

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**August 24, 2016**

The meeting of the Stafford County Planning Commission of Wednesday, August 24, 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, Bailey, Coen, Rhodes, English, Vanuch

MEMBERS ABSENT: Boswell

STAFF PRESENT: Harvey, McClendon, Stinnette, Hornung, Zuraf, Fiorello, Blackburn, Baker

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Mr. Boswell is out of town today. He did indicate if he were here, he would have recused himself from item number 2. Are there any other declarations of disqualification on any agenda item? Seeing none, are there any changes to the agenda?

Mr. English: Mr. Chairman, I would like to make a motion to move number 4 up to number 1 in reference to the lighting ordinance.

Mr. Apicella: Okay, anyone opposed to that? Okay, seeing no one opposed, I'm just going to allow it to be moved forward without taking a vote. Okay, I'm going to open the public presentations portion of the meeting. This is an opportunity for the public to speak on any matter except tonight's scheduled public hearing items, of which there are several. There will be a separate comment period for each item as it comes up. Please state your name and address before you start your comments, and address the Commission as a whole. You have 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left, and when you see the red light, please wrap up your comments. So, if anyone would like to come forward and speak, please do so now.

PUBLIC PRESENTATIONS

Ms. Clifton: Good evening Mr. Chairman and members of the Board, my name is Irma Clifton. And the reason I'm here speaking now is we do have a Falmouth item on the agenda later on tonight. But I wanted to take an opportunity to invite you all to the Yankees in Falmouth event that's happening September 10<sup>th</sup> and 11<sup>th</sup>. And what makes... it's the 9<sup>th</sup> annual, but what makes it special this time is that the Shelton Cottage, which is a County-owned building, is going to be open to the public for the first time in over a generation. And it's going to have an exhibit by a local Falmouth artist, Marcia Chavez, and it will have paintings of houses, structures, and scenes in Old Falmouth. There will also be a Professor from Northern Virginia Community College who teaches Civil War History, and she will be doing a lecture on the movement of the enslaved people and contrabands across the Rappahannock River, which we are pretty familiar with but not everyone is. And she's going to be talking about that 2 o'clock each day. Also, some members of the Shelton family will be there to answer questions about the Shelton Cottage. They also have given the cottage some really great old photos which shows the cottage after the flood of '72, etcetera. And the cottage will also be furnished with antiques and probably some vintage articles from the turn of the last century. So, it's going to be an interesting display. Also, of course, the Moncure Conway House is where they have the thrust. But I hope you all will come down and visit and tell all your friends to come down and visit, because a lot of effort has gone into getting this place ready. The Planning Office here, the Parks, and the community pulled together, so I just

*Planning Commission Minutes*  
*August 24, 2016*

wanted you to see it and to know about it so that you'll know what the community can do if they have the impetus which the Planning Commission is hopefully going to give us tonight. Thank you.

Mr. Apicella: Thank you very much. Is there anyone else?

Ms. Altstaetter: Good evening Chairman and Planning Commission, my name is Suanne Altstaetter. I'm here today for Unfinished Business for the property and for the reclassification of 1348 Courthouse Road as I am one of the owners. I wanted to thank you in advance for your consideration and approval of this property so we can move it forward to the Board of Supervisors. I also wanted to say thank you because on the June Commission you had it scheduled for September and you added it to tonight's agenda. So, I just wanted to say thank you in advance for that. Thank you.

Mr. Apicella: Thank you. Anyone else?

Mrs. Carlone: Ruth Carlone. Thanks to Irma Clifton, we're really moving with the Shelton House. We're kind of excited about that. Also, this isn't on the agenda but I wanted you to take a look at the site plan for Saratoga Woods. We didn't get a chance to have any hearings; we can't do it because it's by-right. But I want you to take a look at these lots that never should have been signed off on. And I don't know why they were. If you have that sheet there... oh, it didn't get passed down. If you take a look at 16, 17, 18, and 18 and lot 9 and 51, every single one of them have RPA splitting these little 1.5 acre parcels. One of them has two splits going through it with the RPA. I don't know how in the holy heck that was approved -- I stopped myself -- how it was approved or how it got through TRC. But please take a look at it. And we're trying to... some of the other agencies were going to have a big community meeting to take a look at cluster developments. Please listen to the tape from Tuesday's Supervisor meeting for the public presentations and see what's happened to people who have bought properties from McAllister. This huge complex here is McAllister and Foroughi, but you should see the individuals. They don't have water, they don't even have minimum recharge in our area, and this is why it's so important to get this going. And I would ask our Hartwood resident... representative to please get with our Supervisor and come up with a quick date, not October 6. We need help now! Okay, I'm trying to control myself. But anyway, that's it. Thank you.

Mr. Apicella: Thank you. Is there anyone else who would like to speak? Okay, seeing no one else, I'm going to close the public comment portion of the meeting. Before we get started with the public hearing items, I just want to advise folks we have a new voting system. We got about a 2 minute tutorial before the meeting started. I'm sure I'm going to mess up so I hope you guys will bear with us while we try to work our way through it. Okay, Mr. Harvey, first item on the agenda which I believe is going to be outdoor lighting standards, we moved it up to item number 1.

PUBLIC HEARINGS

4. Amendment to the Zoning Ordinance - Proposed Ordinance O16-23

Mr. Harvey: Yes, thank you Mr. Chairman. Please recognize Susan Blackburn for the presentation.

Mrs. Blackburn: Good evening Mr. Chairman, Planning Commissioners. This item is for the Commission to consider proposed Ordinance O16-23, which will amend the County Code Sec. 28-87, "Outdoor lighting standards," regarding the lighting levels required, the hours of operation for sporting events, and the maintenance requirements for outdoor lighting. Staff has received many complaints concerning the County's Lighting Ordinance which was adopted in 2013 and has made the following observations from their complaints. The foot-candle minimums are too high and require too many light

*Planning Commission Minutes*  
*August 24, 2016*

poles for commercial development; there are conflicts with the Virginia Department of Transportation road lighting levels on commercial sites; conflicts with the Virginia Department of Transportation lighting levels on residential sites; and commercial lighting security levels are unrealistic and too bright and expensive. And proposed Ordinance O16-23 addresses many of these items. Staff drafted the proposed Ordinance in coordination with the Sheriff's Office Crime Prevention Division, and Officer Hamilton is here to answer any questions that you may have. And copies were sent to several engineering firms and developers who work in the County, and also to the Fredericksburg Area Builders Association. And the comments we received were incorporated into the proposed Ordinance and they included the following: the minimum light standards were changed to averages; the different areas of the parking lot requiring various light levels was changed to treat the parking area as one space. It had been divided up into drive aisles and pedestrian areas and actual parking lots, and we have changed it to just be the parking lot area as a whole. And the different areas on the buildings were also addressed as one. There were loading areas with different lighting standards, main entrances to buildings, and they are now considered as one. And there was also consideration for compliance with the Virginia Department of Transportation standards which has to do with street lighting and where sidewalks are and where public right-of-way is, and those also were addressed. It also addressed... we also addressed the maximum lighting levels permitted. There was not a provision for that in the previous ordinance and reduced the maximum lighting levels for fuel stations and auto sales lots, and established a minimum for security lighting levels also. And the proposed Ordinance also includes language addressing areas within a commercial development that are not accessible to the public such as outdoor storage, loading, and parking. These areas would be subject to security lighting levels. And this has come up in several of our waivers where we have had, in particular, tractor-trailer storage areas. We had no provisions for requiring or allowing any type of lighting for that particular use. The regulations of the hours of operation for sporting events was removed from the Ordinance through this proposed Ordinance O16-23. And staff recommends that the hours of operation, if required, be placed in a different section of the Zoning Ordinance and not in the lighting portion of the Ordinance. And staff has attempted to address all the concerns of the development community, while keeping the safety of the citizens a priority, conscious of dark sky compliance and conserving energy. Staff welcomes discussion resulting in a clear and simplified document while still maintaining the goals of the regulations. And staff recommends that the Zoning Ordinance be amended to include this proposed Ordinance O16-23 and any changes that may be adopted by the Planning Commission after testimony at this public hearing. And this amendment was submitted to the CEDC Committee on May 3<sup>rd</sup> of this year and discussion followed, and they voted to forward it to the Board for referral to the Planning Commission, and the Board referred this to the Planning Commission on June 7<sup>th</sup>, and on July 13<sup>th</sup> the Commission scheduled the public hearing for today. And are there any questions?

Mr. English: Mrs. Blackburn, I know Deputy Hamilton is here, can you... would he mind stepping up and just give his view and why he considers this such an important thing that needs to be passed?

Mrs. Blackburn: Sure.

Deputy Hamilton: Should I give a background so you at least know where I'm coming from? I'm in my 42<sup>nd</sup> year of law enforcement.

Mr. Apicella: You're only 52, how can that be?

Deputy Hamilton: I wish. And actually the aging process and my eyesight and whatever actually has something to do with what we're going to talk about. But, as of December, I'll be in my 12<sup>th</sup> year here with the Sheriff's Office and I've been involved in the Crime Prevention Unit, as well as 12 years with Prince William prior to that. And I've been working in the CPTED arena, which is the Crime

*Planning Commission Minutes*  
*August 24, 2016*

Prevention Through Environmental Design or the Safer by Design. And I noticed when I came here that we were having very similar issues that we're having with neighborhoods and office complexes and shopping centers and whatever, where we received a lot of complaints about the lack of lighting and its contribution to criminal activity and people didn't feel safe in their neighborhoods and whatever. And what I was able to determine over that time is that I probably got a handful of too much lighting complaints as opposed to all the others. Too much lighting is easy to fix; not enough lighting is harder to fix and more expensive to fix. And the problem is, it's so costly that a lot of these places won't do it. So, I tried to work with the Planning section to try to increase some of the lighting standards where people, when they use the space or live in the space, they feel more comfortable where they can use that space without fear or will have the ability to observe and respond to some kind of threat as opposed to not being able to see it. So, that's kind of the background where we came from. Unless you want me to get more specific, that's basically the bottom line as to why we even get involved in the lighting aspect, because lighting is one of the big components of the CPTED principles.

Mr. Apicella: So, you're comfortable with the proposed changes.

Deputy Hamilton: Yes I am. I realized when we were first working with Planning the lighting issues needed to be addressed. And we knew that when we did it we weren't sure if it was going to be the best or not, but I've talked to Susan on numerous occasions; we've discussed all these issues and I think we've been able to work them out. Plus, we also have that ability where if there's special projects that might have specific issues as to its use for athletic reasons or whatever, we still can discuss waivers to decide what is best for the security aspects to try to reduce the calls for service as far as the Sheriff's Office is concerned.

Mr. Apicella: Thank you. Any questions for Mrs. Blackburn or Deputy Hamilton?

Mr. English: I guess my question is going to be for Mrs. Blackburn. If they come... when they come for the lighting standard, is the Sheriff's Office or the Crime Prevention Unit going to be kind of the final say if the lighting is right or not? You know how the Fire Marshal has his last say about his stuff... for that lighting standard?

Mrs. Blackburn: The proposed changes, through this Ordinance amendment, will be in the Zoning Ordinance.

Mr. English: Okay.

Mrs. Blackburn: So, that will end up being what the standards will be. And, as I said, we have changed them from minimums to average to try and keep the same uniform type, or a base uniform lighting level, which is what Officer Hamilton proposes. If we get waivers, we always talk back and forth, we compare, we show each other the plans. And we talk about what they are requesting, is this going to work, do we need to suggest they do something a little different, but he is always involved with every waiver that we have ever done. So, we have his input always.

Mr. English: Thank you.

Mr. Apicella: Anyone else? Okay, thank you very much. I'll now open the public hearing on this matter. This is an opportunity for the public to comment on this item. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green light comes on. The yellow light indicates that you have 1 minute left. The red light means please wrap up your comments. So, if anyone's interested in

*Planning Commission Minutes*  
*August 24, 2016*

this item, please come forward. Okay, seeing no one, I'm going to close the public hearing on this items and bring it back to the Commission for discussion decision.

Mr. English: Mr. Chairman, I'd like to make a motion to approve Ordinance O16-23.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion for approval and it's been seconded. Any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Okay, this is our first time doing this, all those in favor of the motion, please cast your vote yes and opposed vote no. Okay, the motion carries 6-0 (*Mr. Boswell absent*). Thank you.

Mrs. Bailey: Wooo, we did it!

Mr. Apicella: Yay!

Mr. Rhodes: I wanted to be first.

Mr. Apicella: Mr. Harvey, next item?

1. COM16151319; Comprehensive Plan Compliance Review - Telecom Tower, T-Mobile Northeast at Ferry Road Water Tower - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of telecommunication antennas on an existing water tower, including a base equipment cabinet, on Tax Map Parcel No. 55-60A, located on the east side of Ferry Road, approximately 300 feet south of White Oak Road, within the George Washington Election District. **(Time Limit: October 23, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next item would be a Comprehensive Plan Compliance Review for proposed communication antennas to be located on the Ferry Road Water Tank. Please recognize Andrea Hornung for the presentation.

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. Computer please? This item is a Comprehensive Plan Compliance Review, 16151319. Sorry, it shouldn't say CUP; it should say CMP -- my apologies. This is the co-location of antennas on the existing Ferry Road Water Tank. This Comprehensive Plan Compliance Review is on the Tax Parcel 55-60A. It's in the George Washington Election District. The property owner being the Board of Supervisors and the agent is Carlton Gilbert with Smartlink/T-Mobile Northeast LLC. And he is here with his engineer and they'll be able to discuss some additional items when I've completed this presentation. These graphics show the existing location. In the top left is a tax map showing the parcel and up to the north is White Oak Road and Ferry Road. So, it's about 300 feet from the intersection. To the right, this graphic here shows the aerial of the parcel with the adjacent property being the convenience center with gas pumps; a vacant lot here; a residential lot to the west; and then wooded area surrounding it. And this in the

*Planning Commission Minutes*  
*August 24, 2016*

middle shows the graphic of the tank as it looks today -- or it did in the wintertime. I apologize for that one. In the left graphic, we have the existing zoning which is Suburban Commercial to the west. And to the east of the site is A-2, Agricultural/Rural. And then B-1 to the north which is that commercial property. The land use to the west is Suburban and then to the east is all Agricultural/Rural. Here is what the tank would look like with the additional antenna. And the request is for 9 antenna and 1 microwave antenna. Here is a view of what this tank would look like from Scottsdale Drive and looking northeast. You see the subdivision and to the bottom left, this is the original condition of what it looks today without the antenna. Here is a view looking behind the 7-Eleven with the tank; you can see a little bit of the antenna through the existing overhead powerlines. And this is from White Oak Road and Ringgold Road on the east side of Ringgold Road but looking in the southwestern direction. This graphic is from White Oak and Ringgold but looking south. And here's another graphic from White Oak and Myers Drive looking southeast. This installation would be nine panel antennas and one microwave antenna. The water tower is currently 102 feet tall and a million gallons of water. The height with these antenna will be 113.5 feet. The equipment will be in a 10 by 20-foot area inside the existing fenced compound, but it will be a base equipment cabinet. So it'll be a small structure installed on the site. As I said, the property is County-owned, a predominantly undeveloped area except the commercial to the north, and the nearest resident is about 200 feet. These graphics are what the site plan looks like that have been submitted. The one to the left, this is the... it's pretty much like an aerial. You see the two entrances coming off of Ferry, the fenced-in area, and the water tank. To the right is a little closer view. This is where the antenna will be installed to the top of the tower... the water tank, excuse me. And the graphic in the middle shows the tank and where you will have the mobile equipment right here on a backboard; you have cables and conduits in this area; this part is an underground conduit; here are cables on the tower. I believe those are in the inside... these are on the inside. You have a pod assembly to the top. Here are the new antenna with the microwave. The existing County antenna that is here will be replaced to be added and relocated when the new antennas are installed. This area is the top of the antenna which is about 113.5 feet. This is about the top of the pod mount, which is about 110 feet. And then this is the top of the water tank which is about 102 feet. This is a graphic that shows you the existing cell towers and their coverage. Right here in the middle is where the Ferry Road Tank is. We have some microwave towers in the vicinity. There's one here, there's one here, there's a couple of them, there's one in here. I believe I've covered most of them. Then you have some self-supporting towers here and then the other structures are antennas or other types of towers that are in the vicinity. That was a self-supported; a couple more self-supported. And you see that the green is a 1-mile diameter radius and 2 miles is the purple and blue is the 3-mile radius. This is a graphic that shows the existing coverage in the blue and then this is the graphic that shows the proposed coverage in the red. So that's existing and that's proposed. In case... I know there was a question, down here on the bottom is approximately the location of the Ferry Road Water Tank. It's very, very small but, just to give you an idea of where that is in relation to Crow's Nest which is to the north of this graphic, I did an approximate measurement and that's about 4 to 5 miles from the tower to the different areas of the Crow's Nest which this antenna will not give full coverage to that area... or these antenna. Here are some examples of already approved sites. You have Austin Ridge on the top two graphics -- oh, I added it in afterwards -- but and then there's Stone River to the bottom. I did find a graphic later on but when I saved it, it was probably on the presentation. I was able to find a graphic of Embrey Mill because when I drove by I didn't get a very good one, but they did have one in their pictures online. But Embrey Mill has antenna on their water tank as Austin and Stone River. And Austin and Stone River were approved last year, April 22<sup>nd</sup>, at your meeting. This request is consistent with the Telecommunications Plan in the Comp Plan for location priorities. The co-location is on an existing building or structure, this water tower, located on publicly owned land. The parcel is owned by the County. And located in overhead powerline corridors; you could see from the 7-Eleven that there were some overhead powerlines, and co-location of the facility on the water towers. The proposed coverage maps are include and confirmed with what area that they will cover. And the RF maximum

*Planning Commission Minutes*  
*August 24, 2016*

permissible exposure analysis, it meets that, it doesn't exceed. There is no impact to the public safety communications system as well. The County has a lease agreement with all facilities that locate on their towers. There are some parts of the lease agreement that it's not open for public at this time, but there are some things standard in the County lease agreements that if it's no longer needed, the equipment would be removed from... the facility would be removed from the tower. Is a potential tax revenue. The installation has to be needed and there has to be a reason for that on the water tank. And the facility will not exceed the amount of the equipment that the structure can support. So, there won't be something on top of the tower... the tank, and then the tank would fall. The technical aspects of the project and telecommunications of the facilities in general meet what the County expects. Some of the positive items for this request is that the facility is consistent with siting priorities and design standards of the Telecommunications Plan element of the Comp Plan. The proposed facility will not create a negative impact to County public safety communications because they will relocate one of the County's antenna. The approval will result in enhanced coverage to the T-Mobile network and help correct any deficiencies. And there were no apparent negative aspects that were determined. Staff does recommend that this request is substantially in accord with the Comprehensive Plan, because one of the statements in the Comprehensive Plan is that the priority is to be given to co-location of facilities on water towers within major utility transmission lines and other existing suitable structures. And I believe I've covered everything and, if you have any questions, I'll be glad to provide them. Also, as I've said, Mr. Gilbert and Mr. Mohammed is here as representatives for the project.

Mr. Apicella: Thank you. Questions for staff? Mr. Coen?

Mr. Coen: Hi. Mrs. Hornung, last... I think you mentioned it was April when we had a great discussion about the other water tanks and putting up... there was a great deal of discussion about putting things in place for safety measures because of the various wave lengths and etcetera, going through the inside of the tank and etcetera. And so I just wanted to make sure -- does this have the same elements that we insisted on those ones to have?

Mrs. Hornung: Yes, they are required. As a matter of fact, a letter was provided to you by email and also I believe at your desk from Mohammed Alsamna is his last name, I apologize, that the radio frequency trans... the radio frequency emissions will continue to be within the acceptable FCC limits. T-Mobile sites are designed and constructed to meet all applicable radio frequency electromagnetic exposure, known as RF EME, regulations for occupational/controlled and general population/uncontrolled maximum permitted exposure, known as MPE. And the full description of FCC MPE limits are found in 47CFR 1.1307(b) and 1.1310.

Mr. Coen: Well, and I read that. But my question was I thought on the previous one that we did earlier this year there were certain measures that were taken in addition to just... I mean, the reading of that is yeah, it meets the standards that the Federal Government says now. Whereas, I thought we had sort of put in place additional things or that the company had said we're going to do such and such that went a little bit beyond that. So that's why I ask the question because when I read that it just sounded like yeah, well we meet the standards now but that doesn't tell me that we're going above like we made them do in the other one.

Mrs. Hornung: I will defer that to Mr. Mohammed and Mr. Carlton to answer any of those extra specifics, and they can give you that additional information, what additional things they're going to do to make sure the people are protected when they're working on the antenna.

Mr. Coen: Right. And I think the other thing that was raised was that the water itself inside the tank would be protected, and I'm not sure he would know what we agreed to or what we pressured them into

*Planning Commission Minutes*  
*August 24, 2016*

last year. So, the other question would be, I noticed on Enchanted Oak Drive, do we have any plans either having been submitted or rumored or hinted thereat for either off of Enchanted Oak or off of White Oak Road, aka 218, from the other direction that we know of already?

Mrs. Hornung: I'm not aware.

Mr. Coen: I didn't think we had anything but I just didn't want us to sort of go through on the premise that all is well and then there's somebody out there who said wait a minute, I didn't know they were going to do this to my neighborhood.

Mrs. Hornung: We haven't had any meetings and I'm not aware of.

Mr. Coen: Okay, thank you ma'am.

Mr. Apicella: Other questions? I have a couple. Will other carriers have access to the infrastructure that's going to be put on this tower?

Mrs. Hornung: Will other carriers be allowed? Depends on the room because there's only 9 antenna.

Mr. Apicella: So the 9 antenna are specifically for T-Mobile, not for anybody else.

Mrs. Hornung: Correct.

Mr. Apicella: But we don't know if there's going to be... if somebody else, AT&T or Verizon, wanted to also do the same thing, we don't know at this point whether there'd be enough space for them to do that?

Mrs. Hornung: Correct.

Mr. Apicella: Okay. That's it for me. Would the applicant like to come forward?

Mr. Gilbert: Good evening Mr. Chairman and members of the Planning Commission. Thank you for having me here this evening. For the record, my name's Carlton Gilbert, Zoning Manager for Smartlink, speaking on behalf of T-Mobile this evening. With me is our RF Engineer, Mr. Mohammed Alsamna. I'd just first briefly like to thank staff for their professionalism and efficiency throughout this process, Mrs. Hornung and Mr. Zuraf. We started this process in May and, at that time, he said well, you'll get a hearing in August and we're here. So, thank you. I guess first I'll respond to your questions. Regarding the safety for workers, this site is currently not on air so there aren't any wireless telecommunications that will affect workers' safety through emission of radiation. We are required to meet the minimum Federal requirements which we will do. I think your second question was... oh, regarding maintenance. We will shut down the sector of the... the other sectors while we're maintaining a sector. There are three sectors on the platform and so in maintaining one sector, we will shut down the other sectors at that time. Regarding the water, we will not need to drill any holes into this existing tank. There's an existing (inaudible) on the hatch, outdoor hatch, that will be able to bolt the 7.5-foot pod extension onto this device. So, there will be no interference with the existing tank in terms of penetrating any hulls at that juncture. So we see no risk for posing safety in that area.

Mr. Apicella: Any other questions for the applicant?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. English: I've got a question. How often do y'all go test those things to make sure they are safe? Do you do it on a yearly basis or how are they tested to make sure that they aren't... that they're in working order and nothing's happening into the water and all that stuff?

Mr. Gilbert: Correct. We have routine maintenance capabilities in our lease that gives us 24 hours...

Mr. English: So, you don't automatically go out every six months or a year and check these things? You only go when you feel it's necessary?

Mr. Gilbert: Yes. No, we do have to go out and maintain the site, the antennas, make sure the signal strengths are adequate. And that does occur apparently every 3 to 6 months.

Mr. English: Every 3 to 6 months it's checked, okay.

Mr. Apicella: I probably should have asked this question of Mrs. Hornung, but maybe you know the answer to it. So, you're leasing a portion of the top of the water tower, or the entire top of the water tower? And it goes back to if someone else wanted to come in and do the same thing, would they potentially be able to or do they have to go... do they go to the County or do they go to you to see if that's possible?

Mr. Gilbert: Well, they would go to the County for a proposal to add antennas to the structure. We are at the top and, I don't know all the details of the lease, but Stafford County will receive rent for lease on the tank itself and also the ground lease.

Mr. Apicella: You don't have an exclusive agreement for the top of the tower.

Mr. Gilbert: No.

Mr. Apicella: Okay.

Mr. Gilbert: And the way that tower is designed, any other carrier that comes in would have to ask for an extension perhaps to go higher than what's there or either they would need to go lower around the neck part of the structure. And that may not be sufficient for their coverage.

Mr. Apicella: Mr. English?

Mr. English: Mrs. Hornung I guess, when you looked at all the different other antennas in the County, they've got extra ones on there; they're not just one on those different ones. Because I noticed the one at Embrey Mill has several antennas on that thing. So, I'm assuming, like he said, you've got that... T-Mobile (inaudible) and if anybody else wanted to access it, they'd have to go around it. Is that correct? So how many do you think is on the one... the most at Embrey Mill? Because I know there's a lot on Embrey Mill. Do you know how many?

Mrs. Hornung: I'm sorry, I don't know. It may have to do with the area that's on the top of the tank and what would be allowed. And then, of course, coming through for another Comp Plan Compliance. So, if there is another carrier who wants to put their antenna on the tank, any tank, the same tank or another one, they would still have to come back to you with a Comp Plan Compliance.

Mr. Apicella: But I guess what I'm trying to allude to, because we've done it with towers, okay, and this is a different set of circumstances, on towers that were built from the bottom up, the applicant

*Planning Commission Minutes*  
*August 24, 2016*

provided capacity for other carriers. And my concern would be that we set up a situation where T-Mobile, rightfully so, expands capacity for the users in that area, put the next person in -- maybe it's the first person in gets the, you know, gets to take advantage of it, but are we forcing ourselves into a situation where we're going to have to build a tower from the ground up because we're not providing an opportunity for others to do the same thing that this applicant wants to do?

Mr. Harvey: Mr. Apicella, if I may, the Ferry Road Water Tank was built before the time when localities were looking at maximizing revenue and by attracting these types of activities. So, our modern water tanks that we're building today, we're already programming in for the additional weight load and engineering specifications to allow that. So, if any additional users wanted to come on that water tank, they would have to work with the Utilities department and look at the structural integrity of the water tank and in addition, the mounts for the existing T-Mobile antennas and/or if they have to redesign new mounts to accommodate additional carriers. It's likely that any additional carriers would also be on top of the water tank; it may be that there has to be a different mount to put T-Mobile further up and then the other carrier below and sort of create a pole on top of the tank. That may be one option. There may be other options you see with other tanks where they establish essentially like a grid ring on top of the tank where antennas can be along that ring area. But that would be something that we have to have analyzed from any proponent. Just to clarify, once the Commission grants the 2232 review for this facility, there would be no requirement for any other users to come back to the Commission for additional antenna approvals because we're approving this as a communication facility.

Mr. Apicella: Given what you said, is there a way to build into the agreement -- and I have the greatest deal of respect for T-Mobile, but we live in a competitive environment -- as part of that agreement to indicate that if other providers want access and it doesn't... there are no issues associated with the, you know, the infrastructure itself, that T-Mobile would work with whomever might be interested? I'm trying to avoid locking out other potential providers. This is a piece of infrastructure that, again, we want to optimize it so that we're not having to necessarily build another tower.

Mr. Gilbert: I understand your concerns Mr. Chairman, but it really comes down to a design feature. There is space on that existing tank for other carriers to achieve the ability to place their antennas on the tank. At this point, T-Mobile is involved with an application proposal that fits the need for T-Mobile. We certainly would work with other carriers, but it gets a little complicated when you begin to condition or place conditions on T-Mobile that we will provide the opportunity for other carriers. That's... we don't own the property, we're just leasing space. So that's really, again, a design feature and a discussion that would need to take place with the Department of Public Works or with County staff regarding the realty for another carrier to locate on that existing structure.

Mr. Apicella: Alright, thank you. Any other questions? Okay, seeing none, I'm going to open up the public hearing -- thank you sir -- open up the public hearing on this item. Same ground rules as before. If anyone is interested in speaking on this matter, please come forward now. Okay, seeing no rush to the podium, I'm going to close the public hearing on this item and bring it back to the Commission. Mr. Coen, this is in your district.

Mr. Coen: Yes, Mr. Chairman. From listening to different members of the Commission, I'm not sure where they stand on this. So, I'm not quite sure I've gotten an answer about the same requirements that we dictated to the ones up in the northern end of the County are applying here.

Mr. Harvey: Mr. Chairman, Mr. Coen, since this is a Comp Plan Compliance Review, the Commission cannot impose any conditions. I recall in the last discussion with those other carriers, they were talking about safety protocols that they follow in regards to their operation, as well as the County's Utilities

*Planning Commission Minutes*  
*August 24, 2016*

Department. The concern that the Commission had at that time was ensuring that any County utility worker who was on the tank was not going to be inadvertently impacted by radiation or any other safety issues. And at that time, the provider was describing what safety protocols they had, how they take down the or remove the charge from the system so to speak while people are up there doing whatever necessary maintenance. That would be something that would have to be also worked into this with the Utilities Department. Since we own the tank, our primary purpose is providing water, not necessarily providing communications. So that would be one thing that the Utilities Department would have to ensure with T-Mobile, that everything's being taken care of in a safe manner so we can adequately maintain the tank and provide water service.

Mr. Coen: Cool. And if I could ask one more question, Mr. Chair?

Mr. Apicella: Sure Mr. Coen.

Mr. Coen: And then I guess one question would be, I know that part of this lease is to lease a, I think it's 10 by 20-foot structure at the base. How would access be granted to that? I mean, would T-Mobile have a key to the fencing that's around it? Or would they communicate with our Utilities Department before they were going to go and visit? The reason I ask is on the way here tonight I passed it and there was a red pickup truck sitting there and I thought, I've never seen any pickup truck sitting in front of the water tank before. So, I was like, hmm, this is a different day and age, this is strange.

Mr. Harvey: Mr. Chairman, Mr. Coen, I know that those types of facilities are secured by the County but I'm not sure of the protocol of whether the Utilities Department gives lessees access via key or they have to call ahead to get access into it. We can find that out for you.

Mr. Coen: Okay. Thank you.

Mr. Apicella: Any further discussion? Is there a motion?

Mr. Coen: I guess I'll move for approval of PCR16-05, which is for approval of this. If staff will look into the access issue, that would be helpful. But I'll just make a motion to approve.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to approve, it's been seconded. Any further comment Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? All those in... please cast your vote. I'm pressing it... The motion carries 6-0 (*Mr. Boswell was absent*). Thank you sir. Next item Mr. Harvey?

2. CUP16151094; Conditional Use Permit – Telegraph Vehicle Sales/Storage - A request for a conditional use permit (CUP) to permit motor vehicle sales on Tax Map Parcel No. 12-8, zoned B-2, Urban Commercial Zoning District. The property consists of 4.24 acres, located on the west side of Jefferson Davis Highway, approximately 200 feet south of Telegraph Road, within the Griffis-Widewater Election District. (**Time Limit: December 2, 2016**)

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Harvey: The next item is a conditional use permit application for Telegraph Vehicle Storage and Sales. Mike Zuraf will be making the presentation for staff.

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. This item is Telegraph Road Vehicle Sales and Storage; it's a conditional use permit. This is a request for motor vehicle sales in a B-2, Urban Commercial Zoning District. The use is presently occurring on this site, the site serving as an overflow vehicle storage lot for Leckner Nissan which is located at Hills of Aquia, approximately 3 miles to the south of this site on Route 1. Vehicles are stored on this site until they are placed on display at the dealership or want to be viewed by a customer at the dealership. Although no actual selling of the vehicles will occur on the site, the fact that the vehicles are being stored for sale requires a motor vehicle sales use classification for this to occur. This currently is a violation; a notice of violation was placed back in September of last year. So the method to remedy the violation would be to gain approval of this conditional use permit. Should the use permit be denied, the use would have to be removed from the site. The site itself covers 4.24 acres. And looking at the location and zoning, the subject property is located on the west side of Jefferson Davis Highway, 200 feet south of Telegraph Road and also on the south side of Telegraph Road. It's zoned B-2 and also surrounded by a mix of commercial and residential zoning, generally residential zones to the north and west, and commercial uses to the south and east. The site includes on it a coffee shop at the frontage of the site, right along Jefferson Davis Highway; the building in the southern corner that you see on this aerial photo image. The motor vehicle sales storage yard is located and proposed to remain to the rear of the coffee shop on a less visible portion of this site. The areas of use are visible on this aerial image. Past uses on this site include a waterslide amusement park that was on the site approximately 40 years ago, which took advantage of the sloping site conditions. There was a truck and equipment rental facility approximately 30 years ago. And then the site had been vacant until the recent vehicle sales storage use on the site. The frontage on Jefferson Davis Highway is the lowest area of the property. Here there's a perennial stream that's located and runs parallel to Route 1. The area to the east of the stream includes 100-year floodplain and a floodway. A 100-foot buffer, CRPA buffer is also present on each side of the stream. A portion of the stream is piped and the amount of natural buffer area is limited. The site was developed prior to the Chesapeake Bay Act and CRPA designation on this stream many years ago. A level cleared area at a slightly higher elevation exists immediately to the west of the stream where some of the vehicles are stored. And the site slopes upward to the western end of the parcel, to a level plateau. And in the southwest corner it's an open area where additional storage area is located. And approximately half of the site includes tree cover. The site Layout Plan identifies the vehicle sales and storage areas highlighted in red. There are two existing storage areas; the eastern lower end and western high end of the site. In addition, the plan submitted includes a potential expansion area in the northwestern corner of the property, shaded in gray. The portion of the lower storage area is in the RPA buffer and, as mentioned, had previously been cleared. It is outside of the floodplain though. The area will be screened from view with an opaque fence. Currently, a fence does exist along a portion of the area, but not the entire stretch that might be visible, especially in the winter months along Route 1. So a condition is being added that the opaque fence be added to provide full screening from Route 1. There are two access points being provided. Well, the two access points -- the first is right directly off of Route 1 through the area where the coffee shop is and then the other site access point is off of Telegraph Road, with a drive aisle that provides access to the upper location. There's a single lane driveway that connects these two areas along a steep slope, but there is a condition that requires the two existing points be maintained. As an additional measure, the travelways within the site need to be maintained through the storage areas to allow for emergency access. And also there's minimal vehicle trips anticipated with the limited scope of this use. Looking at the conditions that staff is proposing, conditions would limit the intensity of the use to ensure that it remains a storage of vehicles for sale at an offsite location. Limit the activities associated with a fully operational vehicle sales use; for example, no customers would be

*Planning Commission Minutes*  
*August 24, 2016*

permitted on the property. It would minimize the types of vehicles stored; for example, no storage of inoperable vehicles or motor vehicle parts or storage of tractors or trailers or box trucks. And then, limiting the impacts to adjacent properties with setback requirements and delivery hour limitations. I want to raise a point about condition 14. Condition 14 would establish a time limit where the permit would expire within 2 years unless a Certificate of Occupancy is issued for the use. Staff did learn that this condition's in violation of State Code, which State Code gives specific localities the ability to have expiring conditional use permits. And it's been widely interpreted that localities who did not have that general authority that specifically listed, then they would not be subject to it. And Stafford does not have that authority, so it would not be legal for us to impose condition 14. And staff would recommend removing that from our recommendation. Looking at the Comp Plan, we have now a new Land Use Plan that applies to this property. The site's within the Boswell's Corner Planning Area and this is on the new Future Land Use Map. The Planning Area includes a conceptual land use plan shown on the image on the screen. It does recommend the site for Business and Industry future use and Highway Commercial use. The Business and Industry is the gray area and commercial is the orange. And also there is the blue Resource Protection Area that applies wherever there's CRPA. The Boswell's Corner Redevelopment Area Plan also applies to this area. That was approved back in 2011. It includes a higher level of detail that does envision office and commercial retail development with a grid pattern network of streets through redevelopment of the overall area. This proposal would not be consistent with the goals of the Redevelopment Plan at this time. The development scenario envisioned in the RDA Plan has not progressed though as quickly as hoped. Development of the site in a manner consistent with the RDA Plan would require probably full-scale redevelopment of the surrounding area. Staff does see the vehicle sales storage as an interim use of the site and, since there are no new structures being proposed, there'd be a greater opportunity for redevelopment in the future should a higher and better use of the site be considered at a future time.

Mr. Apicella: And they would not need to come back; it's by-right so they could do whatever is within the existing zoning.

Mr. Zuraf: Well, it's B-2, right, there could be some other office and commercial uses that they could come in, yes. They can go ahead and just submit site plans for, right.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: The Land Use Plan also does not recommend motor vehicle sale uses in this part of the County. Staff notes the specific proposal does not meet the same kind of characteristics of a typical motor vehicle sales facility and this type of storage area, as proposed, would not create the same type of impacts that warrant the recommendation that we have in the Comp Plan. Looking at the evaluation, there are positives that include the conditions, limit the intensity and external impacts from the proposed use; allows for the interim use of the site without limiting future redevelopment opportunities; there are no impacts to public facilities; and no public safety and welfare concerns identified. Negative impacts -- it's not in conformance with the Redevelopment Area Land Use recommendations in the Comp Plan, and the use would be partially located within sensitive resources, specifically the Critical Resource Protection Area. But on balance, staff would recommend approval of the application pursuant to the Resolution R16-267 with the proposed conditions, except for condition 14 as mentioned. And I will take any questions at this time.

Mr. Apicella: Questions for staff? Mr. English?

Mr. English: How many vehicles are on there right now Mike, do you know?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Zuraf: I would have to defer to the applicant on that.

Mr. English: And another question I was reading on here; the Fire Marshal says that the road is not wide enough if they need to get fire trucks if there was a fire up in there?

Mr. Zuraf: That was the... there's a single lane road that connects the two areas up the steep slope, and that Fire Marshal had concerns about that. It's too steep and also too narrow for fire access to go between the two areas, and so that's why we have the condition that the two access points be maintained, along Telegraph and then down Route 1.

Mr. English: Okay. Do you know, how close are they to those townhouses up there close to that? Do you know how close that is?

Mr. Zuraf: I think, probably the closest point would be 50 feet. It's approximately 50 feet, the closest car to those townhomes.

Mr. English: Okay, and has that subdivision or HOA been notified about this that you know of?

Mr. Zuraf: Yeah, notification has gone to the adjacent and probably the HOA.

Mr. English: Have you heard any...?

Mr. Zuraf: I have not received any comments or questions.

Mr. English: No, okay.

Mrs. Vanuch: Can you show... oh, sorry.

Mr. Apicella: Go ahead Mrs. Vanuch.

Mrs. Vanuch: I was going to say, can you show on the map, you said that they were looking to expand the site? Can you show where that would be on this map?

Mr. Zuraf: On this map, the expansion area would generally be in this location. They would have to maintain a 50-foot buffer in this location.

Mrs. Vanuch: And I don't know if I'm getting you right, did you mention that this had already been cleared previously?

Mr. Zuraf: There were previous activities on the property where, yeah, there was a truck rental facility. So, yeah, there were previous impacts on the site.

Mrs. Vanuch: Gotcha. So, would they be clearing additional land?

Mr. Zuraf: If they do any additional clearing, they're going to have to come through site plan approval and get proper permitting for that.

Mrs. Vanuch: And I know that RPA kind of runs through there, so would that impact the RPA? Would they have to get a permit for that?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Zuraf: That area that I've highlighted does not include RPA. There are no additional impacts down in the area that's already impacted. And the conditions would limit them from doing any more activity or storage area down here.

Mrs. Vanuch: Gotcha.

Mr. English: Mike, how long has this been in existence?

Mr. Zuraf: Approximately a year.

Mr. English: A year before we caught it?

Mr. Zuraf: Well, a year since... well, the violation was placed back in September, so probably some point beforehand.

Mr. English: Okay.

Mrs. Vanuch: And the previous owners cleared the land?

Mr. Zuraf: To my understanding, yes.

Mrs. Vanuch: Okay.

Mr. Apicella: Any other questions?

Mr. Rhodes: Yes, Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Zuraf, on the pros and cons, I believe they're all real good valid points. I'm a little bit inclined towards the Redevelopment Plan and I do understand your... I take note to your point of it's slower developing a lot of major redevelopment. But the Corporate Center there -- isn't the Corporate Center actually starting to develop on the backside that's coming out to Telegraph Road? We had a couple plans we saw for that, so they're starting forward to expand over in that back portion as well, aren't they?

Mr. Zuraf: There is some potential for expansion in connection with Corporate Drive through Telegraph Road.

Mr. Rhodes: But it's somewhat across from, a little but down from... a little bit up from but across this second entrance here off Telegraph Road, isn't it?

Mr. Zuraf: Right. It's going to be... it's approximately somewhere up in this location.

Mr. Rhodes: Okay, that's what I thought. Because of that proximity in that development, going away from the Redevelopment Plan is I'm just a little more inclined towards it than was in the staff report. But, thank you very much; I thought that was the location.

Mr. Apicella: Thank you Mr. Rhodes; anyone else? Okay, seeing no one else, would the applicant like to come forward?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Chapman: Good evening Mr. Chairman, ladies and gentlemen, my name is Dennis Chapman. I'm representing Telegraph Properties today. I'm accompanied by Mr. B. Young Kim, he's their agent and their architect for purposes of the project. I won't take long. Mr. Zuraf's made a very comprehensive memorandum and presentation. I'll just make a few brief comments. First thing I'd like to say is I'd like to express my appreciation and thanks to Mr. Harvey and Mr. Zuraf and the rest of the staff. They've been very helpful in getting the continuous use plan request submitted and completed. I probably couldn't have done it without their assistance, so I'd like to state that for the record. I'll just make a few brief points. I think Mr. Zuraf has covered it quite thoroughly. As noted, the use, the proposed conditional use, not expected to generate a significant amount of noise, light, or waste, on minimal additional traffic. So we wouldn't envision it imposing any impediments to the use and enjoyment by other landowners of their property. And, of course, there are conditions built in to mitigate any impacts on adjacent residential or other property. There is a substantial amount of commercial property near already, so we don't believe that it'll materially impact the overall character of the area. And again, the conditions built in will mitigate any impact that might be on adjacent landowners. Another important point, I think, going to future redevelopment plans, this conditional use really would not envision any new permanent structures or any new permanent modification to the site. So, in terms of imposing an impediment to any future development that's appropriate to long range development plans, it shouldn't pose any impediment to that; it simply provides an economic use to the property in the interim rather than letting it sit idle until a development comes along. And, it does provide a service to local businesses in the area that need the opportunity for fleet storage. So, Mr. Kim can probably address any technical questions you have. Those are the only points I'd like to make subject to your questions.

Mr. Apicella: Thank you. Any questions? Mr. English?

Mr. English: How many cars are you planning on putting...?

Mr. Chapman: I have to defer to Mr. Kim on that.

Mr. Kim: Mr. Chairman and other members of the Board, right now we are... they are storing about 80 cars. But it could fluctuate because I understand there are cars coming at the end of the year and for a few months it'll be high numbers. So it could be as much as 200. But, you know, right now it's only occupying the low portion of the parking area.

Mr. English: So you're talking 200 plus more cars?

Mr. Kim: It's about 200, probably minus; probably 180 or something.

Mr. English: Okay.

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: Do you happen to know why a conditional use permit was not applied for previously?

Mr. Kim: Well, it was overlooked and it was by mistake and I apologize. Actually, when we... the owner -- I'm not the owner, I'm the architect, I assisted technical aspects of the application -- when she made the lease agreement, we made it very clear that the tenant has to apply for the... whatever the permit they need to and that was not carried out. And I'm not blaming anybody. I guess it's a mistake on our part.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: Back to the number of vehicles, the 180 to 200. Would that be how the site is existing right now or would that be developing the other parcel?

Mr. Kim: Right now, I think the low part of the area is, you can probably you can maximum 70-80 cars. In the upper part area, probably 80 to 100. So, I mean, that's existing. I did some research about the property. The property was used as a big parking area for the amusement park; it used to be a waterslide amusement park. It used to be a lot of parking area.

Mrs. Bailey: Okay, thank you.

Mr. Apicella: Any other questions? Thank you very much. I'll now open the public hearing on this matter. Anyone liking to speak on this matter, please come forward and do so now.

Mrs. Carlone: Ruth Carlone. If any of you have taken the grand tour of Route 1 and all the automobile sales along there, we need to do something to clean up that area, get some plantings in, evergreens and deciduous, and do something about that Route 1. Now, I have a question, if the applicant might consider planting some trees in the RPA. Now, there's a lot of cars there that might have oil leaking, de-icing, who knows. But there needs to be something to clean up the runoff from this into the stream in the RPA. Okay, that's about it. Route 1 looks like a mess and if he would be willing... or the applicant, again, to repeat, put... dress this up the front. And then also if they would plant along the RPA. Okay, that's it.

Mr. Apicella: Anyone else? Okay, seeing no one else, I'm going to bring it back to the... Oh, I'm sorry.

Mr. Bell: My name is Tracy Bell. So, we actually put together a list of like some of the other local citizens. Some of the things that we listed here was parking, it was a issue for the area and needs to be improved upon for all uses. It would be possible for parking to be located a distance from the Old Town. Walkways or shuttle busses could transport tourists.

Mr. Apicella: Are you sure you have the right agenda item sir?

Mr. Bell: Well, that's for the parking issue. I guess that was one of the issues, that was like one of the concerns I guess. I guess I'm kind of like late a little bit.

Mr. Apicella: Yeah, we're at... the item that we're on right now is the conditional use permit for Telegraph Road Vehicle Sales.

Mr. Bell: Oh, okay, okay, okay. That was one of the issues that we had listed too. I think Ruth kind of addressed that piece, with the Route 1.

Mr. Apicella: So, did you have comments about this specific agenda item?

Mr. Bell: Yes, yes. Just the Route 1 and then... that's all the facts you like listed on here was the roads for Route 1, I guess, to kind of widen it maybe. Clean it up. That's pretty much it.

Mr. Apicella: Thank you very much.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Bell: Alright, thanks.

Mr. Apicella: Anyone else? Okay, I'll bring it back to the Commission.

Mrs. Vanuch: Okay, I'd like to make a motion.

Mr. Apicella: Okay.

Mrs. Vanuch: I move to deny Conditional Use Permit 16151094.

Mr. Apicella: Okay, there's a motion for denial. Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay, any comment Mrs. Vanuch?

Mrs. Vanuch: I have a few comments. First, I'd like to thank Ruth for her comments regarding residents reaching out about minimizing the additional implementation of parking cars and car sale lots up and down the Route 1 corridor. Since being on the Commission for the last year, I have had several resident complaints of additional car lots being implemented up and down Route 1. So, that's one of the major concerns that I have. The second is, not in conformance with the Redevelopment Land Use Plan. I don't think it sort of matches the area there on the Comp Plan. And encroachment to the Resource Protection Area and Ruth brought up a great point that I really wasn't thinking of and that's potential oil leaks into the RPA and contaminating the water supply there. In addition to that, I think if they expand to the additional lot, that's going to put the parked cars way closer to the residents and I'm not quite sure they understand that particular impact. And I would just state for the record, when businesses are leasing out land to tenants, please make sure that they are doing it in conformance with the zoning preferences when leasing out that property. That's it.

Mr. Apicella: Thank you. Mr. English?

Mr. English: I'm going to have to follow through with what Mrs. Vanuch said and also Mrs. Carlone, in reference to there's so many car lots on Route 1 now. And again, you're talking 200, and by me looking at this map, I think it looks like it's a little over 150 from what I can count on there now, and you figure 200 cars right there, and again, close to those townhouses. And again, you have a fire up there, they can't get to it as it is right now with the Fire Marshals quoting they can't get a fire truck up in there, and I could just see a major, major mishap up there. Somebody getting around messing around with those cars, so that's one of the reasons that I am voting to deny this.

Mr. Apicella: Any other comments? Mr. Coen?

Mr. Coen: Yes, I'll just agree with the excellent comments by my predecessors over here and just say that Mr. Rhodes' comment about the RDA is very sound, that this really doesn't seem to fit in with what the envisionment of this area is supposed to be. And Mrs. Carlone is right about this being a sensitive area and we need to take that into consideration.

Mr. Apicella: Thank you Mr. Coen; anyone else? Okay, seeing no one else, there's a motion to recommend denial of this conditional use permit. All those in favor of the motion cast your vote. Okay, the motion to deny carries 6-0 (*Mr. Boswell was absent*). Okay, next agenda item, Mr. Harvey.

*Planning Commission Minutes*  
*August 24, 2016*

3. WAI16151338; Departure from Design Standards – Midnight Express - A request for a departure from the Design and Construction Standards Manual for Landscaping, Screening and Buffering Section 110.2, “Street Buffers Along Arterial and Major Collector Streets,” to relieve the applicant of the requirement for a street buffer between its front yard and Cool Springs Road. The property, Tax Map Parcel No. 54E-2-11, is zoned M-1, Light Industrial Zoning District and consists of 3.39 acres, located on the east side of Cool Springs Road approximately 1,100-feet north of Pine Road, within the George Washington Election District. **(Time Limit: October 23, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next agenda item is the proposed Falmouth Redevelopment Overlay Zone. It would be in consideration of Ordinance O16-24 which would create a new...

Mr. Apicella: Mr. Harvey, I think the next item is number 3.

Mr. Harvey: Oh, I'm sorry.

Mr. Apicella: That's alright.

Mr. Harvey: I'm ahead of schedule. Thank you. This is item number 3, which is now item number 4, is a request for a departure from design standards for a street buffer along Cool Spring Road for the Midnight Express site plan. And please recognize Joe Fiorello for the presentation.

Mr. Fiorello: Good evening Mr. Chairman and Planning Commission Board members. Here for the Departure and Design Standards for 16151338, Midnight Express.

Mr. Harvey: Computer please.

Mr. Apicella: That's a mouthful.

Mr. Fiorello: I'm sorry?

Mr. Apicella: That's a mouthful.

Mr. Fiorello: The departure, in particular, is from the Design and Construction Standards that are required for landscaping street buffer along arterial and major collector streets; in this case, Cool Spring Road. The agent, Mr. Thomas Duffy, of AlexCom Associates, and the applicant, Mr. Tony Willette of Midnight Express are present here and open to questions. This came to us by way of a major site plan where the applicant will be removing all of the buildings on the site that exist currently, and will be replacing it with a centrally located 6,000 square foot office/inside storage complex warehouse. The Comprehensive Plan map, tax map number 54E-2-11, centrally located on the slide here is... the site is 3.39 acres located at 47 Cool Spring Road approximately 2,200 feet south of Butler Road. The Comprehensive Plan identifies the area as Business and Industrial Future Land Use designation. The Zoning map, the site is zoned M-1 and is surrounded by M-1, with the exception of B-1 to the north there, which is the Eagles Lodge site. Current conditions, a bit to explain here; there is a fencing that will show up on another slide to come, but there is some fencing in the front there that's chain link. The area that is highlighted in red along the roadway there, there are existing 11 small trees in that area. The two yellow lines represent the boundaries of a utility corridor. Because plantings can't occur within a utility corridor, the buffer would have to go behind that, further encroaching into the applicant's site. According to Section 110.2 of the DCSL which addresses the planting buffer along arterial roadways requires a 25-foot wide buffer with 75 plant units per hundred feet. That roughly equates to about 255

*Planning Commission Minutes*  
*August 24, 2016*

plant units, which say for instance 20 trees and 50 shrubs. The departure section of the DCSL, 143(b) requires the applicant to show hardship and provide techniques to accommodate initial requirements. The applicant feels that the setback of the street buffer, in conjunction with the utility easement, would encroach further into their property and eliminate what the applicant considers rentable outdoor storage. The applicant has calculated the loss to be around \$78,558 annually. I'd like to point out that... well, let me wait on that. The next slide here is, shown in red is the existing fence, chain link fence, which... this is showing the departure proposal as submitted by the applicant. And the proposal is to slat or screen the chain link fence from view... the site from view from the roadway. Now that is an M-1 zoning performance standard requirement, Section 28-39(b) of the Zoning code. That addresses the M-1 requirement but does not offer anything towards the landscaping design and construction standards. There is no offer in this proposal for any additional plantings, other than what exists in that highlighted area that I've previously shown. The staff does not support this proposal in its entirety. And we do have recommendations that the applicant has been made aware of and I'm about to present to you. And I do have this on another slide in writing, so I'll try to brief through this real quickly here. The southern end, the fence we would like to see slatted or screened at 6-foot in height. That's where the fence is really about 3 to 5 feet from the curb and gutter. And it's maybe about 2 to 3 feet above the curb and gutter, sloping upwards. And you have been given hard copies of photos that had been taken as recently as yesterday morning. The vegetation that's currently existing, the small trees within the red triangle, would remain. Because of some clearing and grading that will have to occur, three of those trees will have to be removed. But once the clearing and grading is completed, three trees will be planted back in that area. Along the roadway, three additional trees to be planted. Along the fence line, there towards the back of the entrance, if you will, to plant hollies, to be maintained at 3-foot. The difference in elevation from the entrance at the curb and gutter of the street to the entrance where the fence is, is approximately 7 feet. So you'll be looking upwards into the site. With the 3 feet of the shrubs, the site will be pretty much screened. From looking at it from a security and safety issue, a police officer would be able to pull into the front parking area there that is not within the fencing and still be able to peer into the property should he need to. I do understand that there are security cameras onsite as well. The applicant I'm sure could answer any questions on that when it comes to, you know, security issues and having some form of visibility into the site. And again, the staff recommendations: screening of the southern fence portion at a height of 6 feet; planting a hedgerow of holly species to be maintained at 3 feet in height along the remainder of the existing fence that's towards the north and the entrance of the site; maintaining existing trees that are within the red triangle; and planting three 2-inch caliper trees as indicated along the northern portion of the required street buffer area. This proposal, with the staff recommendation, is more conforming to the requirements of the departure request than what is proposed by the applicant. The use and the proposed expansion meets the intent of the Comprehensive Plan. Any questions?

Mr. Apicella: Thank you Mr. Fiorello. Any questions? Mr. Coen?

Mr. Coen: Yes sir. Do I understand correctly that nowhere else in the County have we authorized a reduction of a hundred percent for a business? I mean, we did one for Dominion Power but that was because of power lines. But to do this is a complete new item for the County, correct?

Mr. Fiorello: Correct. We have not, you know, wholeheartedly eliminated a buffer. And I think that's why we've tried to come up with a compromise.

Mr. Coen: And I understand in reading the excellent staff material that they already received a waiver of some buffer in the rear of the property.

Mr. Fiorello: Correct.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Coen: Okay, thank you.

Mr. Apicella: Anyone else? I've got a couple questions. Can you go back to that picture? That one.

Mr. Fiorello: That one?

Mr. Apicella: Yes. So, help me understand something. In terms of the easement area, it's still ultimately owned by the owner of the property, right?

Mr. Fiorello: Correct.

Mr. Apicella: Is there anything that precludes an owner from planting landscaping in an easement area?

Mr. Fiorello: You mean in a utility easement area?

Mr. Apicella: Yeah.

Mr. Fiorello: Yes, that's generally not allowed.

Mr. Apicella: Why?

Mr. Fiorello: Because the roots, you know, will get into the line, whatever... regardless of the type of line. It's usually not a good idea and from what I've been told our Utilities Department says it's a no-no.

Mr. Apicella: Better not come to my house then, because I've got vegetation (inaudible).

Mr. Fiorello: It's not to say that it doesn't occur, but.

Mr. Rhodes: We'll send them there.

Mr. Apicella: Oops! Strike from the record please. I don't know if we can still do this function but can you take a marker and show me what 25 feet... and I presume it's now we're talking about from the second line of where the easement is. Where would that be across the property?

Mr. Fiorello: I believe I have something sketched that I might be able to utilize. It's been awhile since I've even looked at that.

Mr. Rhodes: How wide is the utility easement?

Mr. Fiorello: Seventeen feet.

Mr. Apicella: So, slightly twice the size.

Mr. Rhodes: About a third larger.

Mr. Fiorello: Yeah. It's... I did have it drawn on one of these. I think it's going to set it just in the back... or, I'm sorry... back through about here.

Mr. Harvey: Joe, you need to press one of the color buttons on top first.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Fiorello: Oh.

Mr. Harvey: Oh, he did; never mind. I can't see.

Mr. Fiorello: I can't see either, I'm not tall enough. It's not quite at the right angle.

Mr. Apicella: So, if I understood correctly, the width of that Winnebago, and maybe you could put 10 Winnebagos there, that's going to cost them 78-something thousand dollars a year?

Mr. Fiorello: Well, I guess it's the entire frontage.

Mr. Apicella: But I don't really see anything in the entire frontage. So I'm presuming that they're just talking about the part that's going to be fenced (inaudible).

Mr. Fiorello: I would have to defer that question to the applicant.

Mr. Apicella: Do we... you know, I'm trying to be sympathetic to understand where they're coming from, but everybody has to meet setback requirements and other buffer requirements in the County. And anybody could make the argument, well, if I didn't have to meet those requirements I'd obtain more income or it wouldn't cost me as much. Has that been used as a valid argument in the past for, in this case, I guess it's a... what's the terminology? A departure?

Mr. Fiorello: I have not, myself, I would defer to Jeff on that question.

Mr. Harvey: Mr. Chairman, I don't recall cost being a primary reason or a substantial reason for a departure request. There's usually some other extenuating circumstances.

Mr. Apicella: So, we don't necessarily consider that to be a hardship within the construct of the Ordinance.

Mr. Harvey: It's up to the Commission on how you view it. It's totally at your discretion.

Mr. Fiorello: And I couldn't speak on that because I haven't been with the County long enough; you know, two years.

Mr. Apicella: We're glad to have you. Was an alternative compliance application submitted for this portion of the parcel?

Mr. Fiorello: That was kind of done in retrospect. We did do it this morning to be totally transparent. There was a little confusion with the guidance given in the DCSL. Alternative compliance application deals with the width of the buffer as well as the area. Whereas, you're required to maintain the initial plant units that are required from whatever section they're asking relief from. So, again, the alternative compliance deals with your area. Whereas, the departure offers relief to the plant units, and that is what they felt they were going for was relief from the plant units by not planting anything. And so that's essentially why they had applied for the departure for the front section of the property rather than, you know, going for an alternative compliance first and then getting denied and then going for, you know, a departure.

Mr. Apicella: But technically, given that something was submitted today, that was in theory denied, rejected (inaudible).

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Fiorello: Yes, it was rejected and, in fact, the application, the alternative that was submitted was the same as the departure.

Mr. Apicella: Am I... I'm trying to look back over the material... they're going to construct a building on the site?

Mr. Fiorello: Yes, 6,000 square feet. It's going to be office/storage, inside storage.

Mr. Apicella: And where is that going to be?

Mr. Fiorello: Centrally located. I believe on page 5 of 9 it shows the current plan and... yeah, the submitted plan for the major site plan, with the building centrally located.

Mr. Apicella: And based on the typography, soil conditions, etcetera, do you see at least some options for them to relocate the building, if necessary, again to a way to optimize the site and whatever kind of parking they want to achieve on that site?

Mr. Fiorello: I do know that they are planning to have outside storage around the entire building.

Mr. Apicella: Right, but, I mean, it's a pretty large parcel. I imagine the setbacks on it...

Mr. Fiorello: Moving the building one way or the other, I suppose there's room to do that but I would defer that question to the applicant. From my standpoint, yes, I do see room that they could potentially move it.

Mr. Apicella: And I'm certainly not going to hold you to this, but can you spitball a cost estimate on what it might cost in terms of plantings to meet the requirement for the site? Are we talking about a couple thousand dollars? Ten thousand dollars?

Mr. Fiorello: If you're looking at the 20 trees... if you're looking at 20 trees which would constitute 200 of the 250 rough estimate of plants units required, and shrubs being at one... considered one per shrub, that would equate to 55 shrubs and 20 trees. Twenty trees can be as much as \$200 apiece with installation. So, what's that... 4,000?

Mr. Apicella: Right. Not necessarily going to break the bank though.

Mr. Fiorello: Correct.

Mr. Apicella: I imagine there's a reason... I'm sure this requirement was put into place long before many of us were serving on this Commission, but I assume there's a reason why the planting requirement exists.

Mr. Fiorello: Correct. It can be two-fold. Mostly I think it's, you know, to I guess beautify the area as well, even though it's an M-1, as well as to offset tree cover for shade and all the other benefits that we get from trees; you know, carbon initiative. And also, meaning that it's two-fold, you could also use the landscaping in a manner of species planting to also accomplish the screening of the site through using evergreen trees, to use that as screening rather than screening your fencing.

Mr. Apicella: Okay, thank you. Any other questions? Mr. Coen?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Coen: And I'm not sure if you have this, Mr....

Mr. Fiorello: Fiorello.

Mr. Coen: Fiorello... I was trying to make sure I pronounced it correctly. Earlier today I think it was Mr. Harvey was kind enough to send me an email that had visuals of what the fence would look like. Not trying to throw you under the bus here, but the black fencing -- is there any way to show that to people so that they can see what the... I thought that that was going to be one of your future slides but I think that's sort of relevant to sort of get an idea for what we're talking about the covering of the fence would be.

Mr. Fiorello: I did not save that to the file system, so I don't have a copy of that right at the moment. Does the applicant have a copy?

Mr. Coen: That's okay, I'm just showing my phone to the people.

Mr. Fiorello: It's essentially what you would see in ballfields; black canvas type screening that you would see to separate ballfields.

Mr. Harvey: Yes, Mr. Chairman and Mr. Coen, if you're familiar with the site on Plank Road in Spotsylvania County, the Lidl Grocery Store that's being constructed, it would be a similar type of covering to the fence as you see there currently.

Mr. Coen: Thank you sir. The temporary covering that they're using there.

Mr. Harvey: Yes.

Mr. Coen: Thank you sir.

Mr. Fiorello: My apologies for not anticipating having that photograph.

Mr. Coen: No problem.

Mr. Apicella: Okay, seeing no other questions, thank you sir, would the applicant please come forward?

Mr. Duffy: Good evening Mr. Chairman and members of the Planning Commission. My name is Thomas Duffy and I work for AlexCom and Associates and I am representing Willette Properties, and this is Tony Willette of Willette Properties, for this site plan and this departure request. I would like to thank Jeff Harvey and Mr. Fiorello for their excellent work on the staff report. And we recommend, or we welcome these suggestions that Mr. Fiorello has made with that. With that said, the one thing that I would like to kind of emphasize is that this corridor currently is characterized by industrial and commercial uses that have no screening, and it's kind of... doesn't look that good to begin with. With that said, the applicant is going to be increasing the visual aspect of the site from its current state. It's going to look a lot nicer certainly than a lot of the other surrounding properties. So, what I did is I took some pictures yesterday of some of the surrounding properties and if I could just pass that around, is that okay?

Mr. Rhodes: I think we have those.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Duffy: Okay, okay. So you guys already have those -- yep, those are all the pictures I took. So, with that, do you have anything Tony?

Mr. Willette: Is there any way we can get this picture that's up here on the screen?

Mr. Harvey: Computer please.

Mr. Willette: It might help you guys understand a little bit better that right through here is actually the main entrance to that lot. It's right off of Cool Spring Road. So by putting those pushes clear across the middle of the lot, there's no way to access it. If you were to use the entrance over here, you'd be using the adjoining property owner's entrance which isn't going to be allowed. And by moving these back, I don't know where the big figure came up from, from the storage, money was actually the square footage of the entire front of the property if we were to use the entire front. Not just for that lot; if that was the case, I'd already be retired. But, just so you guys know where the main entrance is and to help, if you didn't have the site plans in front of you, which I'm sure you do, but by putting the building where it was at is where pretty much the Fire Marshal suggested and agreed with us as far as in the middle of the property, as far as anything happening with any of the storage or anything, and then of course tearing down the hundred-plus year old building that's in the lot, and then the office trailer which we're using for an office now. So, obviously we're trying to definitely make the place look a lot better than what it did 9 years ago when we moved in. But, like Tom said, with all other businesses up and down the road, I thought we were doing something a lot better than we're just kind of like fighting this. I don't know what else to do.

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

Mr. Rhodes: Yeah, Mr. Chairman, just to confirm, so the entrance that's currently showing there towards the left, when you redo this construction on the site plan you're going to relocate it to where you marked on there?

Mr. Willette: No, no, no, no, no. Where the motorhomes and stuff are stored now, and I don't know if you guys understand, but a lot of these motorhomes and stuff that are in this lot, 90% of them are from the Town and Country area because they're not allowed with the HOAs.

Mr. Rhodes: Yep.

Mr. Willette: And a lot of the people who live in the Town and Country area actually used to store way out in Caroline County. Now, since we have been storing them over the last few years, they've started to move back in the area which, again, helps you guys as far as the personal property back into Stafford County as far as the motorhomes and stuff. But where that entrance is is how they access that lot for their campers.

Mr. Rhodes: That's for their storage, gotcha. Okay, thank you.

Mr. Willette: Just for the storage itself. The main entranceway, the only difference with that entranceway is just that we're cutting the grade down a little bit; it's way too steep for people to get in and out of. Not any major grading or anything done to the property, and just tearing down the old dilapidated buildings and putting one new brand new building up. And 90% of the storage that you see around the existing building, of course the new building being 6,000 square feet, most all of it will be behind the building so it won't be really visible from the roadway at all.

*Planning Commission Minutes*  
*August 24, 2016*

Mrs. Vanuch: Inaudible - microphone not on.

Mr. Duffy: It's an existing entrance.

Mr. Willette: It's existing.

Mrs. Bailey: And is that entrance going to stay there?

Mr. Willette: Yes.

Mrs. Bailey: Okay. And there'll be access through the fenced area to get to that...?

Mr. Willette: There's already an existing gate there.

Mrs. Bailey: Okay. So, to the left of that, is the rectangular area; and so why is the fence pushed further back as opposed to bringing further closer up to where the other one is? See where the green tree line is?

Mr. Willette: Yes. It's been there for so many years and I don't know, maybe some of the Board members have been around long enough to remember this property. There used to be a big house right here and the fire department actually burned that down and buried it there. So technically we can't really build anything out front there, so it does me absolutely no good to fence that area in if I can't park anything or do anything there. So, and the fence was there since I was there.

Mrs. Bailey: Okay, thank you.

(Audience member): Ma'am, I'm sorry. One of your questions was with this screen right here and why this comes out to here; was that your question?

Mr. Willette: Why the fence doesn't come out as far.

Mrs. Bailey: I can't see what you're drawing.

Mr. Harvey: It shows up.

Mr. Willette: Here, let's change the color to blue so that way it makes it a little bit easier.

(Audience member): I think you were asking about this section right here, why do the trees stop there?

Mrs. Bailey: Oh, no.

(Audience member): No, oh, okay because it slopes down.

Mr. Willette: She was wondering why the fence was back so far on the front side of the property and it was like that when we bought it.

Mrs. Bailey: Right.

*Planning Commission Minutes*  
*August 24, 2016*

(Audience member): And essentially this area right here, if the trees have to be planted through this area, all these people will be displaced and have to move their motorhomes and campers to another County. So, I mean, that loses revenue for us and for you.

Mr. Apicella: Yeah, I guess kind of the obvious question Mrs. Vanuch was bringing up, why can't they move further into the parcel?

Mr. Willette: Well, because of the severity of our business, we can't allow them mixed with ours. And being that we also tow for the state and County police department, we can't mix two different things. We have to secure their cars by themselves.

Mr. Apicella: So, nowhere else on the entire parcel...

Mr. Willette: There is, but to help you guys out, we don't want 45 campers on one little small lot. We only rent to a very small amount because we don't want the property overwhelmed with campers. So, if we put all those campers in this lot over here, I don't need to tell you what it'd look like with 30 campers in it.

(Audience member): And people will back into each other so we try to leave them ample room. Because you have some people that are first-time camper owners.

Mr. Willette: At most, we want to try to keep less than 10 units in each lot. It just... to be truthfully honest with you, it starts to look like an eyesore. It starts to look like a trailer park.

Mr. Apicella: Okay. Any other questions?

Mrs. Bailey: Just to follow-up on that, do you have a maximum number of campers and it looks like you might have some boats in there that you can be held there?

Mr. Willette: Ten tenants total, no matter whether it's a boat or camper, it doesn't matter. We only allow ten spots in each one of the two storage lots. I don't know if... because I noticed that earlier there... it doesn't really tell you guys, but over here is a separate fenced-in lot. This is all one property and then this is actually a separate fenced-in lot here. So those two lots are what's used for the camper storage. The middle section of the lot is actually what's used for our business. So we keep those separate. And, of course, some of the units are so big they cannot go up this grade into the driveway to get into that top lot, so we have to separate. But, I don't need to tell you the waiting list for people trying to park their units there, waiting for somebody to move, but we just have set our limits to where we don't want that front lot to where when you guys drive down Cool Spring Road, it looks like Clem's RV on Route 1. It's overwhelmed.

Mrs. Bailey: And they need the turning radius when they go (inaudible).

Mr. Willette: Exactly.

Mrs. Bailey: Thank you.

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Rhodes: I was just curious; sir, your all's thoughts to the staff's counter suggestion for partial buffering screening?

Mr. Willette: I've been 20 months waiting to try to get started on this piece of property; I'm pretty much willing to do just about whatever we have to. I'm tired of working out of a construction trailer.

Mr. Rhodes: So, what the staff's got there with the 3-foot tall and the 3 trees seems reasonable?

Mr. Willette: Yeah, and from talking to Tom, even with the taller trees, a lot of the police officers in the local area don't want a real high screening on the top because they can't see in.

Mr. Rhodes: Oh, yeah, yeah, they'd want no more than a 3-footer. Gotcha, gotcha.

Mr. Willette: Yeah, I don't have a problem with going six but, I mean, it is a repossession property.

Mr. Rhodes: Yeah, but their suggestion of the 3-foot, the green they've got there and the 3 trees, that's reasonable?

Mr. Willette: Absolutely.

Mr. Rhodes: Oh, I'm sold; okay.

Mr. Willette: If you look at all the other properties up and down Cool Spring Road, I think we will have the primmest-looking piece of property down there. There definitely won't be 400 junk cars out on the front road within 5 feet of Cool Spring Road.

(Audience member): And I would like to add that we do have the support of a lot of people in the community to improve the property.

Mr. Willette: And I think that if you guys have been in the area long enough, over the last 8 years it's definitely changed a lot from what it used to look like. At our expense, before we bought it.

Mr. Apicella: Okay, any other questions? Alright, thank you. I'll open up the public hearing on this matter. Again, this is an opportunity for the public to comment. Please address the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green light comes on. The yellow light indicates you have 1 minute left. When the red light comes on, please wrap up your comments. If anyone would like to come forward, please do so now.

Ms. Callander: Good evening. I'm Alane Callander. I drive Cool Spring Road quite often and I understand what they're saying about the condition of the area. It does look quite industrial. However, this is a major thoroughfare that runs from Ferry Farm to some beautiful suburban communities in south Stafford. Anything that you can do to improve the appearance of Cool Spring Road is important. If you have an opportunity to require buffering and landscaping, please use that opportunity. I feel bad for that beautiful church on Cool Spring Road, the only beautiful thing on that road. And if we can improve at least with trees and other landscaping, I think that's something the County should do. Thank you.

Mr. Apicella: Thank you. Anyone else? Okay, seeing no one else I'm going to close the public hearing and bring it back to the Commission. Mr. Coen, this is in your area.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Coen: Yes, I'm going to move for PCR16-08, which is for denial.

Mr. Apicella: Okay, there's a motion for denial; is there a second?

Mrs. Vanuch: I'll second.

Mr. Apicella: Okay, there's a motion to deny and a second. Any further comments Mr. Coen?

Mr. Coen: Yes. And I understand the difficulty about the parcel and the land. I too drive down Cool Spring Road quite frequently and it is sort of a hodgepodge of different things. And I'm not quite sure whether making more of a hodgepodge is the solution to a hodgepodge. But it is a major thoroughfare, particularly with a neighbor being the Eagles Lodge, with a lot of traffic that they get going in and out of that. I looked at the major site plan that I received that's dated 1/20/16 which shows what you were saying that the parcel, the building would be moved farther back, and which I'm just not seeing that it's that much of a hardship. By moving the building back and eliminating those front buildings, that gives you more room in the front of where your existing buildings are. So I think there is actually room on the parcel. You already received a waiver in the back of the parcel for additional land. As I asked, and staff said, this would be the first time the County gives a hundred percent waiver of the setback for foliage. And even if we go with the staff version, it would be a difference of what the norm is. And, unfortunately, we didn't get to see the visual of the fence but I'm not quite certain that the fencing of the black covering is necessarily going to be beneficial to the community, beneficial to people seeing vehicles coming in and out of even your property. And I'm not quite certain that 20 trees and 50 shrubs is that much of a hardship. I mean, the dollar amount that we received was the mindset of the entire parcel, which it's not, it's only that one little section. And I'm just not seeing that there's actually a hardship, which is one of the criteria. And I'm very leery -- I know Mr. Apicella is always on this -- about setting a precedent that we take a buffering and we just basically throw it out, and so that's why I'm moving for denial.

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: I echo Mr. Coen's comments. I think my major concern is the 100% waiver of setting the precedent, which concerns me a lot. That's why I'm mainly recommending denial. And I did see a photo of the fencing and I am quite certain that that's not going to improve the site to the area. And based on resident concerns and folks who are in that area, I can't vote to support that.

Mr. Apicella: Thank you. Anyone else? Okay, I'm just going to add my comments. I agree with Mr. Coen and Mrs. Vanuch. I deal with these kind of issues on the BZA. When I look at the parcel, it may not be exactly what you want but it seems to me that there's some flexibility to make some accommodations or some changes on the parcel to both achieve the requirement and also to continue to have the trailers there. Again, they may not be in the exact same place, may not have the exact same number, but I think there's a standard for achieving a departure. I don't think it's been met in this case. The potential loss of revenue is not a criteria and I wouldn't want to make it a criteria because everybody would want to fall under that category if we started allowing folks to get a waiver from the requirements because it's either too costly or they're going to lose revenue as a result. So, for those reasons, the ones that my colleagues indicated, I'm also going to be voting in favor of the motion to deny. Please cast your vote. Mrs. Bailey? Okay. The motion to deny is approved 4-2 (Mrs. Bailey and Mr. Rhodes opposed). Mr. Harvey, next item?

4. Amendment to the Zoning Ordinance - Proposed Ordinance O16-23 would amend the Zoning Ordinance, Stafford County Code Sec. 28-87, "Outdoor lighting standards," to modify the

*Planning Commission Minutes*  
*August 24, 2016*

lighting levels required on developed sites. The proposed Ordinance would change and create average lighting level standards for all outdoor lighting based on outdoor use/location, reduce the types of prohibited outdoor lighting, clarify the maximum lighting level allowed at property lines adjacent to residential or agricultural uses, clarify security lighting standards, eliminate the sports-field operation hours requirement, require sports-field lighting be aimed to only illuminate the playing area, and change the lighting maintenance schedule requirements. **(Time Limit: September 6, 2016)**

*Discussed before item number 1.*

5. Amendment to the Zoning Ordinance - Proposed Ordinance O16-24 would amend the Zoning Ordinance, Stafford County Code Sec. 28-33, "Districts Generally;" Sec. 28-24, "Purpose of Districts;" Sec. 28-35, "Table of Uses and Standards;" and Sec. 28-67, "Falmouth Redevelopment Area Overlay District." The proposed Ordinance would create the Falmouth Redevelopment Area Overlay District, to provide suitable and sufficient opportunities for redevelopment through new construction and reuse of existing buildings while maintaining the historic nature and cultural context of the Falmouth Area of the County. This new overlay district may allow for additional by-right and conditional uses to the underlying zoning districts. The development requirements of the underlying zoning districts would remain unchanged. Additional development standards would be required, and all new construction and building additions would be in compliance with the Neighborhood Design Standards and Stafford County Master Redevelopment Plan, Volume IV, Falmouth Village Element of the Comprehensive Plan and shall be reviewed and approved by the County's Architectural Review Board. **(Time Limit: September 6, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Now, onto the Falmouth Redevelopment Overlay. The Commission is to consider proposed Ordinance O16-24 which would establish a new Overlay Zoning District within the County called the Falmouth Redevelopment Overlay District. As you may recall, the County has adopted a Redevelopment Overlay Plan for the Falmouth Area, as well as Courthouse and Boswell's Corner and Southern Gateway. As part of the Falmouth Area Plan, it recognized that Falmouth has a unique historic character, and that any development in that area needs to be sensitive to the historic character of the area but acknowledges there are needs to have some of the area redeveloped. It recommended creating new zoning changes and categories for that area to help facilitate redevelopment. So this is an attempt to do so by creating an Overlay Zoning District. For general background, an Overlay Zoning District is additional standards above and beyond what you can normally do by-right on a piece of property. So, in some cases it may give additional latitude; in other cases it may be more restrictive, but it adds more regulation onto those properties. People can choose to accept some of the newer uses that may be allowed or not accept them. Specific regulations would amend four sections of the Zoning Code, Section 28-33, Section 28-34, 25, and 67. And those are the district regulations establishing this as a Zoning District and setting forth the standards. In particular, there'd be some additional by-right uses that would be allowed if this Overlay zone was approved. They would deal with such things as adult daycare, commercial apartments, bed and breakfast inns, cemeteries, community uses, farmers markets, home businesses, live-work units, places of worship, and public art. Generally, the Falmouth area has a variety of different zoning categories, ranging from Residential to Commercial to Office Space. So this would allow these types of uses in all those different zoning categories. Additionally, some uses would become more restrictive; in particular, they would require a conditional use permit. Such things as any facility that had a drive-through, auto repair, hotels or motels, outdoor flea markets, and recreational enterprises would require a conditional use permit. Generally speaking, those are types of uses that have either a higher traffic impact or it could have other impacts that could negatively affect an established community. There would also be additional

*Planning Commission Minutes*  
*August 24, 2016*

standards that would apply... or I should say relief that could apply. The underlying zoning standards would still be in effect such as setbacks, building heights, things of that nature. However, the code for this Overlay zone would allow some relief of those standards through issuance of a special exception from the Board of Zoning Appeals. That gives the property owner some more flexibility and acknowledging that Falmouth, a lot of those structures were built before the modern zoning codes. So they may not already meet current setback standards or lot coverage standards or other things. So this would allow property owners to maybe expand their existing buildings through a special exception. The significance of that is a special exception is different than a variance, which is the current process. With a variance you have to prove a hardship and the hardship has to be unique to that specific property. Whereas, a special exception, the Board of Zoning Appeals would look to see if the proposed changes are in concert with the surrounding community and the overall zoning pattern. So it's a less rigorous test and gives the property owners some flexibility. Also, there would be requirements for sidewalks and pedestrian circulation, screen standards for storing goods in properties, also requiring underground utilities for new construction, orientation and location of spacing... or excuse me, loading areas and service drives would be established, and also some additional screening requirements. Additionally, building architecture would be a consideration for new construction. All building architecture would have to meet the general guidance of our Neighborhood Design Standards element of the Comprehensive Plan, as well as the Redevelopment Plan for Falmouth and its vision in the images that are shown in that. Any new buildings and new construction would also have to go to the Architectural Review Board where they can impose conditions on the architecture of the building. So, it helps keep any new construction to be in scale and also in the general feel of the Falmouth Area, because Falmouth does have a number of historic structures and we don't want to have modern architecture clash with the historic nature of Falmouth. Also, there would be some relief from street buffers and some of the other landscaping requirements you normally wouldn't see in a town setting like Falmouth. They're more suburban-type development oriented. However, the ARB would also be involved if there's any screening issues that have to be dealt with as far as fencing and additional landscaping. There'd be some additional standards with regards to hours of operation for outdoor seating for restaurants and similar types of uses limiting those time periods of activities from 7 AM to 11 PM. Currently, there's no standard for that, but this would allow some additional regulation but also flexibility, like I said, with the uses. The Board, in referring this to the Commission, has also asked that the Commission consider whether or not... or what the appropriate boundaries should be for the Overlay zone. So the action today would be to make a recommendation as to whether (1) the Overlay zone should be established, and (2) if those regulations are correct. But then the Board asked the Commission for additional guidance on where the area might apply for the Overlay zone. And I have a map, if I could have the computer please. This is a map of the potential area that the Board's asking for some feedback on. The boundary is generally highlighted in the purple line. It follows from the south, going from the intersection of King Street up Rowser Road to Carter Street -- Carter Street on both sides of Butler Road -- to a series of lots that front on Forbes Street over to past Access Eye, across Route 1 to Falls Run, follows the creek down to basically King Street again and closes the loop. So that's the area that the Board was asking for some feedback on. And we did receive some community input during a Town Hall meeting that Supervisor Thomas and Supervisor Bohmke had, and some of the people felt that this may be somewhat of an appropriate area. But the Board was asking for some feedback from the Commission. Staff in general feels that the proposed Overlay meets the intent of what was discussed in the Redevelopment Area Plan, and would be open to any suggestions. We have heard from some members of the ARB that they had a little bit of concern with the requirement for paved parking and paved drive aisles because they feel that maybe in some instances gravel may be more in keeping with the historic context of the area. So that may be a consideration the Commission may have with regards to any changes to the Ordinance text.

Mr. Apicella: Where is that in the text, Mr. Harvey?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Harvey: It's in the development standards section and it's Subsection 3 and that's found on page a5 of the Ordinance. It says, parking areas and driveways shall be paved with concrete, bituminous concrete, brick, concrete pavers or other similar material, etcetera, etcetera.

Mr. Apicella: And if we were amenable to the ARB's suggestion, how would you change that language?

Mr. Harvey: It would probably to delete the language because our zoning code does allow for paved parking, and would not necessarily require curb and gutter. So, the curb and gutter part could be deleted because, again, that was a concern that may not be in character with a more traditional setting. Or the Commission, if you'd like, you could put a specific requirement in here that parking and drive aisles shall be constructed of a dustless surface and can be gravel, pavement, or any suitable type of material that's durable.

Mr. Apicella: My only concern there, Mr. Harvey, is there are some uses that may be appropriate or consistent with a gravel driveway and some that may... where the use may be so intense that a gravel driveway may not be particularly the right approach, although it may be the cheaper approach. So, how do we strike that right balance, at least from my vantage point? Do we have to act on this tonight?

Mr. Harvey: Mr. Chairman... September 6, so that is correct. Unless the Commission wants to hold a special meeting to debate this issue.

Mr. Apicella: I'm looking at faces, I don't think that's probably going to happen. So, again, with that in mind, is there a way to strike that right balance in the language?

Mr. Harvey: Well, the code currently allows myself as the site plan agent to grant paving waivers in certain conditions, and those are for uses that have infrequent activity. However, we may be able to caveat to some regard to meet that concern. That would probably require additional advertising because that's a different section of the code. So that may be a recommendation that the Commission could have to the Board.

Mr. Rhodes: Could it be as simple as from shall to should? Where you've got a predominance that's clearly reinforced but it's not a shall?

Mr. Apicella: I understand where you're coming from but, again, the delta and costs between a gravel parking area or road versus an asphalt road, especially when gas prices are high, is probably three or four times more if not greater than that. So, again, if we... from my vantage point... if we completely eliminate it, an owner would probably default to a gravel surface compared to a paved just because of the cost difference. And again, it may not... I have a long gravel driveway, I've got lots of issues with it and there's only a few of us that drive on it. So I can see where it can be problematic.

Mr. Rhodes: Yeah, I wouldn't think you'd eliminate it, I just thought you could either soften it or, given the time pressures, you either soften it with a shall to should or we simply address it as it is with recommendation to the Board for consideration of modification.

Mr. Harvey: Mr. Chairman, just thinking in general, we could add in a provision that the areas be paved for uses that generate over a certain vehicle trips per day, which we could set the number at something like 50 or 100. Those are generally low intensity uses.

Mr. Apicella: So again, how would you change the language if that were the case?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Harvey: We could say, parking areas and driveways for uses that have more than 100 vehicle trips per day shall be paved with concrete...

Mrs. Bailey: Or possibly if the use changed, I mean, looking at maybe if you have a residence that you're living in and you have a gravel drive, maybe you're going to put an addition onto it; would you necessarily need a gravel driveway. Whereas, if someone was buying it and they were going to convert it to commercial, then that might be the time where paving it might be suitable. But it might be a hardship on the existing owner right now.

Mr. Harvey: So, it could specify, for non-residential uses, they have to have the pavement.

Mrs. Bailey: It's just a thought.

Mr. Apicella: So, in lieu of the 100 vehicles per day commercial... well, there is a commercial entity there that I think has a gravel driveway. So again, I'm just trying to strike the right balance here, again, assuming that folks were amenable to moving forward with this.

Mr. Coen: Could staff sort of dwell on this while we have the public hearing and then give us better language after?

Mr. Apicella: We could do that. Let me just stop before I do that and ask if, because I've kind of dominated the conversation -- I apologize. Are there any questions for Mr. Harvey? Mrs. Bailey?

Mrs. Bailey: I did Mr. Chairman, I have a question in regards to the boundary that stops on Washington Street and why the boundary didn't go up to Ingleside, because you still have several more properties along that sort of little gateway into the Falmouth Area. And you've got Belmont there on the corner of Ingleside. So, I didn't know if there was a reasoning behind that.

Mr. English: How come it wouldn't go into Truslow Road... make a difference going all the way up to Truslow Road? Because that...

Mrs. Bailey: But that might get too far out of the actual historic for the change, I don't know.

Mr. English: Okay.

Mr. Apicella: Just... I'm not sure if you said this, this is a pilot though right? So, at some point in time, assuming the pilot is deemed practical and reasonable, there might be a change to the boundaries at some point in the future.

Mr. Harvey: Yes, Mr. Apicella, and for me to clarify, in order to establish and put these regulations on specific properties, that's going to require a subsequent public hearing with notice to those owners to make them aware that the zoning regulations would now apply to their property, so that would be an additional public hearing, I know at the town hall meeting there was a discussion about this being a pilot. If it's successful, it may be expanded to other areas. But there was some concerns from some of the members of the public that they didn't want it to encroach necessarily into their residential areas. So, that will have to be something that's debated while we go through the public hearing process, if the Commission and Board feel that these are the appropriate regulations to potentially put in place.

Mr. Apicella: Thank you Mr. Harvey. Any other questions? Okay. Before I open the public hearing -- again, I know you want to listen to the public comments, assuming there may be some -- if you could

*Planning Commission Minutes*  
*August 24, 2016*

think about how you might tweak the language to achieve what we've been talking about. Okay, I'll open the public hearing on this matter. If anyone is interested in coming forward to speak on it, please come forward.

Ms. Clifton: Before my time starts, I just wanted to mention that my neighbor uses, um, oyster shells to pave his office parking lot. And every couple of years he just goes down the Northern Neck and brings up a truckload and puts it on his parking lot and it drains off and also fertilizes the area. Good evening, my name is Irma Clifton. I'm here tonight to comment on yet another Falmouth Plan, one of numerous plans that I have commented on during the almost 40 years that I have owned my property in Falmouth. I don't think that I have to point out the obvious, and that is, until there is adequate parking and safe pedestrian sidewalks, any plan to promote development and reinvestment in Falmouth probably is dead in the water. For instance, the allowance for additional by-right uses such as commercial apartments and Bed and Breakfast Inns would require additional parking, as would a farmer's market unless it's held on an existing parking lot. Any community use would also require additional parking. As a side, the designation of the Counting House remains Suburban Residential, when this property, this very Board, designated it as Office and that should be corrected in any future plans. The conversion to underground utilities is a project that is discouraged in flood-prone areas and is expensive and disruptive to boot, as was pointed out to me by VDOT when they were working on Route 1/17 intersection and I asked to have the utilities along Route 1 buried. In the table of issues and standards in this plan, one of the uses permitted by-right is a cemetery. Get real. In that same section, number 5 is community use. There is already a property slightly outside of this pilot project area that has been... that should have been included, and that's the Old Falmouth Elementary School. Under conditional uses, number 1, any use which includes drive-through facilities -- obviously there's no traffic patterns in Falmouth -- are not conducive to that and it's an activity that's probably not considered. Hotels and motels, again, a lack of parking. Under development standards, parking areas will be paved with concrete; we just discussed that. That's discouraged. In putting lines underground, discouraged by both FEMA and the Corps of Engineers because there's... a lot of Falmouth is flood-prone. And also, I also said it's expensive and disruptive. Although the County does not yet own the property, there is a large lot on the corner of Route 1 and 17 that certainly should have been included in this plan. It's just a big white spot there. So, I think probably that should be at least give people some idea what the County hopes to put there. This plan needs some reworking. But at least it's another start. And finally, Stafford County and Falmouth needs and its historic structures and sites deserve a historic planner to ensure the preservation of their legacy into the next generation. Thank you very much.

Mr. Apicella: Thank you. Anyone else?

Ms. Callander: Good evening, I'm Alane Callander. Founded in 1728 by an Act of the Virginia Assembly, Falmouth was created as a Port Town on the Rappahannock. One decade later, a 6-year old George Washington moved to a farm in the vicinity with his family. That farm is now called Ferry Farm and, as you know, Stafford County has invested quite a lot in developing that location as a historic site. In fact, archaeological digs determined the location of the farmhouse and research allowed for a concept to be developed for what that home would look like. A foundation was created to raise money and public awareness of the historic significance. I say all this because I want to bring home the fact that at the Port of Falmouth Historic District, we have structures still standing that date back to the 17 and 1800's. We don't have to do archaeological digs and recreate these buildings. They've withstood war and flood. I believe we should treat these buildings and the land on which they stand with the same reference we treat Ferry Farm. I commend the County for trying with the Redevelopment Plan to protect Old Falmouth and have some semblance of control over how it's developed. But you need a plan that has a tighter control than what you have presented so far. Be extremely careful about allowing by-right development and new building. Falmouth Village should not be planned piecemeal. Rather, it

*Planning Commission Minutes*  
*August 24, 2016*

should be planned as a whole with the best historic planners advising and with a fundraising mechanism in place. We have several vacant historic buildings at this time. It's a great opportunity to plan a tourism village. We have Chatham, we have Belmont, we have Ferry Farm, all being protected and promoted for the world to see. Well, we actually also have a village, like a Williamsburg or a Harper's Ferry. With proper planning, this whole area can be a hugely important national treasure and tourism site that will bring recognition and tourism economy to Stafford County. I think whatever commercial development is allowed should be tied to the Colonial and Civil War history and the education about that history. So, I think this plan needs a whole lot more work. I don't think that you should be pressured by a deadline. You need to get it right. And you have such an opportunity before you. Thank you.

Mr. Apicella: Thank you. Anyone else?

Mrs. Carlone: Ruth Carlone. This is a treasure, our Port. I mean, this is really significant to... shipping in the early days and our tax area and (inaudible) office. But anyway, number one, the buildings within the village portion should not go beyond 2 stories. You take away from the concept. This was a little village; this wasn't a skyscraper -- well 35 feet isn't a skyscraper but, you know, it shouldn't go beyond 2 stories. Now, as far as up Route 1, you can certainly have your hotels and motels. And also, the Grizzle Center at the top of the hill could be used as parking for the tourism. And there is a lot of jitney's over at the Rappahannock Area on Aging, if you've noticed the parking lot is full with little vehicles that perhaps those could be used as transport rather than purchased additional vehicles. Oh, as far as the -- I'm sorry, I laughed too about the cemetery. There's certain things that just aren't appropriate. Home business, tattoo parlor -- somebody's got to, you know, say hey. You know, you says by-right for a home business but within your home you could have a tattoo parlor. Okay. The place of worship... I don't know where that would fit in. We're very limited by the infrastructure, by the road system. And you've got to... I just don't think you're ready right now to accept this as it is and send it forward. A lot of these, conditional use permit... come on; auto repair... you know, hey, that's not historic; machinery sales and service... these are not appropriate even under conditional use permit. Outdoor flea market... is that a permanent flea market or is it just for special occasions when you have some kind of festival? That's fine. And just to keep in mind, this is it guys, you know, as far as our historic district. Let's do it right. The architecture, anything that's constructed within the historic district should follow historic guidelines as far as the façade anyway. I have a lot more comments but... Public art, hey. Anyway, there's so many things. We did go to the Shelton House today with Irma and tremendous potential for a little historic venue to have visitors and artwork and such. There's more comments here but, just, this is it guys, to repeat. Don't approve it now. Don't be worried... oh, sorry, my time's up, never mind. Thanks.

Mr. Apicella: Thank you. Anyone else? Okay, seeing no one else I'm going to close the public hearing and bring it back to the Commission. But, I'd like to ask Mr. Harvey a couple of questions with the Commission's indulgence. What is or are the underlying districts in the pilot area?

Mr. Harvey: If I could have the computer please? The boundary was overlaid on a zoning map. The yellow color on the zoning map is R-1, Suburban Residential; the pink color on the zoning map is B-2, Urban Commercial; and the red color is B-3, Office.

Mr. Apicella: So, based on the language on additional uses, they would apply even in an R-1 area?

Mr. Harvey: Yes sir.

Mr. Apicella: How were these specific additional uses derived?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Harvey: In discussion over time, staff was asked to look at places like Occoquan and other types of areas that may have limited... have sort of a historic nature to them, but look at the types of uses you might be able to have in a house that part of it can be converted or all of it can be converted. So that was the types of thought process we had as we looked through these uses. In particular, the by-right uses. The other uses that were a conditional use permit were either focused on some existing uses we have out there today or requests that we've gotten and the concerns that they may raise if they're potentially continued to be allowed as by-right uses in their current commercial zoning in that area.

Mr. Apicella: Some of the commentary I heard was, as you know I've raised some of the similar concerns today in my questions to you, is about parking and ingress/egress. So, how would that be addressed and married up with the specific by-right use if someone came in with a change with what currently exists on a particular parcel?

Mr. Harvey: If someone came in to modify the use of their building or build a new building or build an addition, they'd have to meet the requirements of the Zoning Ordinance as far as number of available parking spaces. In the Falmouth area, since it's a Redevelopment Area, those parking spaces can either be onsite and/or on-street parking. So, if there's on-street parking available, those spaces could potentially count. There are very few on-street parking spaces available in Falmouth, and that is one of the significant issues for parking in Falmouth. And the County's been investigating ways to accommodate more parking in the area by maybe building additional parking lots and have had plans approved but haven't moved forward with it yet as a means to try to help that situation, but someone would have to probably provide parking onsite from a practical standpoint in order to change your use or create a new business down there.

Mr. Apicella: So, the bottom line is, they'd have to meet the parking requirements for that specific use.

Mr. Harvey: Yes.

Mr. Apicella: One of the thoughts that I heard mentioned was about the number of stories, 2-stories versus I think it says 3-stories in here. What were your thoughts about that?

Mr. Harvey: Three stories was based on looking at the images from the Redevelopment Area Plan. It was trying to keep the buildings within a certain lower scale. The current B-2 zone allows someone to build a building as tall as 65 feet, which is potentially a 5-story or maybe 6-story building depending on the type of construction. So that was a means to reflect the recommendations of the Falmouth Redevelopment Plan. Some of the images, if you may recall, showed 2-story buildings with a third floor with dormers; so essentially like 2 and a half stories.

Mr. Apicella: Okay. Did you have any other thoughts or comments based on the public comments, Mr. Harvey?

Mr. Harvey: With regards to the parking issue we were discussing earlier, the thought I had was that the stipulation could be that the requirement for paved parking would apply to parking lots that serve more than 24 parking spaces. And my thought with that is, is that's when parking lots are required to provide landscaping and you're going to have more than 50 vehicle trips per day, so it could be more intense uses. With regard to the comments on cemeteries, it's a good point. After this amendment was first drafted I was requested to take a look at the Cemeteries Ordinance and the Zoning Ordinance, as well as elsewhere in the County Code. And other places in the County Code require any new cemeteries to be on parcels of land 25 acres or greater. So, realistically, that's not going to happen in Falmouth, so we could probably eliminate that as a use. With regard to underground utilities, that was put in there

*Planning Commission Minutes*  
*August 24, 2016*

because that had been some of the comments we heard from other citizens in Falmouth over the years as they didn't like the looks of the overhead wires and preferred underground utilities. And that would be mainly for new development; they'd have to put it underground on their property rather than having an overhead line from the main pole to the building as a lot of conditions exist today. So that could be something if the Commission felt was appropriate to change. And as far as other uses, we don't specifically in our Ordinance define a tattoo parlor. That's considered to be a commercial retail use, so we would have to create a new definition for that if we were going to get that level of specificity. And there were some comments about following historic guidelines. That's another option for the Commission to consider, but it'd have to take separation action as to expand the Historic District to not just individual properties but a whole entire area. Because right now in Falmouth, and the way the County's operated up to this point, is that properties that are in a Historic District, the owners opted into it or agreed to it rather than the County imposing it on them. So that would... if we were wanting to impose historic requirements on all the properties down there, we would have to rezone to the Historic Overlay with notice and may require a change in philosophy on how we apply the Historic Districts.

Mr. Apicella: I thought I heard you earlier say though for any new development, it would have to be reviewed and approved by the ARB.

Mr. Harvey: Correct. That's the way we've set this up. So, if people want to change things on their property, specifically, add to the building or build a new building, they'd have to go to the ARB. And the guidelines for this type of development wouldn't necessarily be as restrictive as a Historic Overlay, but it would give something for the ARB to look at as far as the Redevelopment Area Plan and its guidance, as well as the Neighborhood Design Standards.

Mr. Apicella: Okay. Could we just again go to page 5 of 7, under 3, based on what you said and help me understand how that language would change.

Mr. Harvey: My suggestion would be, parking and driveways that serve more than 24 parking spaces shall be paved with concrete, bituminous concrete, etcetera, etcetera.

Mr. Apicella: Okay. Mr. Coen, you look like you had something you wanted to say.

Mr. Coen: Yes, thank you Mr. Chairman. On that map, Mr. Harvey, just so that people understand it, there's an awful lot of white and most of that is areas right around roads and the Falmouth intersection. But, you know, just so that people understand, the wide swath going up Route 1 or Cambridge, that's... so they understand what will happen with that?

Mr. Harvey: Mr. Coen, the white area is identified as public right-of-way, so that was land acquired by VDOT to improve the intersection. The County has had discussions with VDOT because VDOT's indicated that they don't need all of that land for a public right-of-way for maintenance purposes. There some residual pieces of property, especially along Butler Road. At some point in time, if so inclined, the state may convey some of that property back to the County. It's not clear as to what the ultimate uses would be. Some things have been discussed about building public parking there possibly. Other things may include a pocket park and those kind of things. But that would require a future decision by the Board of Supervisors if the land is ever conveyed to the County.

Mr. Coen: Okay. And I'm not sure how others feel, but it might be helpful that on the map there be an icon that designates what the white is for so that people, when they look at it, would understand that it's not just we don't know. I mean, and to a degree we don't know, but you know, you understand what I'm getting at.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Harvey: Yes.

Mr. Coen: Is it... I'm not sure about everybody else, but I sort of agree with the idea about auto repair and machine sales in being in a CUP is... is there a possibility we can remove those?

Mr. Apicella: So you're suggesting, and I would recommend that we kind of work through the language and see where folks might have some changes and/or to the map. So, you're recommending to strike auto repair...

Mr. Coen: And machinery sales and... I forget what the other word... and with cemetery, right -- cemetery, auto sales, and machine.

Mr. Harvey: Mr. Chairman and Mr. Coen, just as a reminder, the boundary that's being discussed would be a recommendation to the Board, but again, it would require separate public hearings and also it's not imposing it on that specific area, these new regulations.

Mr. Apicella: Can I clarify, are we not allowed to make changes to the language, is that what you're saying?

Mr. Harvey: No, no, I was referring to the map.

Mr. Coen: To the boundary map.

Mr. Harvey: Because there was some... I guess I'm getting the feeling there's some concern that these regulations are going to be specifically on those parcels, and that isn't going to happen just yet. Going to Mr. Coen's comment about machinery sales and service, currently that's a by-right use in B-2. So, if it's not listed here as a conditional use, it'll remain as a by-right use in B-2. So, some of those B-2 uses in that... in any area could have machinery sales and service in the future. So that's part of the reason why staff had recommended that be a conditional use. I see the concern about auto repair. Auto repair does require a conditional use permit in B-2 currently, so it's probably a bit redundant to stipulate auto repair. So that could be something that could be potentially eliminated. Hotels and motels are by-right uses in B-2 now, so again, similar to the machinery sales and service, if somebody wanted to potentially tear down some buildings and build a hotel they could, under the current zoning scheme. And this would require a conditional use permit if they were proposing to do that.

Mr. Coen: Okay, and so everybody knows that as of right now they can do a bunch of other things. This would limit some of that. So, I guess... I'm looking at my handy dandy B-2, Urban Commercial thing... and for example, it has plant and tree nursery and greenhouse as a by-right. So, if we wanted to say really that's not feasible in that area because of the amount of traffic and etcetera, we'd have to say we want to add it to the CUP, correct?

Mr. Harvey: That would have to be something added to the Ordinance, yes.

Mr. Coen: Right.

Mr. Harvey: I'd have to check with Ms. McClendon if that's something that could be done in the context of how this has been advertised.

Mr. Apicella: So, is that a question for our staff?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Coen: Right. As well as, school and vocational school, I guess. Anything on the by-right, if we wanted to add it, we can't because it hasn't been advertised as such, correct?

Mr. Harvey: Mr. Coen, if you give us a few minutes on that while we're working through other issues.

Mr. Apicella: Any other thoughts about how this might be tweaked? So, Mr. Coen, are you withdrawing your suggested change on machinery sales?

Mr. Coen: Yeah, I mean, I'll take back the comment about auto repair and machinery sales, but definitely keep the cemetery, because Mr. Harvey said it's not feasible.

Mr. Apicella: Remove the cemetery.

Mr. Coen: Right, remove the cemetery. But the other ones, technically they could do automatically and by putting it here, staff is saying that they can't do it automatically; it would have to get approved.

Mr. Apicella: I'm certainly a supporter of farmer's markets; I think they're a great thing. We could probably use more of them, but I do have a concern about parking associated with farmer's markets and I wonder if it should be a conditional use permit instead of a by-right use.

Mrs. Bailey: Well, wouldn't that still have to meet the regulations (inaudible) regardless of the use?

Mr. Apicella: It seems to me though that sometimes farmer's markets are sort of ad hoc kind of things. You can get a permit for a farmer's market, right; it doesn't have to be a permanent farmer's market?

Mr. Harvey: Yes, Mr. Chairman. The farmer's markets are required to get a zoning permit and also receive a recommendation of approval from the Agricultural/PDR Committee. In those case, they're required to show that they have adequate parking for the area that they're intending on having the market. So that would be one of the things that we'd look at in the zoning permit.

Mr. Apicella: So, again, even though it would be by-right, they'd still have to meet the requirements for parking?

Mr. Harvey: Yes sir.

Mr. Apicella: So someone couldn't just decide, hey, I'm going to open up a fruit stand on Saturday and have a bunch of cars show up and become customers for that particular farmer's market?

Mr. Harvey: Correct.

Mr. Apicella: Okay. Any other thoughts about the language? So do we need to maybe take a 5 minute break of something so you guys can work through some issues?

Mr. English: We have to vote on this tonight though, right?

Mr. Apicella: Right, one way or another.

Ms. McClendon: Mr. Chairman, actually I believe that adding in the additional CUP uses would be permissible. It would be taking them from current by-right uses and changing them to CUP uses thereby making it more restrictive... oh, sorry, less expansive, more restrictive.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Apicella: So that would be permissive?

Ms. McClendon: Yes.

Mr. Apicella: Okay. So, with that in mind, are there any other suggested changes to add to the list of conditional use items? Mr. Coen?

Mr. Coen: I guess I'm just going to go down the list so people can throw things at me. Adult Day Care Center. Car Wash. Club/Lodge/Fraternal Organization.

Mr. Apicella: I'm going to need you to go slower, Mr. Coen.

Mr. Coen: Okay.

Mr. Apicella: So, can you start again at Adult Day Care?

Mr. Coen: Yes sir. Adult Day Care. I think I went Car Wash. Club/Lodge/Fraternal Organization.

Mr. Apicella: Really?

Mr. Coen: Really. There wouldn't be parking logically for something that large.

Mr. Apicella: Well, we're going back to the notion that they have to obtain parking requirements.

Mr. Coen: Yeah, I know. Well, we can pull it out. Let's see -- I'm not quite sure how people feel about hotels. Lumber. We already took out that one. Plant and Tree Nursery. I'll defer to staff what they... I can't remember because my screen went blank and I don't want to hunt for it. About Recreational Enterprise... I can't remember if I saw it on there. And then School and School, Vocational. And I guess Warehouse. Well Restaurant could be a tiny little, you know, tiny little thing which would be, you know, if you wanted to have a colonial restaurant like they used to have in that other city that we don't mention, across the river, that was a really nice restaurant to go to. You could do that in Downtown Falmouth and that would be pretty cool. But also, the Warehousing, Mini-Storage and maybe Wholesale Business.

Mr. Apicella: What is a wholesale business?

Mr. Harvey: Mr. Chairman, a wholesale business is a business activity that does not sell retail directly to customers. It usually sells to other businesses.

Mr. Apicella: Okay, Mr. Coen, what I heard you say, with the exception of Lodges and Clubs, is Adult Day Care, Car Wash, Lumber, Plant Tree Nursery, School, School Vocational, Warehousing Mini-Storage, Wholesale Business. Was there anything else?

Mr. Coen: Well, I wasn't sure how everybody felt about hotels...

Mr. Apicella: Well, it's already in the conditional uses.

Mr. Coen: Okay, thank you. Cool.

Mr. Apicella: As is Recreational Enterprise.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Coen: Cool beans.

Mr. Apicella: Does anyone have any objections to that list?

Mr. Harvey: So, Mr. Chairman, with regard to Adult Day Care, we currently in the proposal have it listed as a by-right. So is that suggesting we move it from by-right to...?

Mr. Apicella: That's what I'm interpreting. Okay, any other changes to the language? Okay, any motion?

Mr. Harvey: Mr. Chairman, is the issue with the paved parking and curb and gutter, has that been resolved to the Commission's satisfaction?

Mr. Apicella: I took it as a friendly suggestion that we all kind of nodded our head and said yeah, that would be great.

Mr. Harvey: Thank you.

Mr. Apicella: Well, it's in my district but it's also in Tom's district.

Mr. Coen: And just for clarification, if they wanted to use oyster shells, that's still considered acceptable?

Mr. Apicella: But not clam shells.

Mr. Coen: A mollusk by any other name still smells.

Mr. Harvey: Mr. Coen, in that case that's something that... that's a dustless surface so that would qualify.

Mr. Coen: It would qualify the way you worded it? Cool. That's what I thought you were doing when you worded it that way. Alright, then I'll move for approval.

Mr. Apicella: With the changes...

Mr. Coen: With the changes that we have discussed.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

Mr. Apicella: Okay. Any comment Mr. Coen?

Mr. Coen: Yeah, I mean, I understand the concerns. My concern is that it's either we reject it, and I'm not sure if anything moves forward and, as you have said, we keep going forward but we haven't done much. And I think that as a pilot, then we can turn around and tweak it and change it, add areas, subtract areas, get public input, and we could actually move on this as opposed to just saying no. And then I'm not quite sure what would happen. In the by-right already, I just went through the list of things that somebody could just shove there and we couldn't do anything about. So the least this would say to our beautiful Downtown Falmouth, these things can't happen automatically. So, to that degree, I think

*Planning Commission Minutes*  
*August 24, 2016*

that's a pretty good idea and, as Mr. Harvey already said, this is just the first step. We would then have to go and have a public hearing and say this is, you know. So I think this is a step in the right direction. I think we definitely need more public input, but I think the Supervisors from our two areas have reached out to people and I think we need to continue to reach out to the people.

Mr. Apicella: Thank you. Mr. English?

Mr. English: Yeah, and what Tom said (inaudible - microphone went off). Like I said, it's just a pilot program. I know we're pushed to get this done, so at least we rather have something than nothing.

Mr. Apicella: Any other comments? Okay, just for clarification purposes, what we've done is we've changed some of the proposed by-right uses, striking out Cemetery and Adult Day Care, added some additional conditional uses to include Adult Day Care, Car Wash, Lumber, Plant Tree Nursery, School, School Vocational, Warehousing-Mini Storage, Wholesale Businesses. And we've also modified the language under 3 regarding parking and driveway requirements. Okay, all those in favor... cast your vote. Okay, the motion carries 6-0 (*Mr. Boswell absent*). Thank you. Thanks for bearing with us on that one. Next item Mr. Harvey?

UNFINISHED BUSINESS

6. RC16151104; Reclassification – 1348 Courthouse Retail - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow a 9,100 square foot commercial retail building on Tax Map Parcel No. 30-70. The property consists of 1.24 acres, located on the south side of Courthouse Road and east side of Stafford Avenue, within the Aquia Election District. **(Time Limit: October 21, 2016)**  
**(History: Deferred on July 13, 2016 to August 24, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Item 6 on the agenda is Unfinished Business; it's a reclassification of 1348 Courthouse Road and Kathy Baker will give the staff update.

Ms. Baker: Good evening. This is a rezoning application for 1348 Courthouse Road. And just to recap, the proposal is to rezone from R-1 to B-2 for a proposed Dollar General Store. A public hearing was held on July 13<sup>th</sup> and the application was deferred so the additional issues could be addressed. And, for reference, the highlighted parcel in red is the subject property fronting on Courthouse Road. To the north of that is Stafford Elementary School. To the west and south is a Stafford County facility; it's a Fire and Rescue Training Facility and storage facility. And just to the north you also see Stafford Avenue. At the July 13<sup>th</sup> hearing, the Planning Commission did discuss the potential for limiting high intensity uses. So the applicant has provided revised proffers which would exclude numerous uses on the property and leaving the uses low and medium intensity uses that you see on the screen here. The proffered out uses would have generated in excess of 600 vehicles per day. So these uses would actually generate typically less than 600 vehicles per day, which is more in line with the low and medium intensity. This was added as a proffer as well by the applicant. There were several transportation issues raised during the Commission's public hearing. This included installation of turn lanes into the site from Courthouse Road. The applicant did provide, in its resubmission package, exhibits showing that turn lanes are not warranted by VDOT based on the proposed use. The applicant did add to the proffers that an access easement is provided to the property to the east, and then this would provide for a shared access. So that was also included in the proffer and that was to also accommodate for some of the concerns about additional entrances on Courthouse Road. The Commission did ask for staff to reach out to the Schools Division regarding potential impacts, particularly to Stafford Elementary School, which you'll see its entrance lining up immediately across from the proposed entrance into the site. We did

*Planning Commission Minutes*  
*August 24, 2016*

reach out to the schools; they did comment, particularly the Schools Division comment that the traffic could interfere with particularly the peak hours of the school which is the morning a.m. drop-off and the p.m. pick-up of student. Generally from 8:20 to 9:10 a.m. and then 3 o'clock to 4 o'clock p.m. are those peak hours for the school traffic, including buses and then parents that are picking up and dropping off students. Staff did have a follow-up meeting with the School Division staff today, as well as Principal Foreman. We did review what the Comprehensive Plan, as well as the Redevelopment Area Plan, calls for in general in the Courthouse Area, including this property. And I'll show you those maps in just a moment. In all, the schools... the meeting, they indicated they aren't necessarily opposed to this use; it's just in general and the increase in traffic on Courthouse Road. So we went over, again, some of the proposals, long term visions for the area. I will note that the applicant did include a new proffer which changes the trash pick-up time; instead of from 6 a.m. to 9 p.m., they moved that to 9 a.m. to 9 p.m. Also, while I have the GDP here, there is a privacy fence that has now been extended in this area. That was a little bit of a concern from the Fire Marshal who indicated that that could be a distraction or a nuisance to have visibility to the adjacent Fire and Rescue Training Facility. So that addition has been added on the GDP, as well as in the proffers. So as I discussed, here's the new Land Use designation under the newly adopted Comp Plan. And the hatched area is a Targeted Growth Area which includes 3,750 residential units and approximately 5 million square feet of commercial development. You'll see the red star is the area of the subject property. The red line is the extent of the Urban Services Area. But this is a more in-depth view of the Courthouse Planning Area. Again, the red star is the area of indication, where the site is. The purple is actually designated as a mixed use, which would include commercial and residential development. The yellow is residential, and then the pink or red, mauve, whatever color you want to call that is more of a commercial office use. So, that just shows what the intended overall vision is for the Courthouse Planning Area. With that, I will just open up to any additional questions that you all may have on their revised submission. The applicant is here if you have additional questions for them.

Mr. Apicella: Mr. English?

Mr. English: Kathy, nothing back from VDOT? They're not going to put a light in, correct?

Ms. Baker: At Stafford Avenue?

Mr. English: Yeah, Stafford Avenue, in that intersection right here.

Ms. Baker: At this time, no, just because of the distance from the Courthouse Road/Route 1 intersection does not meet their spacing standards. There's also, you know, an offset there at Stafford Avenue to the entrance across from that. But at this time there are no plans to put in a traffic signal.

Mr. English: Well, there's no way they could work it out so that they could... the Dollar General could have gone into the Fire and Rescue area and made that their entrance? And then being right across from Stafford Avenue would help push for a light?

Mrs. Baker: Well, we initially discussed that. I sat in at the meeting with the applicant and VDOT. Because of that offset not being perfectly aligned across from Stafford Avenue, they actually saw that more as a conflict than moving the entrance across from the elementary school.

Mr. English: Okay, thank you.

Mr. Apicella: Other questions?

*Planning Commission Minutes  
August 24, 2016*

Mrs. Bailey: Mr. Chairman?

Mr. Apicella: Mrs. Bailey.

Mrs. Bailey: Ms. Baker, did you have a chance to discuss with the applicant the additional hours between the 3 and 4 where we have students leaving school and pickup, in regards to the trash pickup and even possibly deliveries? I'm not sure that was addressed.

Ms. Baker: We did not get into discussing deliveries. Again, the trash pickup was just the hours were moved; instead of starting at 6 a.m., starting at 9 a.m.

Mrs. Bailey: Okay, thank you.

Mr. Apicella: Other questions? I don't recall but we may have talked about it at the last meeting. What are the normal hours of operation or what are the anticipated hours of operation for this site?

Ms. Baker: I'm going to let the applicant confirm that. As far as I know, it's 6 a.m. to 9 p.m.? Can I let them answer that for you? They were reconfirming that question.

Mr. Apicella: Again, I'm just throwing it out there since the school system at least indicated a concern about the start time. I think the later time might be problematic. It's much easier to deal with a start time. Would there be any receptivity to having a start time after 9:30? I'm just going to throw that out there. So, again, based on the conversation, the revisit from the school system, they didn't give an absolute objection to what's being proposed?

Ms. Baker: Correct.

Mr. Apicella: Especially since it's now a little bit more, I'll call it constrained.

Ms. Baker: Again, it's more of a concern of just general traffic, increase in traffic along Courthouse Road.

Mr. Apicella: Okay, thank you. Will the applicant like to come forward?

Ms. Karnes: Mr. Chairman, members of the Commission and staff, my name is Debrae Karnes. I am an attorney and land use planner with Leming and Healy, and I'm here representing the applicant. I'm going to try to be very concise because of the time. But if, in any event, I am too concise, please feel free to question me more thoroughly. In short, we are proposing a 9,100 square foot Dollar General Store, rezoning residential property to commercial, in an area that the Comp Plan calls for additional density and commercial uses. We planned the entrance based on VDOT recommendations. As you heard staff say, the entrance closer to Stafford Avenue was really deemed too close. An access management exception has been approved for the alternative entrance. Okay, at the last meeting, the Planning Commission asked a number of things. They asked for an additional fence serving as a buffer to the Fire Academy. The revised proffers I submitted did provide the fence. The Commission asked for elimination of uses that were higher traffic generators and, Mr. Chairman, we excluded more uses than even you just did for the historic area. In the event that Planning Commissioners feel we missed one, we'll be amenable to discussing it tonight to add an additional exclusion. Planning Commission last time asked that the hours of staff pickup be considered to be changed. They were 6 a.m. to 9 p.m.; we changed the proffers to say trash pickup from 9 a.m. to 9 p.m. I think I heard a suggestion just now

*Planning Commission Minutes*  
*August 24, 2016*

that the Planning Commission would desire a limitation on trash pickup during the school's peak hours, both morning and afternoon. Is that what I heard?

Mr. Apicella: That's partially what you heard, yes.

Ms. Karnes: Okay. I'm trying to do it step by step. This is Rich Smith, the applicant, and he can respond. Would you be willing to proffer that?

Mr. Smith: I would be willing to proffer that, yes. And, of course, you know, that would be what they consider their peak hours and I think Mrs. Bailey said 3 to 4 was it?

Mrs. Bailey: Between 8 and 9... I'm sorry, let me put my glasses on here so I can see what I'm reading here... 8:20 to 9:10 and then 3 p.m. to 4 p.m.

Mr. Smith: We would be happy to do that.

Mr. Apicella: I just want to be clear though; it's not just a school's issue, it's also a commuter issue. So, I wouldn't necessarily change the start time at 8:20.

Mr. Smith: No, no, we'll still start at 9:00, but if I have to... if we have to eliminate trash pickup for the hour and a half in the afternoon or something and then continue it on after that till 9 o'clock in the evening.

Mr. Apicella: I think what would be more appropriate then would be to change it from 9 a.m. to 9:30 a.m. just again to avoid any conflicts, at least at the bottom end of the clock.

Mr. Smith: Fine.

Mrs. Bailey: So that's 9:30, to start after 9:30 a.m.

Mr. Apicella: Right.

Mrs. Bailey: And then also 3 to 4. And what about... I don't believe we asked this last time and my bad for that. But what about deliveries to Dollar General? Do you have just one truck that makes deliveries or do you have a multitude of trucks?

Mr. Smith: Dollar General itself delivers one time a week. One truck comes in, they make that delivery and that's it. During the day, there are other vendors that roll in and out of there, maybe, you know, Coke and Pepsi and Fritos or whatever. You know, they come in and out. But you know, we'll just have to... I would propose to you that I would talk to Dollar General about that as well. I mean, we know that there's an issue out there. We are looking to be good neighbors. We don't want to choke everybody off down there. I can't dictate policy for them as far as their vendors go. I have some say in being able to at least question; I know the right people to ask. And I would do that tomorrow morning and get you an answer. The trash we can control. I think Dollar General would not be there with their big truck during those hours anyway and then I don't know how much control they have over their vendors. I don't know whether they can dictate that kind of policy to them or not. But we would attempt it.

Mrs. Bailey: Okay, thank you.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Apicella: Any other questions or comments? Okay.

Ms. Karnes: Um, so to wrap up, Mr. Chairman, this is a great use that doesn't generate a great deal of traffic in an area planned for this use. And I would respectfully ask that the Planning Commission consider taking action tonight, even without hearing from Dollar General Store on their deliveries, simply because the owner of the underlying land has personal commitments that need this process to go forward. Thank you.

Mr. Apicella: Okay, thank you. So, in terms of the proffer language, do we need something from the applicant changing (inaudible)?

Ms. Karnes: We could certainly change the timeframe for the trash pickup now, but I don't know that we could change the...

Mr. Apicella: Right, I understand, but at least with respect to that element, we need the precise language that you all...

Ms. Karnes: And I wrote down starting at 9:30 a.m. with the exception of a delivery between 3:10 and 4:00. Was that the time?

Mrs. Bailey: Yes. Well, 3 o'clock.

Mr. Smith: Three o'clock to four.

Ms. Karnes: Okay. Thank you.

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

Mrs. Bailey: Mr. Chairman, I'm going to make a motion to approve RC16151104, with the addition of the change in time as stated by the applicant.

Mr. Rhodes: Second.

Mr. Apicella: Okay, so we don't need to vote on the changed proffer; we can roll it all into the overall motion? Ms. McClendon?

Ms. McClendon: Mr. Chairman, I would first suggest actually receiving the proffer change, because it has not been actually physically presented from the applicant. And then that can be voted on to be accepted, and then from there the actual application can be voted on.

Mr. Apicella: Okay. Ms. Karnes, did you hear that?

Ms. Karnes: I'm making the changes right now and I'll give them to Kathy Baker.

Mr. Apicella: Okay. So, we're going to hold tight for 60 seconds, maybe 90 seconds.

Ms. Baker: Okay, would you like me to read the revised proffer?

Mr. Apicella: Please.

*Planning Commission Minutes*  
*August 24, 2016*

Ms. Baker: Under number 6, hours of trash collection. Trash collection shall be limited to the hours between 9:30 a.m. to 9:00 p.m., 7 days per week, except for... sorry, I can't read that... between 3:00 p.m. and 4:00 p.m., except for...

Ms. Karnes: Three p.m. to four p.m.

Ms. Baker: There's one word, hold on...

Ms. Karnes: Period.

Ms. Baker: So, except for a period between 3:00 p.m. and 4:00 p.m. So, hours of trash collection. Trash collection shall be limited to the hours between 9:30 a.m. to 9:00 p.m., 7 days per week, except for a period between 3:00 p.m. and 4:00 p.m.

Mr. Apicella: Is there a motion to accept the revised proffer?

Mrs. Bailey: I make a motion to accept the revised proffer.

Mr. Apicella: Is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Any further comments Mrs. Bailey?

Mrs. Bailey: No further comments. I do appreciate the applicant's willingness to work with us given the issue there with traffic and the concerns with that from the school. Thank you.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Cast your vote... oh, I'm sorry.

Mr. Coen: Mr. English had his hand first.

Mr. Apicella: Remember, all we're doing is voting on the proffer revision, not on the underlying... Okay, so you're not going to make a comment then? Okay, cast your vote. Okay, the motion carries 4...

Mrs. Vanuch: Sorry, I pushed the wrong one.

Mr. Apicella: Okay.

Mr. Rhodes: So it doesn't pass.

Mr. Apicella: I understand the process, or I now understand the process when we're dealing with the underlying application, but I'm not quite sure about the proffer change.

Ms. McClendon: Mr. Chairman, because it's information presented to the Commission for the first time, it has to be passed by a super majority, which was not achieved. Therefore, the new information

*Planning Commission Minutes*  
*August 24, 2016*

will not be accepted and now what's before the Planning Commission is what's been presented in the package itself.

Mr. Apicella: Okay, is there a motion on the underlying question to recommend approval or disapproval?

Mrs. Bailey: I'm going to make a motion to recommend approval for the reclassification RC16151104.

Mr. Rhodes: Second.

Mr. Apicella: Is there a second? Okay. Any further comments Mrs. Bailey?

Mrs. Bailey: No further comments.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Mr. English?

Mr. English: Yeah, I'm going to have to say no to this because my real concern -- I'm pro-business, trust me -- it's just that I don't feel that it's a good location and I think it's going to be a major, major traffic problem with not having a light or anything like that. So that's the reason I'm going to have to vote no to that.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yes, and to echo Mr. English's comments this evening, at that very spot I was almost hit by people rushing in and out. And I raised this last month when this first came up and I just don't feel comfortable with this at that location and the traffic. Staff earlier this week mentioned that part of the vision for this area is to have an access road whereby all these businesses would be communicated and contacted without them having access to Courthouse Road. And so this goes against what I understood staff was saying was the vision. And then as far as what the school staff says we received in the various emails, Dr. Benson, the Superintendent of Schools, update for the week dated 8/18/16 in which he stated, "The school division is concerned that commercial and retail encroachment could create the same environment we have on Route 610 with Moncure Elementary School. Specifically, we are concerned with the additional traffic in and around Stafford Elementary School and its direct impact on the school during arrival and dismissal times. At this time, the School Division staff does not support this commercial development or the proposed rezoning." And that was just 6 days ago. So I think the information today about staff was sort of unclear one way or the other, but the person who's higher than that merely 6 days ago said the opinion of his staff was that this is not something they want. And so I think because of the fact that the Comp Plan and the whole vision for that area is to have access roads, not direct conduit to Courthouse Road, and because of the safety of the area, I just cannot vote in favor of this.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: I have a couple comments as well. I'm going to echo what Mr. Coen and what Mr. English have mentioned today. I did also receive the letter from the School Superintendent and the concerns that they had regarding the traffic in that area. My mom was in an accident a couple of years

*Planning Commission Minutes*  
*August 24, 2016*

ago right in that area, and I've actually witnessed several going to... graduating from Brooke Point High School, Stafford Middle, and Stafford Elementary School. I know how bad that road can get. I don't think that this rezoning or reclassification sort of fits into the Comprehensive Plan with the lack of an access road, and I think that's really the clear... the clear vision that the County has set up to eliminate the issues with the traffic coming in and off of Stafford Avenue with the existing school. So, because of that, I have to deny.

Mr. Apicella: I'm torn on this one. We asked staff tonight whether or not it was consistent in terms of the Comp Plan. I think they said mixed use development is proposed for this area. I'm not quite sure if it's in the Small Area Plan or not, or that might have changed with the new Comp Plan or the changes to the Comp Plan. I appreciate that there are traffic concerns. I used to travel down that road all the time when I went to Brooke Station. To mitigate that, we asked the applicant for some certainty or clarification on what could happen at that parcel. I think they went a long way to change the uses to minimize the potential impacts. So, they've done it in two ways by restricting a significant number of otherwise allowable uses, and also, on top of that, putting a restriction that there be no more than 600 vehicles per day. Do I think a Dollar General is perfect on that site? No. Do I think other better uses could go there? Probably, but that's probably... I don't think that's within our purview. We asked the school system for two bites at the apple; the first bite was when, again, there was some uncertainty about what could happen there. They went back today and spoke to the school staff and, at best, I think it's not clear whether they're supportive or against the project as it is currently scoped. Six hundred vehicles per day spread out through the entire day -- again, it's not perfect, but I don't think it's also a perfect storm. I think there's a lot of traffic that comes out of Hospital Boulevard as well, although I don't know what the vehicle count per day is. So, I know it's kind of a long-winded response. Again, I'll start where I'll say what I said at the beginning of my comments; I'm a little torn on this one. I understand everyone's perspective, but I'm going to go ahead and support the motion to recommend approval. All those in favor, again, sorry... I will get it by the next meeting... please cast your vote. Okay, so I'm not quite sure how to articulate this. It's a tie vote, 3-3. So what is the net effect?

Ms. McClendon: Mr. Chairman, a tie vote is a failed vote that means that there is no action taken by the Commission. It's not a time sensitive item; it's not requiring action by the Commission tonight. So if the Commission so chooses, they could defer... excuse me, it could defer into the next meeting when all seven members are back in place.

Mr. Apicella: And if that doesn't happen, what's the net result?

Ms. McClendon: If there is not a deferral, there is simply no action of the Commission taken tonight and it would be more than likely just kicked over to the next meeting because it hasn't met the statutory time limit.

Mr. Apicella: So you're saying we have to...

Mr. Rhodes: It's automatically deferred.

Mr. Apicella: Yeah, it's automatically deferred.

Ms. McClendon: I don't see the mechanism in place to automatically move it forward to the Board because it hasn't reached its statutory time limit without some type of decision of the Commission. October 21<sup>st</sup>.

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Apicella: So, we have two meetings between that date, September 14<sup>th</sup> and September 28<sup>th</sup>. So, Mrs. Bailey, will you make a recommendation for deferral perhaps to September 28<sup>th</sup>?

Mrs. Bailey: Yes, that would be my recommendation Mr. Chairman, September 28<sup>th</sup>.

Mr. Apicella: Is there a second? Mr. Rhodes?

Mr. Rhodes: We're going to skip the 14<sup>th</sup> purposely?

Mr. Apicella: Yes.

Mr. Rhodes: I just don't know why we're dragging them out but I'll second whatever she wants, yep.

Mr. Apicella: Okay, any further comment? Cast your vote. Okay, motion for deferral passes 6-0. Next item Mr. Harvey?

7. RC15151046; Reclassification – Patriots Crossing Proffer Amendment (formerly known as Stafford Sports Center) - A proposal to amend proffered conditions on Tax Map Parcel No. 20-12, zoned B-2, Urban Commercial Zoning District, to replace a planned recreational facility with other uses and modify transportation and other site development requirements. The site consists of 23.79 acres and is located on the south side of Garrisonville Road, approximately 220 feet west of Parkway Boulevard, within the Garrisonville Election District. **(Time Limit: September 16, 2016) (History: Deferred on June 8, 2016 to June 22, 2016) (Deferred on June 22, 2016 to July 13, 2016) (Deferred on July 13, 2016 to August 24, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next item on the agenda is the discussion about Patriot's Crossing rezoning application and Mike Zuraf will be making the presentation for staff.

Mr. Zuraf: Good evening again Mr. Chairman, members of the Planning Commission. This item is a continuation of the Patriot's Crossing proposed amendment to proffered conditions to replace a planned recreational facility with other uses on the site. The property is zoned B-2, Urban Commercial, and located on the south side of Garrisonville Road, approximately 220 west of Parkway Boulevard, highlighted on this zoning map in blue. The public hearing for this project was conducted on June 8<sup>th</sup> and deferred to June 22<sup>nd</sup>, July 13<sup>th</sup>, and then again to this meeting to provide additional information and respond to comments that were made by the Commission and citizens. My summary will review the issues raised by the Commission at the last meeting and how these issues are being addressed. Traffic impacts were identified as an outstanding issue. Before I address the traffic impact assessment which was discussed previously, Commissioner Apicella asked for a comparison of the traffic generation between the current plan and proposed plan on this site. You'll note what we've provided is a comparison, including weekday vehicle trips per day, the AM morning peak hour and afternoon PM peak hour trips for both plan options. You'll note that the daily traffic generated is practically identical between the two versions. Under the proposed plan, you can see the AM peak, morning peak hour traffic is much greater and the PM peak hour traffic is slightly greater. The variation in peak hour rates is attributable to the new plan including much more office development than the current plan. This has a greater impact on peak hours, specifically in the morning which are at the start and end of a workday. In comparison, traffic for the recreational use, the big part of the current plan, has traffic that generally would peak maybe more so in the evening or on weekend hours. So, now looking at the traffic impact analysis, we did receive some initial comments from VDOT on the traffic impact analysis. The comments are primarily dealing with the assumptions and findings in the analysis. And to kind of fully address those comments, they'd likely require an additional amendment of modifications of the TIA.

*Planning Commission Minutes*  
*August 24, 2016*

So, I'll provide a few comments though about the TIA as staff sees them. The TIA looks at multiple alternatives, including the conditions with and without a dedicated westbound left-turn lane into the site; with and without inter-parcel connection off of Wolverine Way into the site; and before and after the future 6-lane widening of Garrisonville Road. And so, just to point out on this image where we are, this is Garrisonville Road, this is the location of the site, for the access points into the site the primary access point is basically in the middle of the property in this location. What is proposed is to have a westbound dedicated left-turn lane into the property. And then also the proffered potential inter-parcel connection off of Wolverine Way is in this location; Wolverine Way is here. Otherwise, access for westbound traffic could also go to Wolverine Way, do a U-turn and go back to the entrance in this location. Staff has identified some key findings of the effect of the site at full build-out without the widening of Garrisonville Road to 6 lanes since there's no current funding for that project. And so some of the key points is the new westbound left-turn lane into the site would operate at a failing Level of Service F in the current 4-lane configuration of Garrisonville Road, but improve to a Level of Service D after the road is widened to 6 lanes. Despite the result, the new dedicated westbound left-turn lane into the site would disburse traffic resulting in the least impact to the existing intersection subject to review of the spacing exception, particularly Wolverine Way. And the biggest impact to the overall traffic conditions is the westbound traffic because people heading westbound to get to the site have to make left-turn movements either at this primary proposed entrance or at Wolverine Way they would have to do a left or U-turn to access the property. And so that's where a lot of your impacts are. And the impacts also are bad in the morning peak hour, more so than any other time. A few more points -- the new dedicated left-turn lane will need a spacing exception from VDOT due to the proximity to both the Wolverine Way and Parkway Boulevard intersections with Garrisonville Road. Without the new left-turn lane, more stress would be placed on the existing Wolverine Way intersection, particularly in the morning. Adding an inter-parcel connection from Wolverine Way into the site was shown in the study to increase the delay at that Wolverine Way left-turn lane, and the study does show that the impacts are minimal at the Parkway Boulevard intersection. Based on some of these key issues, staff made a few recommendations for consideration. Regarding the phasing proffer, consider limiting the amount of development under the current 4-lane condition with the remainder of the development permitted following the widening of Garrisonville Road to 6 lanes; limiting the inter-parcel connection from Wolverine Way to an emergency access only; and consider an additional proffer stating that should the break in the median not be approved, the applicant would be required to extend westbound left-turn lane stacking... the stacking lane at Wolverine Way with signal timing modifications. And the applicant may have some more information on that last suggestion. There are some other issues that were raised as well. There's a request that the development be phased based on the projected vehicles per day. The applicant has submitted a revised proffer statement which you should have received a paper copy of this evening. Proffer 4.b. was added; it identified two phases, with the first phase generally within 200 feet of Garrisonville Road on the site and would include 50,000 square feet of commercial... of retail uses, but the proffer does also allow for non-retail uses to occur. And then a phase two would consist of the remainder of the site and non-retail uses in those areas. At the same time, the proffer does permit development in either phase to occur at the same time and the proffer would allow build-out of the property within the first 3 years if widening of Garrisonville Road is completed or a revised traffic study is provided. Staff notes that the widening is realistically not going to happen within 3 years, so the build-out could occur after that point. Otherwise, staff notes that the proffer does not link phasing or build-out to anticipated vehicle trips per day or the eventual widening of Garrisonville Road. Regarding the second point on the screen, there's a request to add microbrewery to the list of prohibited uses. The applicant amended proffer 4.a., sub-paragraph 3; it previously excluded... it stated exclusion would be bar unless part of a microbrewery. The applicant deleted microbrewery from the language. Staff notes that a stand-alone bar, as a use, is not permitted in Virginia and it's not defined in the County Zoning Ordinance. Microbrewery is a defined use and would require a special exception approval from the Board of Zoning Appeals. And despite the bar being a prohibited use, a microbrewery could still occur

*Planning Commission Minutes*  
*August 24, 2016*

unless specifically added to the list and stated. Regarding the third point in the issues, the Commission asked the applicant to solicit input from the adjacent residents at the Gates of Park Ridge community regarding the potential drive-through restaurant. The staff report did include recent email correspondence and written correspondence that the applicant delivered to the adjacent residents describing some of the latest changes to the site, specifically highlighting the potential drive-through restaurant use. And according to the applicant, they've not received any feedback yet from the adjacent residents on the issue. Staff would also note that that drive-through use in that location shown on the General Development Plan would require a separate and follow-up conditional use permit approval, which would require separate additional public hearings so the residents would have a say in that use if it was to eventually be proposed in that location. And on the last point, staff was asked to identify what other proffers may have been provided for other comparable office business parks that were as close in size and purpose. We just identified two older projects, both along Garrisonville Road corridor. They represent 10 to 20 year old projects and the proffers were minimal to those. They happen to be in locations where they were right at an intersection, where they could do the intersection improvements or they were far enough in between where they were in a position to provide a new signalized intersection. So not necessarily the best comparable example, but that's what we could find. Also, Commissioner Apicella did request a comparison slide to kind of show the changes and differences between the current and proposed General Development Plans. You received an 11x17 that shows both of these plans; the top image is the current General Development Plan and the bottom image is the proposed GDP. And so there were kind of suggestions or questions to identify access differences and road network differences. So just to kind of highlight the comparison, on the current plan and the new plan your primary access point is generally in the same location at midpoint of the property. The difference is, under the current plan, this would be a right in/right out. Under the proposed plan the proposal would be for the inclusion of the slotted left-turn lane subject to VDOT approval. Under the current plan, you do have the inter-parcel connections towards Parkway Boulevard and Wolverine Way which have been discussed previously. And also what that does provide in this plan was kind of a parallel road. In the current plan your Wolverine Way potential connection is a little farther back and the reason for this is more recently, in re-evaluating the stream in this location it was identified that this stream has Resource Protection Area characteristics, so you have a 100-foot buffer which would kind of prohibit that parallel road as you have currently shown. So, that's an effect there. And then as far as your access into the site, similar... on the current plan you have one kind of road that kind of heads to the back of the property. This one actually has two crossings. On the current plan with the RPA you'd have one primary road that kind of heads to the back of the property. As far as uses, the current plan identifies several restaurant uses in these locations, and then kind of commercial retail use here. There's a mix of retail office buildings as well in this location with office. And then the big difference, in the current plan you have the large recreational facility that was proposed in the back of the site. In the current plan, you have kind of similar restaurant uses proposed. You do have a commercial retail strip location which is generally similar. And then in the back, the difference here is the uses are in multiple buildings with a mix of office retail and multi-tenant buildings identified on the plan. And then also the car wash was relocated to the back of the site.

Mr. Apicella: What's the difference in square footage?

Mr. Zuraf: With the square footage overall, with the original plan had a total of 256,000 square feet; the new plan has a total of 194,500 square feet.

Mr. Apicella: And how much of the 256 was the rec building?

Mr. Zuraf: I will... when the applicant comes up I can look at...

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Apicella: That's okay. It seems to be a good amount of the 256 would appear to be the rec center.

Mr. Zuraf: It is.

Mr. Apicella: And the other thing is, I know that is a simple way of looking at it, but the rec center has been replaced by 5 office/multi-tenant buildings.

Mr. Zuraf: Right.

Mr. Apicella: Do you have something you wanted to say Mrs. Vanuch?

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Zuraf: There are multiple changes throughout the whole series of proffers and, unfortunately, we didn't have time to kind of prepare a full side by side, but we could do that if this was deferred to another meeting.

Mr. Apicella: I apologize for cutting you off there Mike.

Mr. Zuraf: That's alright. That was a quick summary of the comparison of the two. And at this point, I will note we do have the new 100 day deadline which extends the case out to September 16<sup>th</sup> for the Commission to make a decision. And I'll hand it over for any questions.

Mr. Apicella: So in theory we have at least one more meeting we could contemplate this.

Mr. Zuraf: The applicant has found that; it was 196,000 square feet for the rec center.

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Zuraf: Yes. Right now, well, yeah, 196 out of the total 256,000 under the current plan. The new plan would be 194,500 square feet total. And I'll turn it back to you.

Mr. Apicella: Okay. Any questions for staff? None? Okay, applicant.

Ms. McClendon: Mr. Chairman, before the applicant starts, if the Commission so desires they may want to take a vote to extend the meeting past 10 o'clock to continue to conduct business.

Mr. Apicella: Is there a motion to...?

Mr. Rhodes: I make a motion to continue.

Mr. Apicella: Okay.

Mr. Coen: So moved... second.

Mr. Apicella: Cast your vote.

Mr. Rhodes: How did he vote already?

Mr. Coen: Really. I've got a fast finger, what can I say.

*Planning Commission Minutes*  
*August 24, 2016*

Mrs. Vanuch: Mine is so slow.

Mr. Apicella: He's got a special little receiver there. Okay, the motion carries 6-0 (*Mr. Boswell absent*).  
Mr. Sherman?

Mr. Patrick: Thank you sir. Sherman Patrick with Compton and Duling here this evening representing the applicant in this case. We were contacted by Mike today and heard that... understood that he wanted us to consider an additional amendment to the proffered conditions. And I have those here that I would like to pass out. The applicant is in agreement with those. I've given Mike a copy ahead of time; I think that Jeff may have a copy.

Mr. Apicella: Is it not something that we already have Mike?

Mr. Patrick: I'll explain a little bit more detail what we're handing out right now. But first let me say that on August 19, we submitted some proffered conditions that were very close in their wording to proffered conditions that you received on phasing in the earlier case. So, you have those; I was disappointed to hear that you may have just received those tonight and I apologize for that. I'd hoped that you'd be able to get them sooner. We weren't able to get them all together in time to get them to you. But what you'll find in those conditions that you received on the proffers that were dated August 19 is that we are in fact addressing phasing. We're addressing it in a manner that is similar to the previous application, but it's very different in some very significant ways too. And the most significant way is the square footage that you all have asked about and just discussed. The recreation center building is 196,600 square feet. That is more square footage than our GDP shows for the entire site. If you look closely at the phasing in the existing proffered conditions, you'll see that the applicant is allowing themselves in that earlier case to build the entire recreation center, without saying how many square feet it is, and then saying that they're going to also build 124,500 square feet of retail uses. So, they're building over 200,000 square feet of square footage in their first phase. And what you'll see in our application is that we're proposing that we do 50,000 square feet in the earlier phase of retail development, which is what we expect. Mike is correct that we're allowing ourselves to do some office as well in the event an economic development employment center type use does land on the property. Frankly, we don't expect that to happen; but if it happens, we don't want to go through another 6 to 9 month process to try to get them in the building. We want to be able to take advantage of that opportunity and provide jobs in Stafford County. So that is the reason that we're allowing ourselves that exclusion. And we think it's a significant one. The case that we're dealing with tonight is a tax base enhancing zoning action. What you have right now on this property is a property that is currently distressed because of proffered obligations on that property that cannot be fulfilled. I have talked to you before about the cost of some of those transportation improvements that frankly do not improve the Level of Service very much. They certainly dollar for dollar are not worth the limited improvement that they provide to those intersections. But more important than that is that the application that's already been approved for this site as you all just discussed in your questioning with Mike is much more intense than what is being proposed in this application now. The Jeff Rouse Swim and Sports Center is 76,000 square feet. What was approved on this site was two and half times larger, with no phasing. Well, I'll call it some phasing -- if you looked at the plan, you could do all the retail that was on the front of the property; you could 196,000 square feet of recreation center and then there was a little bit of leftover... a couple of leftover buildings right in the middle of the property that were being delayed in terms of their delivery to the market. In the type of product that we are proposing in this case, you don't bring a bunch of traffic to the County. This is not Potomac Mills, it's not Central Park, it's not Williamsburg. We are building uses here that will be used by people who already live in Stafford County. And if they don't go to the use on this property, they're going to drive further to the east toward I-95 where the road is truly even more congested than it is here. So, we think that there are a lot of mitigating circumstances here

*Planning Commission Minutes*  
*August 24, 2016*

that you should take into consideration, notwithstanding VDOT is still saying we want more this and more that. And I mentioned before the scoping sessions. When you scope a plan, what that really means is that VDOT is telling you which assumptions that you need to put into your study. And one of the assumptions that they've insisted that we provide in this study, just to use an example that's already been discussed and staff has recommended against, is a connection to Wolverine Way because it diminishes the Level of Service of Wolverine Way. You put a lot of traffic into Wolverine Way, you slow down the traffic that's trying to go to the high school. So you're having a direct impact on a public use and we don't think that that's the right thing to do. And the only benefit of that connection is to provide more access to the recreation center that was previously approved there. So, we're trying to avoid things in a scoping letter that... we tried to avoid things in a scoping letter that was only going to lead us to trouble. If someone gives you a map and they say, we want you to show us how to get to Stafford courthouse from Garrisonville, and then they tell you, no, no, no, no, you can't turn left here, you can only turn right, and they tell you that you have to go a mile past it and then come back, those are scoping parameters that sometimes frustrate the process and has caused a lot of concern and discussion in this particular case. So, what we're recommending this evening, or requesting of you this evening, is a recommendation of approval. We think that we are doing something that's less intense on the property than what is already approved. We think it's going to have less impact on Garrisonville Road. We are offering proffered condition amendments, the first one dated August 19, and that would be an amendment to Proffer 4.b., that appears on page 5; that's the phasing that I first talked about. And then we're offering another change that I've given out to you as a separate sheet that was requested of us today, that is a change to proffered condition 2.a. that simply says that if VDOT doesn't approve the slotted left turn lane, which are quantifiable data in the TIA shows is the best solution, but if VDOT doesn't approve it for some reason, then we will lengthen the left-hand turn lane on westbound Garrisonville Road to provide more stacking to allow for the additional traffic that would be forced toward the high school in that event. We don't think that in the end VDOT would deny it; we think that we have a good basis and good justification for that entrance and we think it's the best solution for Stafford County. If you have any questions, I'd be happy to try to answer them.

Mr. Apicella: Questions for the applicant? Mr. Coen?

Mr. Coen: Just one quick one. Under buffers, on page 3 of 9, it's number 3, letter a, it's the highlighted section which I'm gathering is new, a landscape berm shall be considered in those areas of anywhere the topography requires the removal of existing mature trees. Just sort of understanding of why it's in there. I'm gathering it wasn't in there before, so why is it in there now and/or where to we envision or what... I guess my concern... and I won't bother Mr. Harvey about this again, I've already bothered him a couple times on this one... I'm concerned about along by the homes it's decided that well, gosh darn it, the topography requires we move all the trees so we're just going to put a berm in. And that's in there so it's okay. So, I'm just curious about that.

Mr. Patrick: Yes sir. We added that language because when the citizens came and spoke at the June 8<sup>th</sup> hearing, they said that they wanted to have a buffer. They also said they wanted to have a solid board fence and that they wanted to preserve the existing mature trees that are in the buffer. You can't construct all of those things in the buffer. If you have a 5-foot buffer as is represented on the recreation center plan, then you have to have about a 30-foot base, because your maximum slope on either side of that 5-foot buffer has to be 3 to 1, so you have 15 feet on both sides. In reality, you're going to have about 40 feet because you're going to have a rounding off on the top to make it stable. So, what we were trying to do is to address the fact that in some instances a berm might be a very good solution because of topography. The topography might be lower or higher in a certain area. So we wanted to acknowledge that you might want to fill that area to create the 5-foot berm and then plant landscaping on top of it. But you would only want to do that if you didn't already have a 30-foot tall tree in that place.

*Planning Commission Minutes*  
*August 24, 2016*

If you already had a 30-foot tall tree in that place, you'd want to leave the 30-foot tree because that's going to provide the community with the best screening. So, by making this provision in the draft of the proffer that came one public hearing before that, July 17<sup>th</sup>, we said that we would preserve the existing trees to the maximum extent possible. And in talking with staff, they said, well, we don't have the topography in hand, and we said, okay... in that July 17<sup>th</sup> proffer, we said okay, we will meet with the neighborhood when we do have the final site plan, when we're actually doing construction and we actually know which buildings are being built there, and we will talk with them and we'll give them all of these options so that they can help us decide which ones work best. So, that's a long answer but the answer is, we're trying to give the neighbors the opportunity to participate in deciding whether they want to save an existing tree or build a berm and put new trees on top of it.

Mr. Coen: Thank you.

Mr. Apicella: Staff provided a couple of additional... I see that you've addressed one of their issues with what was handed out just a few minutes ago and I, quite frankly, haven't had a chance to read it. They mentioned two other items, one of which I'm sure Mr. Zuraf said tonight, which is staff would recommend more certainty in proffer 4.b. regarding the phasing, to limit the amount of development under the current 4-lane condition, with the remainder permitted following the widening of 610. And I think the point is, we're not going to be 6-laning that portion of 610 anytime soon, and certainly not in 3 years.

Mr. Patrick: Yes sir, and I have to request that you all indulge us a little bit and think of this from a different perspective for a moment. If you're a property owner who has a commercially owned property and you're paying commercial tax rate on that property, how many years can you wait for a decision that may be made in Richmond about whether a road is going to be widened or not? The applicant in this case is purchasing the property. He's paying the interest carry costs. He's going to pay all the development costs. He's building road improvements that are mandated by VDOT already and by the County. And he has to market the property. And at some point the financial risk just becomes too great and, honestly, this is just all that can be done in that regard.

Mr. Rhodes: Was there any consideration of breaking down the phasing for phase 2 any further for a portion of it? Because that's about 140,000 square feet in phase 2, correct? I think it's 50,000 in phase 1; 194 altogether, so about 144 on the back half?

Mr. Patrick: Phase 2 cannot be built out for 3 years.

Mr. Rhodes: Right.

Mr. Patrick: And we thought that that was a fair amount of time given all the costs that I've just tried to share with you.

Mr. Rhodes: It won't have a lot of difference between zero and 3 years because it'll be outside the 5 or 6 year plan before we get that portion of 610 done. It's going to be at the tail-end of that. So I just didn't know if there was any consideration. I mean, is there really a belief that you'll develop all that office or other miscellaneous space in that 6-year window given all that is around you?

Mr. Patrick: Probably not.

Mr. Rhodes: Yeah. See, my assumption would have been, and you can never predict, but my assumption would have been there's no way you're going to develop all of that, but you don't want to

*Planning Commission Minutes*  
*August 24, 2016*

handcuff all of phase 2 for 6 years out. I would have submitted there's a 2-A that's about half of that... I'm not trying to say half... and then a 2-B that might be at the 6-year window, 5 or 6 year window, which gets us closer in the CIP to be where we can have something that's going to be projectable in there. So, I didn't know if that was any consideration in it versus all at 3.

Mr. Patrick: We felt that we got as close as we could.

Mr. Rhodes: Gotcha; okay.

Mr. Apicella: Okay, the other point that staff made was limiting the inter-parcel connection from Wolverine for emergency access only. Has that been accommodated?

Mr. Patrick: That has not been accommodated yet. We were uncertain if that was the Planning Commission's preference. If it is, I think that can be accommodated.

Mr. Apicella: Well, I personally would defer it to staff, but other members may have a different view.

Mr. Patrick: Already it's really in staff's hands. VDOT has to approve it; the School Board has to approve it. The School Board has already said they're not going to approve it, so we didn't think that it would be happening.

Mr. Apicella: You've heard me for a couple of meetings express some reservations about what I still consider to be some uncertainty about what's going to ultimately happen on this parcel if this were approved. I know you've made some attempts to put some use restrictions. I'm personally not there yet and I thought one of the other ways to get there was a maximum vehicles per day. I found it interesting that even with the change, eliminating the rec center and substituting the office buildings, there's not much difference in the maximum amount of vehicles per day between the current plan and the proposed plan. And, in fact, for I think the a.m. period the traffic count actually goes up. So, I still have concerns about the through-put into the site with one access point. So, I think Mr. Rhodes was suggesting maybe considering again the phasing... I'm putting words in your mouth and I apologize Mr. Rhodes... but the phasing beyond the 50,000 square feet. And I'm again going to ask that you consider a maximum vehicle per day limitation. That would certainly give me a little bit more comfort about what might happen here or the maximum amount of through-put that might happen here on a road that is already heavily travelled and, as we've talked about in the last couple minutes, is not going to be 6-laned for a long time. I understand what you're trying to achieve and I think we're also trying to achieve the right balance by not creating even more of a traffic mess in that area of the County.

Mr. Patrick: My response to that would be is we don't believe that the traffic impact is going to be what is shown in the TIA because of the way it's scoped.

Mr. Apicella: How would you know when you don't have finality on what's going to happen there?

Mr. Patrick: Right, that is true. There's a lot of uncertainty in this area of business. You know, this involves a lot of different investors and uncertainty and risks are a factor. We've given this a great deal of discussion and thought. We have great respect for the Planning Commission and your concern about the traffic volumes on the road themselves, and we don't want to cause difficulties in the community. We don't think that this application ultimately will. And we've given it a lot of thought and this is the best phasing that we can do.

Mr. Apicella: Any other questions? Mr. Coen?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Coen: Just real quickly. Do I understand correctly that the car wash is moved into phase 2, or is it because it has a tiny little dotted line, phase 1 is the front and the car wash? Because the reason why I'm asking is last time when you were here, Mr. Rhodes pointed out that the whole enchilada or the whole rinsing was because of the car wash. And that was one of the driving impetuses behind this. And so I'm just trying to wrap my head around whether if that was one of the whole major driving forces behind changing this, is it in phase 1 or phase 2?

Mr. Patrick: It is physically located in phase 2. I think that it would be a use that would develop on the property earlier, because we do have a prospect who is interested in locating on the site.

Mrs. Vanuch: Do you have to complete phase 1 before you can start phase 2?

Mr. Patrick: No.

Mr. Rhodes: Yeah, that was the comment before on the proffers that if there is an economic (inaudible), I think that was the term, yeah, one that would drive in interest, you could go with the portion and I think that was all geared towards the car wash was my guess when I was hearing it.

Mr. Coen: Right. Without specificity (inaudible - microphone not on).

Mr. Rhodes: I would just, and I know we're at questions, but I would just... I'd just share a couple reflections. I was hoping we'd get more in phasing, we didn't. I do... as a step forward I like the proffer modifications that are there and I would be inclined here, when we get to that point, to make a motion to accept the proffer modifications. I also think we've had a great dialogue and they've got a strong position and feeling on some things, and I think everyone does here. I'm kind of at a sensing that we're probably about as far as we go. There's not a lot more to really be pushing on it, and so I would just share for comment and reaction my inclination to move forward on it on an up or down either way, and just get it moving forward. Because I think we have had a good dialogue, we've all made our positions, but I'm getting a sensing we're kind of where we're at. I don't know what the position the applicant is but I kind of sense they've gone about as far as they're going to go and I think we're about where we're at. I'm developing an opinion that we just kind of press it forward.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: Well, I had a question regarding the office space in the back of the property. Do you have to create that as office space? Or would there be an opportunity if someone came in to put a retail facility in there?

Mr. Patrick: We discussed this at the last meeting some too, and I commented that we did not want to preclude a type of retail use because we thought that there might be some office uses that would have an activity that would be retail-oriented. And we didn't want to create that conflict. And the example I used was like the Board of Realtors. Usually, the Board of Realtors have conference rooms and offices and things, and then they also have within that area maybe 600 to a thousand square feet where they actually retail signs and lock boxes and different materials and supplies that realtors use. So, yes, you could have retail in the back part of the property. We don't anticipate that there would be a lot of it. It's hard to guess how much it would be, but that's an example of the type of retail that we would expect on the back portion of the property.

Mrs. Vanuch: So that real estate brokers or firms are having their offices and then they're selling signs from that location and lock boxes?

*Planning Commission Minutes*  
*August 24, 2016*

Mr. Patrick: No ma'am. The Board of Realtors. So, the association usually has an office somewhere and that's where they meet and have conferences and keep up their training regimen. And usually in the same location they'll have a supply area... an area where they sell supplies to brokers.

Mrs. Vanuch: Okay. And what about if a big box store came in and said that they wanted to move into that back of that location? Would you then be coming back and asking to remove the office space and put in a big retail, like a Walmart or like a Costco?

Mr. Patrick: The property doesn't meet the dimensional requirements of a big box store. The property's only 700 feet in the front, in the very front, and it only gets more narrow from that area back. So, it's just not big enough for that type of use. And they do want to be... they want to be up on the road, they want to be where they're visible.

Mrs. Vanuch: Okay, that's it.

Mr. Apicella: Okay, thank you. Mr. Rhodes, this is in your district.

Mr. Rhodes: I'd first like to make a motion to accept the new proffers that were presented, or that we are seeing tonight. I know one is dated 19 April for the 4.b. and the other... or excuse me, 19 August for the 4.b. and the other is what was handed tonight for the site access sub-paragraph a.

Mr. Apicella: Is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Okay. Any further comment Mr. Rhodes?

Mr. Rhodes: None other than we've already made in the question and answer, no sir.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? All those in favor... push your buttons. Okay, motion to accept the revised proffers approved 6-0. Mr. Rhodes?

Mr. Rhodes: Yes, Mr. Chairman, I make a motion to move forward to the Board with a recommendation to deny the reclassification 15151046.

Mr. Apicella: Is there a second?

Mr. Coen: Second.

Mr. Rhodes: Mr. Chairman, I appreciate the dialogue. It's been good but I just got a sense that we are where we are and there's not a lot more to move forward. I like a lot of aspects of this but... and if we could have found a little better phasing, it's just that it's too heavy a section of 610. The infrastructure just won't support it all. I don't think they'll develop it all out in that early a time that would make a difference to have not had a third tier to the phasing. I just don't see the demands there in the 3-year window that it would have been an issue. But, without that, I don't feel like I can in good conscious it's really something we recommend forward. But our role is to make a recommendation. It's the Board's

*Planning Commission Minutes*  
*August 24, 2016*

to look at a broader picture and perspective, and I just think we're at a point in the dialogue where kicking it two more weeks wouldn't really make much of a difference. So I believe it's time to move forward now.

Mr. Apicella: Mr. Coen?

Mr. Coen: To deny.

Mr. Rhodes: To deny, yep.

Mr. Coen: Really, I'm speechless. Mark your calendar. I just really have concerns about this on this location. I appreciate the effort at the proffers. I won't mention difference things I have a problem with; I've talked to Mr. Harvey ad nauseam about these buffers issues. So I just agree that this is just the wrong place for this.

Mr. Apicella: Anyone else? I would just like to add that while I agree that the rec center probably doesn't make sense here, I think there's a great deal of uncertainty. I realize with any business enterprise there's risk on the developer and whoever ultimately buys the parcel or portions of the parcel. But there's also risk to the County, especially as it relates to transportation. I realize you've made some accommodations; we've asked for some additional accommodations to help mitigate the impacts. And I think, you know, what I'm hearing is you're going as far as you're going to go and, in my view, that doesn't materially satisfy the concerns that have been raised. Again, I would note that the total vehicle count per day does not change dramatically from the old... the current version to the new version. And, in fact, as I said earlier, as Mr. Zuraf provided in this presentation, the count actually goes up in the a.m. which is one of the worst times to be driving out on 610. So, for the reasons that my colleagues have already expressed, and the additional ones that I've mentioned, I'm going to support the motion to deny. Please cast your vote. Okay, the motion to deny passes 6-0 (*Mr. Boswell absent*). Thank you.

Mr. Rhodes: Thank you.

Mr. Apicella: Mr. Harvey, next item.

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

8. Westlake Proffer C9 – Appointment of a Planning Commissioner to the Westlake ARB

Mr. Harvey: Thank you Mr. Chairman. Since there is no New Business, the next item is the Planning Director's Report and I have several things to discuss. The first item is that there's been a request to have one of the Planning Commissioners be appointed to a Architectural Review Board for the Westlake project. That property was zoned back in the late 1980's and in the proffers it discussed established a Architectural Review Board for review of the residential and commercial components of the project. Part of the proffers say that they would need a Planning Commissioner to participate. So, the Commission should consider putting a name forward to the Board of Supervisors so the Board can make that as a formal appointment.

Mr. Coen: I recommend Mr. English personally, since that's his district.

*Planning Commission Minutes  
August 24, 2016*

Mr. Apicella: Again, we're just making a recommendation to the Board. They'll ultimately make the decision.

Mr. Harvey: That's correct.

Mr. Rhodes: Mrs. Bailey recommends anybody but herself. I'm just kidding.

Mr. Apicella: Unless there's an objection, I'm going to recommend Mr. English for this appointment. As was just stated, he's the Planning Commissioner for this district where the project is located. I think he's very familiar with the area and can best serve the interest of the County by serving as our representative. So, is it the entire Commission that's making the recommendation or the Chairman? I'm going to take all this power that I have.

Mr. Rhodes: We trust you Chairman.

Mr. Harvey: Mr. Chairman, staff will convey that to the Board. Continuing with my report, the Board of Supervisors was very active last week. They took action on a number of items. The Board did approve the Comprehensive Plan.

Mr. Apicella: Can I just say... Woohoo!!

Mr. Harvey: So we're good for at least another 5 years, for an overall update. They also approved the minor proffer amendment for the project called now The Garrison which was previously Stafford Village Center. They approved the P-TND amendment which affected some on-street parking issues. They rezoned the EDA property on Route 1 to Light Industrial. They also rezoned the property on Warrenton Road that previously had some non-conforming uses and is now B-2, Urban Commercial. And they modified the street names for Exit 140 to reflect the new interchange design. And that concludes my report.

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, no Committee Reports. I have no report. No Other Business. I hope everyone's got their TRC information.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

9. TRC Information - September 14, 2016
  - \* Bells Hill Terrace - Aquia Election District
  - \* Southeastern Freight Lines - Falmouth Election District
  - \* Celebrate VA Waffle House - Hartwood Election District
  - \* Silver Collections Apts - Hartwood Election District

*Planning Commission Minutes  
August 24, 2016*

APPROVAL OF MINUTES

*June 8, 2016*

Mr. Rhodes: Mr. Chairman, I make a motion to approve the June 8<sup>th</sup> minutes.

Mr. Apicella: Is there a second?

Mr. English: Second.

Mr. Apicella: Cast your vote.

Mr. Coen: I will abstain because I was absent for that meeting.

Mr. Rhodes: Oh, shoot, we've got to do it this way.

Mr. Apicella: You just need to press the button. Haven't you gotten with the program yet? Okay, the motion carries 5-1...

Mr. Rhodes: 5-0-1.

Mr. Apicella: ... with the 1 being an abstention... 5-0-1 (*Mr. Boswell absent; Mr. Coen abstained*).

*June 22, 2016*

Mr. Rhodes: I make a motion to pass the June 22<sup>nd</sup> minutes.

Mr. Coen: Second.

Mr. Apicella: Okay, cast your vote. The motion carries 6-0 (*Mr. Boswell absent*).

*July 13, 2016*

Mr. Rhodes: I make a motion to pass the July 13<sup>th</sup> minutes.

Mr. Apicella: Is there a second?

Mrs. Vanuch/Mr. Coen: Second.

Mr. Apicella: Okay, cast your vote. The motion carries. With no other business being before the Commission, I close this meeting.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:30 p.m.