically, Village Parkway is referenced several times. This is being changed to Main Entrance

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Private. This main entrance lines up with Village Parkway which is a collector road that serves Stafford Lakes Village. The original GDP and proffers identified the street name continuing into this project. Staff does feel though that it would not be appropriate to continue that street name, Village Parkway, to the north of Warrenton Road as the origin of the street is from Warrenton Road and heads south, and the type of each of the roads are different. Village Parkway, in its current location, is a parkway that serves a large area; whereas, the road to the north side of Warrenton Road would be more of a private road serving just this commercial development. So, that would get a different name and that would be determined during site plan review. Another proffer change is proffer 7 regarding fire sprinklers. This would require automatic sprinklers in buildings more than 1-story or 6,000 square feet. Currently, the proffers require sprinklers... fire sprinklers in all buildings. The applicant is requesting this modification as a convenience store building given its function and smaller size doesn't require fire sprinklers. This amendment was reviewed by the Fire Marshal's office and they deemed this adjustment acceptable given the situation.

Mr. English: Mike, will they have sprinkler systems out there by the gas pumps?

Mr. Zuraf: No, this would be... no. I'm not certain what they have at the gas pumps but this would have required in the convenience store to have sprinklers, but they're requesting not to have to do that.

Mr. English: Right.

Mr. Zuraf: And given the smaller size of the building and use, the Fire Marshal feels that that's acceptable. This mirrors what was done in the proffer amendment for North Stafford Office Complex when the Sheetz came to you a few years ago, two years ago. They basically modified the proffer to match what is before you here.

Mr. English: But what kind of fire compression is out there by the gas pumps? Is there going to be something out there or do you know?

Mr. Zuraf: I'm not certain how that's handled. I think they have emergency cutoffs, but I'd have to look into that.

Mr. English: Okay.

Mr. Coen: Just real quickly -- I know that the Fire Marshal said that it was acceptable. Do they have different levels that they've told you in the past? I mean, do they say with certain things this is preferred or this is, you know, doable, acceptable? I mean, I'm just curious.

Mr. Zuraf: There are different standards in the building code that... of what types of fire sprinklers and generally in the smaller buildings it's not necessarily required.

Mr. Coen: Right, but what I was sort of getting at was when the Fire Marshal comes back and says this is acceptable, I mean, are there times where they come back and say well this is actually ideal or this is preferred or something? Or is it just that automatically their response always is it's acceptable?

Mr. Zuraf: Not always. It depends on the situation. They did feel in given this type of situation that 6,000 feet is an acceptable cutoff and, you know, anything larger, they're likely to come back and say that they would want those sprinklers to remain. Okay, the next amendment would be proffer 10. This is related to Private Road A. This would be a request to reduce the access distance to Warrenton Road from 180 feet to 140 feet, and include additional measurement details. This is just a screen shot of the

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original GDP. You can see the access road is where it says monument sign; that's that specific road that's being referenced. The 180-foot setback basically puts your access or entrance road to the back of this front pad site. So that's what the applicants are seeking relief from. So, looking at the General Development Plan, this would push that access point up 140 feet, and that's where this would put it. Staff would note that the proposed entrance would then line up with the drive aisle that is located between the convenience store and fuel pumps which may be suitable for good circulation through this site. The applicants added the details to clarify how the distance is measured as it was vague before. The 140-foot distance would be measured from the future third through travel lane on Warrenton Road, which is basically clarified with that blue line that's on the screen. VDOT did review the proposed amendment and determined that there would be no negative impacts from this adjustment to the access point. Proffer 12 then also deals with access setbacks. This is dealing with the setback along the... or the access point along the Main Entrance Drive. This again would reduce what's required from 180 feet down to 140, add some measurement details, and add that additional standards that cross streets along this main access drive should be aligned. So this, although there's not a specific development proposal in this location at this point, the applicants superimposed where that access point might be located along this Main Entrance Drive. It would have to be a right-in/right-out entrance point because that entrance drive would be separated by a median. Then, an additional adjustment that kind of came about upon a request from staff. It had to do with some specific stormwater management requirements. This required enhanced stormwater controls be provided subject to the County requiring properties in the watershed above Cardinal Forest for providing enhanced controls. This was also done in response to potential erosion concerns that were raised when the rezoning was originally approved. This requirement was never approved... initiated by the County and since the approval of the proffer, the County has actually adopted new stormwater regulations. Staff suggested the applicant delete this portion of the proffer. They would still be required to meet current stormwater regulations as the project develops. The final part of that proffer does require a contribution of \$10,000 either to the County or to Cardinal Forest HOA for future maintenance, if the need arises, to culvert crossings at Falls Run; so that would remain. The Comprehensive Plan in this location is recommended for a commercial corridor within suburban land use. A commercial corridor is intended to encourage commercial activities where there's adequate transportation to accommodate the use and where suburban scale development is most appropriate. Staff believes the proposed amendments maintain the site's consistency with the Comp Plan recommendations in this location. As far as summary of item 1, the reclassification, staff believes it's in conformance with the Comp Plan; the adjustments of the site layout do not negatively impact the transportation network; additional text clarifies the intent of the development standards; and removes outdated stormwater management requirements. Staff doesn't believe there are any negative impacts from this and recommends approval with the proposed proffers. And now, to get into item 2, the Conditional Use Permit, this request would include for motor vehicle fuel sales in the B-2 Zoning District and Highway Corridor Overlay District. And the convenience store requires a use permit within the Highway Corridor Overlay Zoning District. This portion of the overall site is 1.91 acres. This location map highlights the Conditional Use Permit area in relation to the overall proffer amendment area. Here's the General Development Plan for the Royal Farms site. The building itself is, for the convenience store, is located in this area. The fuel pumps are here, and there will be 16 gas pumps in this location. As mentioned, the access to the site off of Warrenton Road would be in through this location. And there also then would be access from the back of the site out to the Main Entrance Drive that lines up with Village Parkway. Given that this use does generate more traffic than originally envisioned in the overall project, a traffic impact study was conducted to determine the impacts from the access road where it intersects with Warrenton Road. The study itself did find that this intersection would operate at a Level of Service C or better. This is consistent with Transportation Plan recommendations in the County's Comprehensive Plan which recommends that projects should achieve a Level of Service C or better at intersections and road segments. The traffic impact study was reviewed and approved by VDOT staff. Staff has proposed several conditions for this use; that the uses are

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permitted in the general location shown on the General Development Plan. There are also conditions for the building, fuel canopy, dumpster enclosure, and signage to be in general conformance with the elevations, which I'll show you in a moment. Also, there are conditions that the loading spaces, truck delivery spaces, and dumpster pads shall be in locations shown on the General Development Plan. These are in locations that will minimize view from Warrenton Road towards the back of the site. And then you do have the standard carnival style signage restrictions that we have in most of these cases along these corridor highways. Also, you did receive tonight a new modified version of the resolution, R16-44. There's just a slight modification to condition 1 where we reference the old title of the General Development Plan. So this new resolution just updates and corrects the name of the General Development Plan, which is Stafford Lakes Plaza Royal Farms; so we're not confusing anything in the future. As mentioned, the applicant has proffered buildings to be constructed in conformance with the building images provided. The architectural renderings submitted with the proposal depict the appearance of the building, canopy, and signage. The building design includes brick, stone, and Hardiplank siding, or similar materials for the façade. They also include window awnings, enhanced entrance features, decorative wall lighting, and wall plane recesses and projections. Also, the materials consist of subtle earth tone colors. The proposed monument sign would utilize the same brick materials for the base of the sign, as you see in the primary building. The proposed fuel canopy is to consist of white columns with the end columns wrapped in stone or brick and a continuous white canopy awning band. The illumination of the canopy band will be limited to the "Royal Farms" lettering along that band. And dumpster screening also will consist of similar brick materials. The building design and signage is in conformance with the recommendations in the Neighborhood Design Standards Plan and would be consistent with the existing proffered architectural details also that exist.

Mr. Apicella: I hope they're getting the gas price wrong there.

Mr. Zuraf: Oh, yeah. Also, then, with the evaluation of this, staff believes it's in conformance with the Comprehensive Plan recommendations; consistent with the established and proposed development patterns; and conditions intend to mitigate impacts to the road network and surrounding properties. We don't believe there are any negative apparent... negative impacts with this use. And staff recommends should the concurrent proffer amendment be approved, we would recommend approval of the use permit with the modified conditions.

Mr. Apicella: Thank you Mr. Zuraf. Any further questions for staff? Mrs. Vanuch?

Mrs. Vanuch: I have a question. I saw on the photo of the brick overlay there was going to be regular fuel and diesel. Is that an accurate assumption that both types of fuel will be sold there?

Mr. Zuraf: When we had a meeting with the applicant, I think it's just automobile diesel. I would defer to them to confirm that. I don't believe it's going to be truck diesel if that's what you're referring to. But I would defer to the applicant to clarify that.

Mrs. Vanuch: Okay.

Mr. Apicella: Thank you. Any further questions?

Mr. Coen: Mike, and I appreciate... I asked just how many in that area are there fuel, convenience stores, and then combos, and you very nicely supplied to me that you said there's six combos. But what do you mean by in that area? I mean, is that a 2 mile radius, 5 mile radius?

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Mr. Zuraf: That goes all the way down to the intersection with Interstate 95. So, I mean, most of them are down closer to 95 but there are a few as you get closer up to this site. But they are pretty much spaced out along the way.

Mr. Coen: Thank you.

Mr. Apicella: Anyone else? Thank you Mr. Zuraf. Would the applicants or their agent come forward?

Ms. Karnes: Good evening Mr. Chairman, members of the Planning Commission, and staff. My name is Debrae Karnes; I am an attorney and land use planner working for Leming and Healy, and I am here representing the applicants tonight. It is my pleasure to come before you with two applications that have been recommended by staff, have been reviewed thoroughly by transportation which has found no adverse issues, and presents an exciting new business to benefit our community. So, I'm going to make my presentation short, but please feel free to ask questions. And, as part of the presentation, Jeff Bainbridge from Royal Farms will share some background about his business. In the audience, also, is Steve Klebanoff of Sumner Falls Run and Mike Bagby, the engineer. And, finally, I wanted to thank staff for their consideration and prompt handling of this case. So, we have a minor proffer amendment that basically changes two substantive proffers as Mr. Zuraf has indicated. We're moving the setback for the pad entrance forward 40 feet which, as you heard Mr. Zuraf say, basically enhances site circulation. I think his word is provides optimal site circulation. We're also changing the requirement for fire suppression system, as supported by the Fire Marshal, to eliminate the need for fire suppression systems in buildings 6,000 square feet or less, which would include the convenience store. There was a question, I believe, from Commission English about how the fuel pumps are handled. Traditionally, fuel pumps are not equipped with fire suppression systems; they are equipped with fire extinguishers. There are 16 fueling positions, 8 pumps; there will be a fire extinguisher, one for each pump. In other words, 8 fire extinguishers. There was also a question about the sale of diesel fuel. And diesel fuel will be sold; it is for automobiles. Now, that definition would include say passenger trucks, but it's not intended to serve semi's, major truck rigs that you see, because the site isn't equipped to handle those. The other thing I'm excited to talk to you about is that the architectural are proffered so you will see exactly what you're getting. We made an attempt to provide better graphics for tonight's presentation which more accurately displayed the colors; the colors in the staff report were a little mis-tinted I should say. It's a very beige appearance with the bricks. The conditional use permit proposes a convenience store with fuel pumps. It is designed to be compatible with the remaining shopping center. And it, as I said before, has no negative traffic impacts. It will be a Royal Farms convenience store with gas station. And I'd like to invite the representative of Royal Farms to spend a few minutes talking to you about the company's history and what's distinctive about it. And this would be again Jeff Bainbridge.

Mr. Bainbridge: Hi, good evening. Thank you; glad to be here. So my name's Jeff Bainbridge; I'm the Director of Real Estate for Royal Farms. We're based in Baltimore; we market in obviously the Baltimore market, the Philadelphia, the Delmarva-Eastern Shore, and of course Hampton Roads. This would be our first store south of D.C. and the northern Virginia Area and of course our first in Stafford County. We have 170 stores. We've been in business about 80 years. We started off... in fact, there still is an operating dairy in Baltimore City. The dairy became dairy stores to convenience stores, and then convenience stores with fuel. The latest transition we've made is we think we're moving more towards a fast casual restaurant. We still have fuel, we still have the convenience stores items you typically see, but what we're moving more towards is more food service oriented. If you go in one of our newer stores, you'll see that. Our signature product is fried chicken and western fries. People come all over for the fried chicken. If you've been to one of our stores, you'd know that. But we still have, you know, convenience store items that you'd typically find. We have freshly made sandwiches, we have a good to go case for healthy alternatives, we have sides that go with the fried chicken for the busy

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moms or busy dads that come home and need something real quick to cook up for the family, and of course the full coffee program that you'd find.

Mr. English: You didn't bring any samples tonight?

Mr. Bainbridge: I did not, no. Yeah, that's usually the case. And the gas prices used to actually be low, but now I guess I have to update the price on there. Our buildings are built to lead certify. While we are a gasoline, a fuel operator, we do believe in the environment. We do believe in trying to do the right thing. So we build to lead certify status. Now, if you understand lead, sometimes we can't get to lead certify status; we're not going to get the award for it, but we still make the effort for the water-saving devices. And we recycle our grease for the chicken; it's turned into bio-diesel. So we do our effort there. This Royal Farms represents a \$3 million investment. There'll be about 75 construction jobs and about 45 to 50 permanent jobs once we're open and operating. And I again mention that this is our first store in Stafford County and we hope it's not our last. And we look very much forward to be a part of the community.

Mr. Apicella: Any questions?

Mr. English: I've got a couple. This is going to be a 24-hour store, correct?

Mr. Bainbridge: Yes, it's 24/7. Most stores are these days; the community demands it.

Mr. English: I see that... I was checking your website and I see where you are green, most of your stores are green that you do.

Mr. Bainbridge: Yeah, thank you, yes. That's a new effort. Our new stores are that way. Some of our oldest ones we obviously can't do so much.

Mr. English: And this will be the second store in Virginia?

Mr. Bainbridge: No.

Mr. English: Because I see one in Portsmouth?

Mr. Bainbridge: We have I think four or five in the Portsmouth/Hampton Roads market and probably six on the Eastern Shore of Virginia. This is our first on the western side of the shore, south of D.C.

Mr. Apicella: Anyone else?

Ms. Karnes: I'll be happy to answer any other questions you have, but I would like at this time to request that you approve both the minor proffer amendment and the Conditional Use Permit. We've worked very hard to respond to each and every one of staff's concerns and I think this will be a great project.

Mr. Apicella: Any questions for Ms. Karnes? Seeing none, I'm going to open the public hearing on this matter. It's an opportunity for the public to provide comments. For the sake of brevity, I'm going to just ask if anyone here is interested in providing public comments before I go through the normal dialogue that we provide and say what the parameters are. So, it doesn't look like there are. With that in mind, I'm going to close the public hearing and bring it back to the Commission for further consideration. Mr. English, this is in your district.

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Mr. English: Yes sir, Mr. Chairman. I make a motion to approve RC15150925, reclassification.

Mrs. Bailey: Second.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to approve made by Mr. English; a second by Mrs. Bailey -- she won by just a second there.

Mr. Rhodes: Yes she did.

Mr. Apicella: Mr. English?

Mr. English: No. Like I said, I did some research on the website. I see that they'll be a very good asset for the community; they do a lot of good stuff is what I've read on the website. They help the disabled vets, wounded warriors, USO, you do a lot and I think you'll be a big asset to the community.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? I'll just say that I live in close proximity and I look forward to having a Royal Farms close by because I don't think we have any gas stations further than say I think where the Wawa is. Okay, all those in favor of the motion to approve RC15150925 signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? Okay, the motion passes 7-0.

Mr. English: Mr. Chairman, I'd like to make a motion to approve CUP15150926.

Mr. Apicella: Okay, is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to approve CUP15150926, Conditional Use Permit, Stafford Lakes Plaza Royal Farms. Okay, Mr. English, anything else?

Mr. English: No sir.

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Mr. Apicella: Mr. Rhodes? Anyone else? Okay, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All those opposed? The motion passes 7-0; congratulations. Thank you. Okay, items 3 and 4 have been deferred. Items 5, 6, and 7 are on future agendas. I don't believe there's any new business. Planning Director's Report; Mr. Harvey.

UNFINISHED BUSINESS

3. 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 Tax Map Parcel No. 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: January 13, 2016) (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) (Deferred on November 18, 2015 to January 13, 2016) (Deferred on January 13, 2016 to January 27, 2016)**
4. 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 Tax Map Parcel Nos. 39-12 and 39-14, which are zoned B-2, Urban Commercial, and Tax Map Parcel No. 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: January 13, 2016) (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) (Deferred on November 18, 2015 to January 13, 2016) (Deferred on January 13, 2016 to January 27, 2016)**
5. RC15150923; Reclassification - Counting House - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow an office use on Tax Map Parcel No. 53D-1-36, owned by Stafford County. The property consists of 0.41 acre, located on the west side of Gordon Street, north of King Street, within the George Washington Election District. **(Time Limit: February 16, 2016) (History: November 18, 2015 Public Hearing Continued to January 13, 2016) (Deferred on January 13, 2016 to February 10, 2016)**

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6. Amendment to the Zoning Ordinance - Proposed Ordinance O16-13 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow outdoor activities for uses listed in the M-1, Light Industrial Zoning District with approval of a Conditional Use Permit (CUP). It would also allow commercial kennels with outdoor runs and railroad sidings as a by-right use if the runs and railroad sidings are more than 500 feet from a residence. **(Time Limit: March 14, 2016) (History: Deferred on November 18, 2015 to December 9, 2015) (Deferred to January 13, 2016) (Deferred on January 13, 2016 to February 10, 2016 - In Committee)**

7. Amendment to the Zoning Ordinance - Proposed Ordinance O16-14 would amend the Zoning Ordinance, Stafford County Code . 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow outdoor activities for a industrial school in the M-1, Light Industrial Zoning District with approval of a Conditional Use Permit (CUP) and a distance requirement of 2,000 feet from any A-2, R-1, R-2, R-3 and R-4 zoning district. It would also require any use conducted outside in a M-1, Light Industrial District be consistant with the Comprehensive Plan, not involve discharging of firearms with a range of 2,000 feet and that the use complies with the stated purpose for the M-1 District. It will also allow commercial kennels with outdoor runs and railroad sidings as a by-right use if the runs and railroad sidings are more than 1,000 feet from a residence. **(Time Limit: March 14, 2016) (Deferred to January 13, 2016) (Deferred on January 13, 2016 to February 10, 2016 - In Committee)**

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

❖ 2015 Annual Report

Mr. Harvey: Thank you Mr. Chairman. At your last meeting, I presented the Commission with a draft of the 2015 Annual Report and asked if there were any comments. I have not received any directly. I would ask the Commission if there are any additional comments and/or if the Commission wants to adopt the Annual Report as presented.

Mr. Apicella: Any comments, concerns about the draft from anyone?

Mr. Rhodes: I thought it was good and I would just make a motion that we approve the narrative as presented.

Mr. Apicella: Okay, is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay, there's a motion made by Mr. Rhodes, seconded by Mr. English to approve the draft provided by Mr. Harvey. Any further comments Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Mr. English?

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Mr. English: No sir.

Mr. Apicella: Anyone else? All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries for the Annual Report as written. Thank you.

Mr. Harvey: Thank you Mr. Chairman. As by state code, the report will be forwarded to the Supervisors.

Mr. Apicella: Thank you Mr. Harvey.

❖ By-Laws

Mr. Harvey: The next item is on the By-Laws. The Board of Supervisors recently passed a resolution limiting any Boards or Commissions to have no more than two consecutive terms in a specific office, dealing with Chairman and Vice-Chairman primarily. That would require a change to the By-Laws. But if the Commission's inclined to recommend that change, staff will note that there is a provision that the By-Laws have to be noticed for amendment for at least 30 days before they're enacted.

Mr. Apicella: And when you say noticed, what do you mean by that? It's got to be put on... it's got to be an advertisement? How does that work?

Mr. Harvey: I will defer to the Parliamentarian on that matter, if that's okay. Give us one moment Mr. Chairman.

Ms. McClendon: Mr. Chairman, I don't believe the notice is that formal. Section 7 of the By-Laws under Amendment states, these By-Laws may be changed by a two-third vote of the entire membership after 30 days prior notice. So, the Commission is now put on notice of this By-Laws change and in 30 days the Commission can act on it.

Mr. Apicella: Okay, got it. Can we discuss it? Do we need to discuss it? What's the protocol prior to the 30 days?

Ms. McClendon: Yes, Mr. Chairman, you can discuss it. If there are additional changes that you would like to see, then staff can bring that back to the Commission at the next meeting and then from there you would have 30 days and then you could adopt them after that.

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Mr. Apicella: Okay, thank you. So, Commissioners, any comments/concerns/suggestions? Just for clarification, the changes are on page 2, Sections 2-3, part B, is that correct? What about the Vice-Chair? Was that included in the referral or the decision by the BOS?

Mr. Harvey: Mr. Chairman, I don't have the specific resolution in front of me, but it's my understanding it applied to Chairman, as well as Vice-Chairman offices.

Mr. Apicella: So what... because it doesn't say Vice-Chair, what do we need to do to fix that, and then we can start the 30-day clock?

Ms. McClendon: Mr. Chairman, I would recommend just adding under Section 2-3, paragraph B, the Chairman and Vice-Chairman shall be elected, and continuing on as it currently reads. So we can make that change in staff and have the 30-day notice begin today.

Mr. Apicella: Okay. Is everyone good with that?

Mrs. Bailey: Is that not, Mr. Chair, noted in the same Section under D?

Mr. Coen: Yeah, we either would have to change D... put it into D, otherwise it would contradict itself.

Mr. English: You'd have to take Secretary (inaudible - microphone not on).

Mrs. Bailey: The Vice-Chair and Secretary shall be elected at the annual meeting for a term of one year, and they may succeed themselves (inaudible - microphone not on).

Mr. Apicella: Well, you just add except as provided under part B?

Ms. McClendon: Mr. Chairman, I don't see that as a conflict. Provision D allows those two offices to be elected for one-year terms and they're allowed to succeed themselves. However, I think provision B would be controlling on the Chair and the Vice-Chair that it only could be for two years. The Secretary would not be limited by that provision of two years however.

Mr. Apicella: Okay. Is this something we can just decide on by consensus or do we need to take a formal vote to put it forward for the next 30-day clock to start?

Ms. McClendon: No, Mr. Chairman, I believe consensus is fine. And then the Commission can vote on it in 30 days.

Mr. Apicella: Is everyone good with that? Alright, thank you.

❖ YES Program

Mr. Harvey: Mr. Chairman, the next item to discuss under Planning Director's Report was the Youth Engaged in Stafford. Mr. Coen had brought this forward to the Commission as a potential option to consider having a high school student attend meetings and possibly watch the proceedings as part of their educational growth and achievement. I'll open it up for any discussion the Commission may have.

Mr. Apicella: Any discussion? Mr. Coen?

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Mr. Coen: Mr. Harvey, if you could sort of let the rest of the Commission know, or Ms. McClendon could let us know, the issue that's sort of concerns this as far as we are concerned. I think either one of you could articulate a little better than I can.

Mr. Harvey: Okay. Mr. Coen and Commissioners, one of the issues or concerns that could potentially be seen with this program is level of involvement of the student. The student is free to, at the Commission's desire, sit at the dais and watch the proceedings. However, if the student actively engages proceedings, it could potentially color a decision of the Planning Commission. So that would be a concern that may be had, so the Commission would need to establish up front for the student the rules of engagement and participation. Did I capture everything?

Ms. McClendon: To add on to what Mr. Harvey stated, additionally because of the privilege that I share with the Commission and with the Board, I could not advise the student. And so the student would be privy to the same legal information that the Commission would be. Also, I would advise just ensuring there is consent of the Board. The Planning Commission is a little bit different than other BACC's that the Board appoints because the Planning Commission is set out by state code. So we need to make sure we're not running afoul of membership requirements there. And, as the Board appoints to the BACC, they should also be on board with this as well.

Mr. Coen: As a person that sort of brought this forward, my thought was that with those different elements that we would need to look into, and particularly to find out where the higher authority is on this, that we really wouldn't pursue it this year but maybe look into it, gather more information from the other Boards, and see about what to do about next school year, as far as our September timeframe. And also try to push it toward the other entities. It's a great program; I'm not sure that a great number of the students are aware of it, let alone the teachers who could be promoting it. And I know, because of our different element, I was concerned about us leaping forward into it without having all that background information. So, my feeling is we sort of get more information and then try to pursue this program for whatever entities are best for it in the fall.

Mr. Apicella: Okay, thank you Mr. Coen. Anybody else? Alright, so what I'm hearing is we're going to hold off on this until at least sometime in the fall. Thank you. Mr. Harvey?

❖ R16-10, County Code Amendment to Increase Review Time Regarding Rezoning/Zoning Text Amendments

Mr. Harvey: Mr. Chairman, continuing on, there's a number of items that are in your packet that were referrals from the Board of Supervisors. Specifically, Resolution R16-10, which is dealing with a zoning text amendment affecting the time limit the Commission has for review on amendments for rezoning, as well as amendments to the Zoning Ordinance text. Currently, the County Code requires you have to take action on those matters within 90 days; State Code allows 100 days. The Commission had requested the Board extend the time limit for the Commission's consideration to a hundred days. This ordinance amendment would do that, and from staff's perspective, it's a very straightforward ordinance amendment. And I would ask the Commission's consideration of authorizing a public hearing.

Mr. Apicella: Anyone interested in putting a motion forward?

Mr. English: I make a motion, Mr. Chairman, to set a public hearing.

Mr. Rhodes: Second.

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Mr. Apicella: Okay, there's a motion made by Mr. English, seconded by Mr. Rhodes. Any further comments Mr. English?

Mr. English: No sir. I do... I guess, Mr. Harvey, is that going to be done within the next 60 days or 90 days for the public hearing?

Mr. Harvey: Mr. English, based on the current County Code, you have 90 days from the time the Board adopted the resolution to hold a public hearing and take a vote. They passed the resolution on January 19th.

Mr. English: Okay. So we've got 90 days from the 19th.

Mr. Apicella: So, is it your... I'm kind of walking through your motion to put it forward at the first possible meeting at which it would meet the public notice requirements?

Mr. English: Yes, right.

Mr. Harvey: Yes sir.

Mr. Apicella: Okay. Are you good with that Mr. Rhodes?

Mr. Rhodes: Yes, absolutely. And since this was something we had asked of the Board, we're appreciative of their referring it down to us.

Mr. Apicella: Any other comments? I agree. As one of the people who thought this was a fairly helpful opportunity for us, that 10 days really can make a difference. Sometimes we've missed the deadline by just a day or two and I think this will make a world of difference for us. So with that in mind, all those in favor of the motion to put this to a public hearing signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

❖ R16-18, County Code Amendment Regarding Minimum Lot Width in the PD-2 District

Mr. Harvey: Mr. Chairman, another resolution that was forwarded to the Commission was Resolution R16-18. That's a proposed amendment to the Planned Development-2 Zoning category to change the minimum lot width for single-family detached homes from 50 feet to 40 feet. That was originated by Mr. Clark Leming on behalf of his clients, the developers of the Embrey Mill project. They've noticed that a number of issues with concerns about house sizes and affordability and price points, and the

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Community and Economic Development Committee of the Board had a lot of discussion and had presentations over a series of meetings. Staff would seek your guidance as to whether you'd like us to invite the proponent of this amendment to come before the Commission to provide additional explanation, or would you rather have us move forward with a public hearing?

Mr. Apicella: Any thoughts/comments? Mr. Coen?

Mr. Coen: Mr. Chair and Mr. Harvey, is it possible for us, before we decide whether we want to move forward with it to get some of that information that was presented over the series of meetings? Before I would feel comfortable throwing it to a public hearing, I sort of would like to have some background on it. And it seems to me I believe we had a great number of discussions over the last year or so about property size and width and the distance between homes and all that, and personally I just think it'd be more helpful for us to get information first and then move forward. But that's just my opinion.

Mrs. Bailey: I would agree.

Mr. Apicella: So, what you're suggesting is before we invite Mr. Leming, we get some further background information and we'll bring this up at the next meeting to talk about where we go from here?

Mr. Coen: Yes sir, that would be my suggestion.

Mr. Apicella: Okay. Mrs. Bailey, is that okay? Anyone else? Can we do this by consensus or do we need to take a vote? Okay. So be it then. Thank you. Next item Mr. Harvey?

- ❖ R16-26, Time Extension for Review of Comprehensive Plan Amendments - UDAs/TGAs and 5-Year Update

Mr. Harvey: Thank you Mr. Chairman. Also, the Board of Supervisors referred to you Resolution R16-26 which grants the Planning Commission's request for more time for development of the Comprehensive Plan. The Commission had asked for a time extension until June, so the extension has been granted to June 30th.

Mr. Apicella: Outstanding; and much needed breathing room.

Mr. Harvey: And that concludes my report Mr. Chairman.

Mr. Apicella: Thank you Mr. Harvey. County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Apicella: Okay, Committee Reports. Mr. Coen.

COMMITTEE REPORTS

- ❖ Comprehensive Plan Update

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Mr. Coen: Hi there! Yes, the subcommittee met on January 16th. We had the three official members of Mrs. Bailey, Mrs. Vanuch, and myself, as well as Mr. Apicella attended and Mr. Rhodes. We had two major topics that we discussed; one was the technology/business zone concept that was put forward by Mr. Hornung. The other issue that we discussed was the Airport Overlay District. Staff is still working on different elements that we had asked them to sort of to go forward with those to get some idea of what, in general, we would go move forward with a recommendation to this whole body on that. The Board of Supervisors is having their retreat February 4/5, I believe Mr. Harvey, at which point -- and we think it may well be on the 4th but that's not definitive -- they will be talking about some of the issues of the Comp Plan with hope that they will then give us some guidance to the question that we asked I think in October about how much of the growth to put in the TGAs versus outside the TGAs. Our next large meeting of the subcommittee -- and I say large just merely because of the amount of topic and details that we will have to go over -- is February 20th, here. At that we will be discussing the TGAs, land use, USAs, also sorts of As, so that we can sort of move forward on this in a timely manner. That, quite honestly, will probably be a large meeting, an important meeting, and of course all members of the public are encouraged to give their thoughts. Partly, it's in February so that staff can do its outreach to stakeholders in which staff asked for our help; if we have anybody that we think would be good to reach out to as stakeholders. I know staff is going out and reaching out to the people who attended the public input sessions. Some of them have contacted us with more ideas. And then they want to get some more input from those people and we, of course, would love to have as many members of this Commission at the meeting on February 20th so that we get your input into the whole process. That's all I have to report sir.

Mr. Apicella: Thank you Mr. Coen. For lack of a better title, I'm going to call it the M-1 Uses Subcommittee. Mr. English, can you give us an update?

Mr. English: Yes sir. We met last week, last Wednesday, and we had two proposals on the table. We're waiting for staff to come up with a third before I report back to you.

Mr. Apicella: Can you remind me again, when do we have to make a decision on this to put it to a public hearing?

Mr. English: I think we've got 90 days?

Mr. Apicella: I thought we had to have something by the first meeting in February?

Mr. Harvey: Mr. Chairman, that is correct. The Commission would need to authorize a public hearing at your February 10th meeting.

Mr. English: Okay.

Mr. Apicella: So, can we get there Mr. English?

Mr. English: Yes. I'm waiting for... yes, we can get there.

Mr. Apicella: Okay, great; thank you. Okay, Chairman's Report? I don't have anything. Other Business; TRC information? Everybody have what they need?

CHAIRMAN'S REPORT

OTHER BUSINESS

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8. TRC Information - February 10, 2016
❖ Stafford Lakes Plaza Royal Farms - Hartwood Election District

Mr. Harvey: Yes sir. The only item is Royal Farms in Mr. English's district.

Mr. Apicella: Great. Okay, approval of minutes, December 9th. Is there a motion to approve the minutes?

APPROVAL OF MINUTES

December 9, 2015

Mr. Rhodes: Motion to approve.

Mr. Apicella: Okay, motion to approve the minutes made by Mr. Rhodes.

Mrs. Bailey: Second.

Mr. Apicella: Seconded by Mrs. Bailey. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The ayes have it. Is there a motion to adjourn?

ADJOURNMENT

Mr. Coen: I move to adjourn.

Mrs. Bailey: Second.

Mr. Apicella: Great. I'm not even going to vote on that.

With no further business to discuss, the meeting was adjourned at 7:28 p.m.