

STAFFORD COUNTY PLANNING COMMISSION MINUTES
September 28, 2016

The meeting of the Stafford County Planning Commission of Wednesday, September 28, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, Baker, Blackburn

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item?

Mr. English: Yes sir, Mr. Chairman, I need to recuse myself of public hearing 1 and 2 because I am related to the property owner.

Mr. Apicella: Thank you Mr. English. Okay, are there any changes to the agenda? Seeing none, it's now the public presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except tonight's scheduled public hearing items. There will be a separate comment period during each of the public hearings. If you wish to do so, please come forward. 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 speak, please come forward now. Okay, seeing no one I'm going to close the public comment portion of the meeting and move to the first item on the agenda. Mr. Harvey?

PUBLIC PRESENTATIONS

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

Mr. Harvey: Thank you Mr. Chairman. We have a presentation by Mr. Rapp, who is our Public Works Director.

Mr. Rapp: Good evening Mr. Chairman, members of the Planning Commission. Christopher Rapp, Director of Public Works. Thank you for having me here tonight. It's been awhile since I've come before you and a lot has happened; we made a lot of good progress so I'll be glad to share with you our road project update. The first road project is Poplar Road, Phases I and II. This project is complete. This project improved the roadway and shoulder width and public safety and drainage on that portion of the road. And then the next project, Truslow Road. This project was also completed. This project created a new road alignment and it also has a 10-foot shared use path which parallels the road. It also widened and improved the current road from Plantation Drive to Berea Church Road. And then we have Mountain View Road, Phase I. This project was completed. Mountain View Road improved site distance and widened the shoulders and road as well. And Phase II, which was adjacent to Phase I, also had similar improvements as well to improve the site distance and improve safety along that road. We also have the Jefferson Davis Highway and Telegraph Road intersection improvement. That was federally administered and that project is complete. Centreport Parkway has also been completed. That project straightened out the road so it intersected at a T with Ramoth Church Road. The Enon... those

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are the ones that have been completed. Now some of the ones that we're working on: the Enon Road widening, we're well into engineering on that project. Unfortunately, we've had a revenue shortfall on the fuels tax revenue, so that project was postponed. In response to that, we're seeking state funding through the Smart Scale program. It was formerly known as HB2, now Smart Scale, which those applications are actually due Friday. So we think that's a strong project to receive state funding. That project would do some improvements on Route 1 at the Route 1 intersection, and then widen Enon Road. The Poplar Road/Mountain View Road intersection, we divided that into two phases. We're almost done with the right-of-way acquisition. We're working with the last property owner and then we're going to start scheduling utility relocations on that project. The Brooke Road safety improvement project, we're well underway with the right-of-way acquisition is just about done and the Dominion Power, they've relocated their utilities. Verizon is out there now relocating. We're going to put out for bid a fiber optic relocation. We've put out for bid and received bids on stream and wetland mitigation credits. And we've submitted the final plans to VDOT for approval. We hope to bid out that project this winter and start construction in the spring. The Garrisonville Road project, that right-of-way acquisition is complete. We're in the utility relocation phase. Dominion Power has relocated their lines, and Verizon and Comcast are out now relocating. The gas line's been relocated. And VDOT's actually approved the construction plans and authorized the start of construction. And we're basically waiting for the utilities to be relocated. Our contractor is Branch Highways.

Mr. Rhodes: What is the timeline of that construction projected?

Mr. Rapp: So, the schedule of completion date is November 2017. Verizon has taken a lot longer to get out to the road and start their relocations. So, we're looking at probably a start of... so we were supposed to start construction right about now, but we're looking at start of construction early 2017 so that might push back the completion date.

Mr. Rhodes: Thank you.

Mr. Rapp: The right-turn lane at Route 1 and Garrisonville Road, this project is under construction now. They were actually two projects in one basically. As you know, there's a back-up on Route 1 heading south and this project would add a second right-turn lane on Route 1 turning onto Garrisonville Road. We believe that would reduce traffic delays from 3 minutes to 30 seconds for people turning right. VDOT put in new signal lights and has energized those. While doing so, they actually replaced the mast and the cross-bars, so those signal lights are new. They added the signal head, and then our contractor has been putting in base stone and base paving on the right-turn lane. And we were hoping to be done by the end of the month, but it will be done in October. Then the intersection improvement at Route 1 and Courthouse Road, we're designing the plans now and we've had contractors out drilling utility test holes to determine the exact locations of utilities, and also evaluate placing those underground versus overhead. And our geo-tech has also been in the field taking geo-tech samples and we hope to submit plans to VDOT and begin construction in the fall of 2018. That project was fully funded under the last round of HB2. And then quickly, some VDOT area projects. The Route 17 reconstruction, that's substantially complete. The contract completion date is December 2016 but it is substantially complete and all the travel lanes and turn lanes are open now.

Mr. Apicella: I'm sorry to jump in. As somebody that travels that road, when are they going to take away the signs? There are signs that say that the roads are still under construction and speed limit 35 miles per hour; maybe it's going to stay 35 miles per hour though.

Mr. Rapp: I can try to find that out for you.

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Mr. English: I have an answer for you on that one.

Mr. Apicella: Okay.

Mr. English: They said that they (inaudible) till the bonds on cleared up on that before they'll reduce, and then they've got some more work. The foliage and stuff is dying and all that so they won't drop those speed limit signs and (inaudible) until all that's take care of. That was a question I had asked of me last week.

Mr. Apicella: Thank you.

Mr. Rapp: Yeah, their contract completion date is December 2016, so I have a feeling, you know, they're going to be... sometimes these projects take a while to wrap up totally so it might be a few weeks. The I-95 hot lanes southern terminus, Branch Highways was awarded this. Clearing and grubbing activities have started and the southbound ramp is scheduled to be completed late 2017/early 2018; the northbound ramp, the summer of 2018.

Mr. Rhodes: Do you know where the southbound ramp is and northbound ramp, where they'll come out at? What mile marker?

Mr. Rapp: I don't have the specific mile marker, but it's a little bit north of the current interchange of the Courthouse Road interchange. But I can... VDOT has a nice graphic; I can try to get that graphic to you.

Mr. Rhodes: Do they still have a mega-project site or something like that? Where's the graphic? Is it online?

Mr. Rapp: I believe it is. Let me get that website for you.

Mr. Rhodes: Okay, thank you.

Mr. Coen: And if you're going to get it, could you get both the north and the south?

Mr. Rapp: Yes sir, yes sir.

Mr. Coen: Thank you.

Mr. Rapp: And on the Courthouse Road/Exit 140 interchange, you're probably aware by now that this was redesigned to be a diverging diamond. It's a design build project. The procurement is underway; there was a short list of engineer contractor teams, and VDOT will issue a notice of intent to award this month to one of those teams. And then, the CTB will make a formal approval in 2016 so the design and construction can begin. The design build is a faster, you know, it condenses down the time that it takes to design and then build it. So, they're hopefully going to award that in October. In the meantime, right-of-way acquisition and utility relocation is well underway. The Courthouse Road widening project was incorporated into that bid. It's a separate project so to speak. It's a VDOT managed project for the County, but that's going to be part of that bid. And that project would extend from the interchange project west to Winding Creek Road, widen the road to four lanes, and be complete by summer of 2020.

Mr. Rhodes: When would the interchange be complete?

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Mr. Rapp: The same time, the summer of 2020.

Mr. Rhodes: Thank you.

Mr. Coen: If I could... when they last, either they or you spoke, the goal was to sort of start this June, upcoming June of '17. Do we have any idea if they're still on that timeline?

Mr. Rapp: I haven't heard that they are not. You know, I think they're still on their schedule. I can verify that for you. But I believe they're still on their schedule.

Mr. Coen: Cool. I mean, and one of the things (inaudible), I know Mr. English is well aware of this, continually we were told they were on a schedule but they kept changing the schedule but they wouldn't really tell us what the schedule got changed to. So, it'd be interesting to know. I know that numerous entities wondered if they really were going to start in the beginning of June, end of May, or whether they were going to roll it into because of the traffic on that road. And could you also check, initially they had said they were going to start down the farthest west point and work their way east, sort of to meet up with the new overpass over 95. Just see if that's still their intention. Thank you.

Mr. Rapp: I will, yes sir. Mr. Chairman, any more questions?

Mr. Apicella: Is that the end of the slide deck?

Mr. Rapp: Yes sir.

Mr. Apicella: I appreciate your coming tonight. I would ask, it's not here but it might be helpful; you mentioned the HB2 funded projects. I don't know if we've captured all of those here, but there was also some additional funding. I forget what the source was; I read it in the paper a month or two ago that mentioned some additional improvements affecting 17. For example, some bridge work. I know we'd all probably like a copy of this slide deck, so before you send it out, if you could think about what those were, maybe add that to the slide deck as additional pieces of information. Do you know what I'm talking about?

Mr. Rapp: Yes. And I will say there's four projects that the County is going to submit for, and then there's several that FAMPO is going to submit and then several that GWRC is going to submit. The four that the County will submit -- and this went through a Board resolution so it might just even be easier to provide the Board resolution because it lists out the different projects.

Mr. Apicella: We may be talking about something different and, again, I could be getting the name wrong. I thought it was just Atlantic Gateway Grant and it mentioned 4, 5, 6 projects both south and, I don't know, it might have been up north as well. But I just don't have the list and I think it would be helpful for us to kind of get that consolidated (inaudible).

Mr. Rapp: Sure. That's different than the Smart Scale but I'll be happy to get you information on Atlantic Gateway.

Mr. Apicella: Great, thank you. Any other questions for Mr. Rapp? Thank you very much.

Mr. Rapp: You're welcome.

Mr. Apicella: Mr. Harvey, next agenda item?

PUBLIC HEARINGS

1. RC16151333; Reclassification – Winding Creek - A proposed reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District, to allow for a greater density, single-family detached dwelling unit subdivision, of up to 97 units, to be developed on Tax Map Parcel No. 29-4. The property consists of 61.23 acres; is located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts; and is concurrently under consideration for a conditional use permit to allow a greater density cluster subdivision in the R-1 Zoning District. **(Time Limit: January 6, 2017)**
2. CUP16151334; Conditional Use Permit – Winding Creek - A request for a Conditional Use Permit (CUP) to allow a cluster subdivision of up to 2.25 dwelling units per acre on Tax Map Parcel No. 29-4, which is concurrently under consideration for a reclassification from the A-1, Agricultural Zoning District to the R-1, Suburban Residential Zoning District. The property consists of 61.23 acres, located at the intersection of Winding Creek Road and Embrey Mill Road, within the Garrisonville and Rock Hill Election Districts. **(Time Limit: January 6, 2017)**

Mr. Harvey: Thank you Mr. Chairman. The next agenda item is a rezoning, as well as a conditional use permit for the Winding Creek project; if you could please recognize Kathy Baker for the presentation.

Mr. Apicella: Thank you Ms. Baker.

Ms. Baker: Good evening. And I will be presenting both of these in one combined presentation. May I have the computer please? This application is a reclassification, as well as a conditional use permit for Winding Creek. This is a reclassification from A-1, Agricultural to R-1, Suburban Residential Zoning District. The conditional use permit is for a cluster subdivision with increased density, as allowed in the Zoning Ordinance. The applicant is Winding Creek Owner, LLC, and Mr. Charles Payne is the agent here this evening that will be representing the applicant and property owners. And this does split the Garrisonville and Rock Hill Election Districts. Just as a refresher, there were similar applications that went through the Planning Commission and the Board of Supervisors in 2014 and 2015. The Board of Supervisors did end up turning down the application in 2015 in the fall. And this was primarily due to concerns from residents of the adjacent Autumn Ridge development regarding a street connection at Fireberry Boulevard, which was an existing street in their neighborhood. And under Virginia Department of Transportation requirements, this connection from the new proposed neighborhood would had to have been made to that Fireberry Boulevard. So, the application has now been revised to remove one specific parcel from the application and, therefore, that's removing the requirement for the connection to Fireberry. And I'll show you some more as we go through the presentation. Also, the differences in the application were included in Attachment 2 in your packages. As you can see, the subject property, outlined in yellow, you see Embrey Mill Road to the south or the lower bottom portion of the screen. Winding Creek Road actually separates the parcel... one parcel, approximately 10 acres to the west and then the remaining subject property. You'll see the surrounding neighborhoods, Autumn Ridge Subdivision to the east or on the right-hand side, and Berkshire Subdivision to the west. Also, to the north is Park Ridge Subdivision. And to the south is Embrey Mill Road which eventually will extend and connect to the new Embrey Mill development. As you can see, the majority of the parcel is forested and there is one single-family residence that fronts on Winding Creek Road. The small rectangle, red rectangle that you see was the original parcel that was included with the prior application, about 1.9 acres, and that has now been removed from this application. And as you see on the screen in that vicinity, in this area... okay, right where you can see Fireberry Boulevard -- thank you Jeff -- in that

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connection is where the connection would have been made from the new development. And this is a zoning map showing the A-1 parcel and you have R-1 to the east and the west, PD-1 to the north, and A-2 up in the top left corner. And then A-1 also to the south of the property. And this is the future land use designation which is Suburban for the subject property, as well as the surrounding properties. You do see Resource Protection to the top of the screen and this is surrounding Austin Run. This is just a bird's eye view from Winding Creek Road/Embrey Mill Road intersection looking to the northeast. And you can see the single-family residence that fronts on Winding Creek Road. This is just a view looking from Winding Creek Road as you're headed north. So, the 10-acre parcel on the left-hand side and then the frontage of the property in the vicinity of the single-family residence on the right. And this is the proposed Generalized Development Plan with the new application. Let me try one more time to see if I can highlight. As you see, I've turned the project now just so it will fit on the screen. No, it's not working. Jeff, if you could highlight please Winding Creek Road with your two entrances into the subdivision off of Winding Creek Road. That's the northern entrance, this is the southern entrance. And there will be one future inter-parcel connection down to the bottom of your screen. That goes into a parcel that's actually owned by the Autumn Ridge Homeowner's Association. It contains a private gravel road called Wet Rock Lane that serves several private lots... or individual lots off of Wet Rock Lane. To the left of the screen is future right-of-way dedication for realignment of Embrey Mill Road from the intersection of Winding Creek Road. And you can't really see on the GDP but there would be additional right-of-way dedication along the full frontage of Winding Creek for the property. There are areas of open space. To the top of the screen is the 10-acre separated parcel. That is intended to stay as an open space parcel. It would be dedicated ultimately to the County if the County desired to accept it. It may be that it would not serve the purposes for the County. In that case, if the County turns it down, then it would revert to the Homeowner's Association and be maintained as a preservation parcel that's currently wooded, as I stated prior. There's also additional open space parcels to the left of the screen, as open space in the vicinity under a Virginia Power easement. There is one overhead easement to the far left of the property, to the left side of the screen, but there is an underground utility. There are additional open space areas in between the lots where there's proposed a picnic and pavilion area in this vicinity. And a tot lot up in this vicinity. And then there are also Resource Protection Areas as I stated which would be located within open space areas. The total open space is about 54%; the requirement under cluster is 30%. And just to show you the prior GDP and the primary difference is the connection of Fireberry Boulevard. Jeff, if you could show that general area. And then the other change is the actual street extension on the other cul-de-sac near Wet Rock Lane. It previously went into a different adjacent parcel. And in comparison, this is what the new GDP looks like, so just a slight change to the cul-de-sac and then the extension into Fireberry. The applicant has submitted architectural renderings for what the homes would look like, and there are certain proffers that do discuss that are in compliance with these renderings. And I'll go over those in a little bit more detail. With regard to some of the transportation improvements, there was a traffic impact analysis that was submitted. It wasn't required; it did not meet the thresholds to be reviewed by VDOT. However, VDOT did review it. They did just send us a letter after your staff report went out and that was handed out to you all at your desks this evening. Generally, they concurred with the findings in the Traffic Impact Study which basically said that they're... that this development was not going to hinder any of the capacity for Winding Creek Road. They did have some safety recommendations and they did have one concern about the proposed crosswalk, which would come from the development across Winding Creek Road to the future park site. And that would be based on the warrants not being met for a pedestrian crosswalk. The area that you see circled is an area of improvement for a turn lane into the site and an acceleration lane coming out of the site along Winding Creek Road. Additionally, the red circle you see up to the top of the screen, that would be an offsite improvement for... there's a curve in this location along Winding Creek Road and to the left side of that curve is a hill with stone embedded. So, it is an area of concern for site distance for people traveling on that road. And I'll talk a little bit more and I'll show you a visual on that in just a moment. And then again, you'll see the dedicated right-of-way for future Embrey Mill. One thing with

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the prior application and this application, the Comprehensive Plan does recommend upgrades to Winding Creek along the entire segment of Winding Creek in this area to a standard which would include safety improvements such as wider shoulders, sidewalk along the frontage, and the applicant has not proposed to do these improvements and that's just one carryover item that the staff would still recommend. This slide just shows the curve that you see as you're heading north. And this would be the afterview once this improvement would be made. The applicant has noted that there are third party considerations for this because they would need permission from these property owners. And they have had discussions with them in the past. If, for any reason, the applicant wasn't able to do the construction, the amount that they have determined, around \$412,000 I believe, would then go to cash towards the project. This is one additional item that was identified in the Traffic Impact Study that the intersection at Eustace Road, Northampton Boulevard, and Hampton Park would have an increased delay, but it already has a Level of Service E and the applicant has proffered to do a right-turn lane improvement from Northampton onto Eustace Road. And this improvement would actually reduce the Level of Service from E... excuse me, improve it from a Level E to a Level C. So, that would be in compliance with the Comp Plan. There may have been a misstatement in the staff report that that wasn't addressed. But it has been addressed in the proffers. With regard to schools, the proposed development would generate 64 students versus 13 under the by-right development, if it were developed under A-1. That's based on a student generation rate of .66 per household. The schools in this vicinity where students would attend is Winding Creek Elementary School, Rodney Thompson Middle School, and Colonial Forge High School. The capacities right now of those schools; Winding Creek is about 92%, I believe Rodney Thompson about 85%, and Colonial Forge is about 97% capacity. That's based on projected students this year; those weren't based on actual student counts. We didn't have that information available. The applicant is proffering a cash amount of \$16,000 plus per unit to go towards schools.

Mr. Apicella: Ms. Baker, before you move on, what would the number of students be under the new construction methodology?

Ms. Baker: I believe it would just about double, because I think the generation rate is around 1.3. So that would probably equate to close to 130 students, something like that. That's using the new developments as opposed to a countywide average which is spread across all types of housing units across the County.

Mr. Apicella: Thank you.

Ms. Baker: The applicant did submit a fiscal impact analysis. This was also submitted with the prior application. It determined that the net fiscal benefit would be a little over \$350,000 annually. The fiscal impact analysis did show three alternate scenarios, and those were based on the different student generation rates which is what you just asked about. Those costs would range between \$244,500 and 46,000 based on differences in the student generations. Just to go through the proposed proffers -- and I will note that the application was submitted prior to July 1st and you all are aware that there have been changes to state proffer legislation from the state level, and then the County followed suit to be in accordance with state law that we no longer have the monetary proffer guidelines. And so this application was submitted prior to that, therefore, they are actually... have offered proffer guidelines according to our 2015 proffer guidelines. The proffers do state that it would develop in accordance with the Generalized Development Plan, would commit to a general type character and quality of architectural design, and that includes front elevations of 75% of the units to be primarily brick. It would have operable windows on side elevations facing the street on corner lots, just to give some more accord with our Neighborhood Design Standards. All units would be brick or stone on any side facing the street. And your roofs would be symmetrically sloped. There would be right-of-way dedication

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along Winding Creek Road, as I mentioned, as well as Embrey Mill Road. The right turn lane as I stated at the intersection of Eustace Road and Northampton Boulevard; the right turn taper and acceleration lane, as well as deceleration lane at the main entrance, the primary entrance into the property. Again, clearing and grading the curve with the hillside along Winding Creek Road to the north of the project offsite. Sidewalk to Winding Creek Road and a crosswalk connecting the east and west sides of Winding Creek Road, and, of course, that would obviously be the time of site plan development subject to VDOT approval. The dedication of approximately 10.3 acres of open space, which is that open space Parcel E on the west side of the road for recreational purposes. A total cash proffer amount of \$22,000-plus per unit. And the property would be encumbered with the conditions, covenants, restrictions, and easements prior to development and the creation of a Homeowner's Association. One of the covenants would be that homes... purchasers of homes along the VEPCO easement, they would be notified that at some time there could be overhead lines constructed within that easement.

Mrs. Bailey: Ms. Baker?

Ms. Baker: Yes.

Mrs. Bailey: Would that statement and disclosure be within the HOA disclosure? Or is that going to be a standalone disclosure made to first-time purchasers of the property? Do you know?

Ms. Baker: I'll have to get confirmation on that. I'm sure Mr. Payne can address that if you can wait for him to comment on that.

Mr. Apicella: Ms. Baker, before you move on, on the dedication of the open space, I'm looking at the proffer -- it's number 5. It says, open space Parcel E will be conveyed to the... in the event the County does not desire to accept the dedication of open space, Parcel E will be conveyed to the project's Homeowner's Association and restricted as to any use. I don't really know what that means, and I'm wondering if you've had any conversations with the applicant or their agent about putting a conservation easement on the 10.3 acres should the County not desire to use it for recreation purposes.

Ms. Baker: I'm not sure if that was discussed during the last application round. I did not personally have conversations with them during the review of this application.

Mr. Apicella: But putting an easement, a conservation easement would ensure that, again, they're not going to sell the property and/or put something else on there, the Homeowner's Association, should they take possession of it, right?

Ms. Baker: As long as the homeowner's were a valid conservation easement holder, determined to be a valid conservation easement holder.

Mr. Apicella: Okay, thanks.

Ms. Baker: Just a few more proffers. They would offer... the applicant would offer fire sprinkle systems as a purchase option in the homes. The plant materials and notification signage for properties... for lots that contain RPA would be installed prior to occupancy permits. A Phase 1 Cultural Resource Study has been proffered to be conducted, and a Phase 2 follow-up if warranted during the initial Phase 1. Proffers would limit the maximum number of homes to 97. There would be a 20-foot buffer between lots and the lots that are located along Winding Creek Road; they would be between the lots and Winding Creek Road. The foundation, landscaping, and one tree would be planted in each rear yard to supplement some of the landscaping. There would be the tot lot and pavilion picnic areas which I

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showed on the GDP. And then there would be a buffer to the rear of lots 43 and 44 and the adjacent property. And just to summarize the Conditional Use Permit, under R-1 zoning, the applicant would be permitted up to 91 residential lots, or 1.5 units per acre. A conditional use permit would permit up to 137 lots based on 2.25 units per acre. So this would be an allowable increase of 46 lots. As I stated, this proposal's for 97 lots which is equivalent to 1.58 units per acre and an increase of 6 lots what would be permitted just under R-1 zoning without the increased density allowed by the conditional use permit. And the proposed conditions are very limited because generally everything is already covered in the proffers. Additionally, the conditions would be limiting to 97 units and then include the purchase option for the fire sprinkle systems. So, during the review, we do find that this proposal is consistent with the established development pattern in the vicinity. And the proposed uses and development pattern meets the intent of the Comprehensive Plan, including the Land Use, Transportation, building design, pedestrian connectivity, and open space recommendations. Also, their dedication of right-of-way would accommodate future planned transportation improvements. And the proffered improvements to Winding Creek Road as presented would improve safety. Just from the negative standpoint, the monetary proffers are below the per unit amount recommended under the current proffer guidelines which is around \$48,000. It is noted that there are several transportation and other improvements that do have an in-kind amount that the applicant has considered. And while the applicant has proffered the right-of-way dedication and certain improvements, they still, as I mentioned, have not proposed any upgrades to Winding Creek to that urban two-lane major local standard. And there's no timing at this point to make those improvements or VDOT. Staff is recommending approval of the rezoning, as well as the Conditional Use Permit. Pursuant to the Comprehensive Plan, we would recommend the applicant again consider upgrading Winding Creek Road. And with that I'll be happy to answer any questions.

Mr. Apicella: So, on that... on that last recommendation, upgrading the road to an urban two-lane major local standard, can you pull up the... either the GDP or something that shows that Winding Creek Road segment and how much of that road are you suggesting, or staff suggesting be upgraded to the urban two-lane?

Ms. Baker: Well, typically it would be along the entire frontage of the property, which Winding Creek extends from the southern end to the northern end of the property through the entire length. What you're looking at as far as the upgrade would be wider shoulders... I think I said that already... wider shoulders and sidewalk and...

Mr. Rhodes: Curb and gutter?

Ms. Baker: Was I missing something there? But basically widening it out to allow more travel lanes, wider travel lanes.

Mr. Apicella: And how much wider? I don't know what it is currently but, in terms of feet?

Ms. Baker: I'd have to look back at the information submitted and answer that for you.

Mr. Apicella: Okay, thanks.

Ms. Baker: If you give me a few minutes, I can do that.

Mr. Apicella: Any questions for staff?

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Mr. Rhodes: Do we have an estimation of how much something like that costs? With that recommendation, how much?

Ms. Baker: I'm not certain that there has been any cost estimate done.

Mr. Apicella: Other questions? Mr. Coen?

Mr. Coen: Mr. Apicella brought up the idea of proffering it for recreation and if it wasn't wanted by the County for recreation, then it goes back. Is it feasible or possible for that to be recreation or for a conservation easement? Because can't the County own a conservation easement if the... you raised a possibility that the HOA may not be able to do that. Can the County do that?

Ms. Baker: The County is a qualified easement holder. The Board would certainly have to determine if it's a property that they would entertain holding an easement on because there are certain requirements such as annual monitoring and if trees fall across the road, it's up to the County to go and do that.

Mr. Coen: Right.

Ms. Baker: But there are other entities that could be entertained.

Mr. Coen: Okay, thank you.

Mr. Apicella: Other questions? Okay, seeing none, would the applicant come forward?

Ms. Baker: And just before I leave, there is a diagram in the staff report that shows what the widths of the lanes and shoulders may be for the upgrades along Winding Creek Road. That's on page 7 of your report.

Mr. Apicella: Thank you.

Ms. Baker: I didn't have that on the slides.

Mr. Payne: Chairman Apicella and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. Thank you for your time this evening. I haven't seen you in a bit. Hope you all had a nice summer. It's always a pleasure to be here. This project's not new to you; at least not to most of you. Mrs. Vanuch was not on the Planning Commission when we last presented this to the Planning Commission last July/August of 2015. Staff has given you sort of the history. From there it went to the Board of Supervisors in September where it was denied 4-3, mainly in our interpretation on the connection to Fireberry Boulevard. The adjoining neighbors at Autumn Ridge were very concerned about that and the impacts to their development. Of course, our hands were a little tied because VDOT was requiring us to do it. After the denial, we went kind of back to the drawing board if you will and talked to VDOT about how we could find a solution to this, obviously also working with the community; it wasn't just isolated. So we were very transparent about how that process would play out. I know I participated in one community meeting; met neighbors individually and otherwise to assure them that we've resolved that issue, that the connection to Fireberry Boulevard is no longer required, which is why the 1.9 acres is not part of the project. That was the link, if you will, that required the connection. So just to catch you up to kind of where we are. In regards to... and I appreciate staff's presentation; they've covered a lot of bases and I just want to reiterate a couple of points in regards to the application and kind of some reminders of why we structured the proffers the way that we did and why they're presented this way this evening. As staff had noted,

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obviously this project does bisect two districts, both Rock Hill and Garrisonville. On the Rock Hill side, there's about approximately 11 acres that's going to be undeveloped. I know there's been some questions about if the County doesn't accept it as park land, could we put a conservation easement on it. We're absolutely open to that. One of the challenges to a conservation easement is that the easement holder is willing to accept it and to maintain it. So, if we're unable to find a holder, whether it's the County or Virginia Outdoor Foundation or some other group, what we'll do is we'll encumber it into perpetuity that it can't be developed. So that will be... that is part of our proffer. Mr. Apicella had asked that question in following through the proffer statement if you go from 5 to 7, you'll see that there's a preservation requirement in our covenants that we'll have to provide to assure that. So, that's why it doesn't say conservation easement or park. It's just we would provide a conservation easement as long as the easement holder would accept it. As staff had noted, the project is consistent with the Comprehensive Plan. Overall, this is a very low density project in comparison to the Comprehensive Plan which encourages 3 units to an acre. This is at 1.58. We've preserved 54% of the property in regards to open space which far exceeds the requirements of 30% for cluster developments. I know in the past this Planning Commission has been concerned about what cluster developments should look like. I think this is a very good model for how that should look. In regards to the other open space, the 1.9 acres which had been concern for the connection which is not part of the application, that too will be put into a conservation easement. But the same sort of rule if we can't find a holder, it will be... there will be a covenant that prohibits any development into perpetuity. In regards to fiscal impacts, the analysis that we had done and continue to support is that the project will generate positive revenue. In the sense of operating revenue it will more than pay for itself, both onsite and offsite impacts. Staff has discussed what the school generation numbers will be. We are proffering over \$16,000 a unit; that's if you apply it across 97 units. If you just took out 20 units, which would be the by-right units, we're at close to \$21,000 a unit, which is very consistent with the guidelines from before, from 2015 guidelines. We discussed... staff had presented what our architectural features will look like and it's very consistent with prior projects that have been approved by the County. It's high quality to ensure high value which will obviously be very positive from a tax revenue perspective. Just from a transportation perspective, I'd like to kind of walk through that process as well. We are dedicating right-of-way along Winding Creek for future expansion. The staff recommendation regarding the collector road construction, remember, we're only talking about a portion of a segment of that road. And it would not include the improvements to the north of the site, which seem to be the issue with many drivers on Winding Creek which is the big turn that we have proffered... I have it here on the computer, computer please. Just to show you real quickly and you should have copies of those diagrams of what it looks like now. And this is what it looks like now. And Kathy, how do I get to the next one? Thank you. And this is what it'll look like after the improvement. So, you'll see an extensive site line opening here that will clearly allow drivers to see further down the road than they are today. So, again, if we were required to put improvements for the collector road, which hasn't been designed or planned for and it's not in the County's 10-year CIP, so we're not sure when the rest would ever be improved. This to us is a much, is a greater benefit for the community, certainly in the near term. And let's not forget, we do have 200-foot taper lanes, right-turn lanes into the site, and on both the north and the south side. So it's just not going to be simply coming off the road; you'll have the taper lanes getting into the area as well. And again, these improvements have to be made in the beginning, the first phase of the development. So this is not going to be down the road. We're proffered to do this up front. The other improvements that are proposed are the... at the intersection of Eustace and Northampton Boulevard, which was part of our TIA. I think it's important to note that the TIA was not required, but we did do it and we did update it without the connection to Fireberry Boulevard. There was no recommendations for any other changes. Based on that, the Level of Services along Winding Creek will stay A or B which is very good, and will improve the Level of Services at the intersection of Eustace and Northampton. The overall improvements that we're proposing from a transportation perspective would be about \$819,000, including the right-of-way dedication. But most of that is going to be on the site line improvements that

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we'd have to make, again, having to work with third parties. If we're unable to get approval of those third parties, although we've had preliminary discussions, we think they're very positive in that regard, that money reverts to cash. So, it doesn't go away. So there's still... there's about a million dollars total... actually there's a total of a million dollars proffer for transportation on this project, even though our TIA did not recommend any improvements. Again, for purposes of schools, it's 1.6 million dollars total being proffered, which we just went through those numbers per unit, about \$17,000 per unit for 97, almost \$21,000 per unit for if it was by-right. There are some Park and Rec cash proffers as well, about \$150,000; libraries; Fire and Rescue; and general government. All total in cash proffers were about \$2.189 million, which comes out about \$22,571.73 per unit for 97 units, about \$28,434.52 per unit for 77 units, which was taking out the by-right number. Again, that number could change. It could go up, not down, if we're unable to get an agreement from parties to the north of us. The in-kind proffers come out to about \$1.7 million. So the total all in is about \$3.9 million, which is a very large proffer package. I think probably one of the largest ones that the County has had presented to it as suggested last time in our last presentation to the County in this regard. All in basically for in-kind and cash comes out to about \$40,437.77 for 97 units and about \$50,941 for 77 units; which again, backing out the 20 by-right units and doing that analysis. Again, I think some of the (inaudible) key comments I'd like to reiterate. Again, after last September, we kind of went back to the drawing board. We did reach out to the community. We went back to VDOT, said we've got to find a way to resolve this. We did, and we resolved the Fireberry Boulevard connection which was the big issue for many, for the folks who came out to speak. We are dedicating right-of-way for the improvements and providing transportation proffers even though our TIA said we didn't have to. When I say that I think the proffers will benefit the entire community, including this project. And we have provided proffers, significant proffers for schools to address those impacts. I think some of the highest per unit proffers probably this Planning Commission has seen for schools. With that, I'm happy to answer any questions you may have and I appreciate your time this evening.

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

Mr. Rhodes: Yes, Mr. Chairman.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Payne, I do have a question but I did want to comment that very appreciative of the offsite effort; that certainly has been an issue and a concern for so many in the entire area. So, something to try and attempt to address that curve in the stone that's in there is certainly a tremendous add to the proposal. So thank you for the consideration from the offsite for the area. But I did have one small question. The pavilion -- the tot lot and the pavilion, nice added features for the community. The tot lot very obviously and apparently accessible. The pavilion -- what's the vision there to get to that pavilion?

Mr. Payne: I'm sorry, I just want to make sure I don't forget this. Let me see if I can... Mark, you want to address that?

Mr. Rhodes: Computer please.

Mr. Payne: Mark King from Bowman Consulting.

Mr. Rhodes: Yeah, but we'll need the mic just for the vast television audience.

Mr. Apicella: That's millions and millions Mr. Rhodes.

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Mr. Rhodes: That's right. Competing with the debate numbers.

Mr. King: I'm Mark King with Bowman Consulting. What we'd be looking at, Mr. Rhodes, if... Kathy, I'm going to blow this machine up because I'm terrible with computers. Does this work? Well, something was working there a second ago. There's an access point... if you go from the top of the page down from the first circle, there's an access point right there. You just passed it Jeff, one more. There's a place to be able to get in there.

Mr. Rhodes: So, where he's at right now, the cursor, is it that one and below it, just a little...?

Mr. King: Yes, enough to be able to put like a trail, some type of a trail in there for the pavilion for people to access it.

Mr. Rhodes: Alright. Okay, I just saw it out there; I couldn't figure out how they were getting there. Thank you.

Mr. Apicella: Other questions?

Mr. King: Mr. Rhodes, there's also an access point... they just took it down off the computer... the two cul-de-sacs? There's an access point right there as well.

Mr. Rhodes: Hmm. Okay. Thank you. Thank you Mr. Chairman.

Mr. Apicella: Mr. Coen, you look like you have a question.

Mr. Coen: Well, I'm just looking at the nice map we got -- you might as well stay up dude. So, I'm gathering, even though it's not on the GDP, it's between maybe lots 68/67 or 67/56 that there would be some sort of path that would go by into there?

Mr. King: Yes, yes sir.

Mr. Apicella: Other questions? Mrs. Bailey?

Mrs. Bailey: Mr. Payne, back to the question that I had about the VEPCO easement disclosure. Will that... can you put verbiage in the HOA documents?

Mr. Payne: Yes. Typically, it would be and we can do that; not a problem.

Mrs. Bailey: Okay, just want to make sure it's covered. Thank you.

Mr. Payne: Yes ma'am, we can do that.

Mr. Apicella: Anyone else? Okay, seeing no further questions, thank you Mr. Payne.

Mr. Payne: Thank you Mr. Chairman.

Mr. Apicella: I'll now open the public hearing on these matters, items 1 and 2, Winding Creek Reclassification and CUP. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. When you come forward, please state your name and address. The yellow light

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indicates you have 1 minute left. The red light means you need to quickly wrap up your comments. So, if anyone would like to come forward and speak, please do so. Okay, seeing no one coming...

Mr. Coen: Oh, she's waving now.

Mr. Apicella: Okay. I missed the wave.

Ms. Sykes: Good evening, my name is Stacey Sykes. I live in Autumn Ridge. And I still have concerns about this development. I was here last year when you guys were first presented it. My kids go to Winding Creek School, and even though they are proposing only so many kids to be there, that's going to be 4-bedroom houses. And I can't see that there would be just one child per house. So my kids are crammed in with over 25 kids in each classroom. And if you talk to the Winding Creek staff, they're overwhelmed. So my concern is even though they have done a great job of redesigning and they've heard our pleas, I still have concerns about the capacity for our schools to be able to handle the volume of kids that are coming with all the other new developments that are in our area zoned for Winding Creek School. The other thing I'd ask you to look at is I'd ask you to drive Winding Creek Road. Because even though they're going to go ahead and blow that rock off, and I applaud them for doing that and I also recognize that they've worked hard to have that accomplished, I still think that has a deadly turn. And even though you can see the cars coming, that turn whips around and then it's icy, it is icy. And I drive that road every single day. So I challenge you to go drive it. The other thing I'd ask you to go do is look at it tomorrow, because it often floods and they put signs up it's flooded. So, although I know they've made some great changes and tried to accommodate our concerns, I still think that this project still... I have some great reservations about it. And I ask you to just kind of drive that road, think about our schools, think about our kids in that school, because it does impact my kids and all the kids in our community. Thank you.

Mr. Apicella: Thank you. Anyone else? Okay, I'll close the public comment portion on these matters. Mr. Payne, do you have anything else to add?

Mr. Payne: Mr. Chairman, I appreciate the opportunity to just make another comment. We appreciate obviously our neighbors' concerns and appreciate their comments. And we've endeavored I think for an extensive period of time to address all those issues, including transportation and schools. If you look at our proffers, they're very high. And the high end I think for applicants that you've had before you in the past, and likely into the future. The transportation improvements I think will have a significant benefit to drivers along Winding Creek. If you look at the stretch of our site, that stretch is fairly straight without a curve, without a lot of turning, and we do have tapers. So we don't want folks to think that we're just going to be diving into the site. So there will be 200-foot tapers to our entrance and a right-turn lane to the south and likewise to the north. So anyways, I just wanted to add that that we have addressed those concerns, at least to the extent the best we can. Not everything's a perfect fix, but I think we've come a very long way to address many of those issues. I'm happy to answer any questions you may have.

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

Mr. Coen: I just remember when it was here before we went around and around and around a cul-de-sac, or a roundabout with the whole Fireberry. And it, I mean, it seemed as though it was adamant; we had to do it, VDOT was forcing us. I mean, it was adamant. And so I'm sort of surprised that now it's like VDOT's like, yeah, okay, don't need it. So I just want to make sure, so people understand, you know, why it sort of dropped and is it never ever, ever going to be you know brought back in a TRC where the public isn't going to be able to have an input.

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Mr. Payne: I think it's a really good question and fair question. If I can have the computer and, since I can't move anything around, Mr. Harvey, if you could show the general area where that connection would be on Fireberry Boulevard. It's to the east of the site. You see there's a strip of land, about 1.9 acres... excuse me, I'm losing my voice a little bit... but it's about 1.9 acres that was part of the prior application. This triggered the connection. You see Fireberry Boulevard here. You'll see how we've T'd the houses there. And on top of the fact that we can't include those in our proffer statement because it would be part of the application, but the plan is to put that 1.9 acres in a conservation easement because we will only control it. But we've T'd it there so there's no way to connect into the future. So we'd actually have to come back to you to get a proffer amendment to allow us to connect, and to also to redevelop that 1.9 acres as well. So, I think we've got layers and layers and layers of assurances here that that's not going to happen. And believe me, we don't want to go back there. I think we've addressed that issue. Thank you.

Mr. Apicella: Thank you Mr. Payne.

Mr. Payne: Thank you; I appreciate it.

Mr. Apicella: Okay, I'll bring this matter back to the Commission. Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, I did have one question for staff just to confirm.

Mr. Apicella: Okay.

Mr. Rhodes: With the 1.9 out so that it wasn't abutting the subdivision any longer, where would the notifications for public hearing... where did they end up going to? Did they still go to the HOA and to the other...?

Ms. Baker: Let me look back in our application. It would be any property that's immediately abutting the boundary line.

Mr. Rhodes: Yeah, now that we dropped that one, I'm just trying to recall what is now abutting since we dropped that one parcel that was the impact to the inter-parcel connector.

Ms. Baker: I'll have to look it up for you and see.

Mr. Rhodes: Thank you.

Mr. Apicella: Mr. Coen?

Mr. Coen: And then I'm just curious. We had a good number of people come out to speak. Did we reach out to them? Because I remember there was the Fireberry, but there also were a number of people who just were talking about the traffic on Winding Creek, as the nice lady tonight was talking about. So, did we reach out to them to say hey, by the way, this is coming back up again just to let you know?

Ms. Baker: No, other than posting the signs on the property. We had 3 signs posted along the right-of-way frontages and the notifications and the advertisement in the newspaper.

Mr. Coen: Okay.

Ms. Baker: I understand they had a public information meeting, the applicant did back in April.

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Mr. Coen: Okay.

Mr. Apicella: Do you want to come forward? Did you get any comments at that, or can you summarize the comments that you got?

Mr. Payne: Again, Mr. Chairman, Charlie Payne with the law firm Hirschler Fleischer; I represent the applicant. We did have the public information meeting back in April. It included many of the residents who were at obviously the last public hearings. The main issues that were discussed were obviously the Fireberry Boulevard connection; those were the main issues that were discussed. You know, schools were a question as well. We were at Winding Creek Elementary so there were some school questions. But typically that was the main issue.

Mr. Apicella: Okay, thank you.

Mr. Payne: Thank you.

Mr. Apicella: Okay, again, bringing this back to the Commission. Mrs. Vanuch, Mr. Rhodes, it's in your districts. How would you like to proceed?

Mrs. Vanuch: So, I'm not sure that this is really a question, but I just read recently, a couple days ago, an article in the Free Lance-Star of the overcrowding at Colonial Forge. And, you know, as I'm looking at the numbers of the school students, even as the woman pointed out, I think I would like some time to kind of meet with staff and discuss the school numbers and how we came up with the 1.3 per household. I agree that 4 bedrooms is probably not realistic to account for 1. -- I don't know how you have a .3 child, maybe a niece or a nephew -- to account for 1.3 students per house. I think the new development numbers of around 130 students is probably more realistic. And when you look at the numbers just at Colonial Forge alone, I think they're over capacity by 153 is the current numbers. So, that's very concerning. And when I look at that and then I add it onto the new proffer legislation, and I think okay, if this neighborhood or this development is approved, it sits here for two or three years and then we do end up having open seats or no burden on transportation because it's not been developed yet but it's in queue to be developed. How will that impact the additional developments coming forward to the Commission where those... the residents that aren't there yet are occupying... are not occupying the seats in the schools and transportation and public safety? So, I personally would like some time to kind of research that and really make it a much better advised decision before just accepting these numbers and moving forward.

Mr. Apicella: So, was that a motion to defer, Mrs. Vanuch, with some commentary associated with it?

Mrs. Vanuch: Yeah, with a lot of commentary. I think that would be my motion, but I also want to give Commissioner Rhodes an opportunity to comment to.

Mr. Apicella: Well, you made a motion, I think...

Mr. Rhodes: Second.

Mr. Apicella: Is there a second?

Mr. Rhodes: Second.

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Mr. Apicella: Okay. Motion to defer, it's been seconded. Do you have anything else to add Mrs. Vanuch?

Mrs. Vanuch: That's it.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: I would just submit that, I mean, we've got a very comprehensive package, and thank you, but boy was it comprehensive. And so I don't know that I went through every single part of it, because I'm still downloading some of it I think. But it was a very good package. So, waiting till the next meeting I think is good just to make sure we're understanding the implications and the other elements of we've always wrestled with some of the student numbers. And I think it's good to know on the capacity on Winding Creek on others, so I support the effort to make sure we're comfortable on those pieces. I will submit that I think they did a fairly good job; there's never a perfect package, but they did a fairly good job of building on the strengths, the positive parts of the last application and addressed... working to address further. I am exceptionally pleased by the couple of offsite improvements, so leveraging those, particularly there on the Winding Creek corner. I mean, that has been something that has been a concern of people; I go by that road every day as well. I mean, that's just one of the most horrible features sticking out on that road anywhere. And it is a heavily used road; it's not like it's on the way back corner road, it's a heavily used road. So, something to actually get that done and addressed is a tremendous plus, and so I appreciate the consideration of that in this package. And that, I recall, was a lot of the commentary last time and then the other was the inter-parcel connector. And with the reconfiguration, removing the small rectangular lot from the application, I mean, it precludes that one in the process as well. So I think it's certainly gone a lot further. And we're not having ones that are going to be bringing money in on proffers much anymore. So, those are all pluses, but I think it's worth just taking a little time to make sure we're comfortable, we've not left anything on the table. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Any other comments on the motion to defer items 1 and 2?

Mr. Coen: If I may sir.

Mr. Apicella: Mr. Coen?

Mr. Coen: If staff could also contact the Sheriff's office for information and statistics on accidents and etcetera on that, particularly that swath of road, that might be helpful. While I appreciate that there was a public meeting in April, that was a long time ago. I mean, that was two conventions, one debate, and several primaries ago. So I think it would be nice if we would reach out to the people who spoke at our meeting and at the Supervisors' meeting and let's let them know that this was coming back up again. If it's just a matter of postage, I'm sure, you know, some of us could help or I would help with that aspect. I also... it might be useful to reach out to the school system; ask the Chair of the School Board their feeling about this as far as since they're closer to the impact of these bodies. I'm really interested, as Mr. Apicella pointed out, about the real student generation, the numbers, because that sort of is a difference and that's a significant difference. And I think if the methodology of the County went to develop that number as the one they felt more comfortable with, I think that may be a better one to look at it. And so I'm not sure whether that just one meeting is good. I don't know if the people who made the motion want to go to the second meeting, you know, two meetings from now rather than the next meeting. And then also maybe talk to Parks and see if they're actually interested in that land. That might give the applicant some idea of whether or not which road to go on or which path to go on to how to deal with that parcel of land, if Parks is pretty clear they don't think so. If memory serves me from

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our sort of meeting with VDOT, they're stopping their widening which includes sidewalks at Winding Creek. So therefore anybody farther than that would not be able to use that park because there's no sidewalk unless you're going to have them walking on Courthouse Road to try to get there.

Mr. Rhodes: Well, they're not doing an improvement all the way up Winding Creek either.

Mr. Coen: That's right, yeah. So, it just would... maybe it just isn't a feasible thing to put a park in that parcel, and it would be good to know that sort of ahead of time. So, those are sort of my concerns about that. And just as an aside, it's interesting, if we use the by-right, that's only 20 homes, period. So it's always weird to say well, it's going to be 97 but we'll take out 20 for whatever. If we didn't do 97, it only would be 20. So, I always just find that an interesting dichotomy there.

Mr. Apicella: Thank you Mr. Coen. Will you accept it as a friendly amendment to postpone this or defer it until the second meeting in October, Mrs. Vanuch?

Mrs. Vanuch: I'm good with that.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: I guess so. I would just share that Ms. McClendon was able to find that they did notify for the public hearing all the surrounding HOA associations, so Park Ridge, Berkshire, and the others. So they were contacted. I thought I recalled from the last time that Parks was asked about this and they weren't really interested in that little sliver of land for a park that it's not really usable for that purpose and function. And I think all the packets from the public hearing do go to the schools, so they do have the opportunity to look at these, but double-checking on numbers is fine. I just don't know that it'll take that long but, if that's what we need to do, that's fine too.

Mr. Apicella: Okay, I would just also ask that in the language regarding the transfer of the property to the HOA, in the absence of the County wanting that parcel, if we could somehow... if you could somehow strengthen the language to make it clear that there will be no development or sale of that property, and/or to allow it to be put under a conservation easement. Again, I don't know what the right language would be, but I just kind of threw it out there. So, there's a motion to defer until the second meeting in October, which I believe is the 26th, please cast your votes. Okay, the motion carries... I'm trying to count my numbers here... 6 with 1 abstention (*Mr. English abstained*). Okay, thank you. Mr. Harvey, next item, item 3.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O16-29 would amend the Zoning Ordinance, Stafford County Code Sec. 28-106, "Right-of-way protection," and Sec. 28-256, "Required standards and improvement generally," to allow nonresidential developments to dedicate right-of-way for planned future road expansions to the maximum extent possible without creating a non-conformity on the property. **(Time Limit: September 30, 2016)**

Mr. Harvey: Thank you, Mr. Chairman. Mrs. Blackburn will be making the presentation on this item.

Mrs. Blackburn: Good evening Mr. Chairman, Planning Commission members. Item number 3 is for the Commission to consider a proposed amendment to the zoning... to the County Code, Section 28-106, right-of-way protection, and Section 28-256, Required standards and improvements generally, regarding the dedication of right-of-way to the extent feasible without creating a non-conformity on the property. And this is proposed Ordinance O16-29. Stafford County Code requires a dedication of right-of-way with approval of a site plan for non-residential development. A typical development would

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dedicate half of the right-of-way identified in the Comprehensive Plan for future road improvements. On a number of occasions, staff has encountered situations where a proposed expansion of a development could not accommodate the dedication of the required right-of-way due to physical constraints on the property. In those cases, the existing principal building may be too close to the current front property line to accommodate the right-of-way dedication and the front yard requirement. The property owner would be prohibited from expanding the existing building or constructing a new building on the property. Relief would be available through the granting of a variance to reduce the setback or other Zoning Ordinance requirements. In reviewing a variance application, the Board of Zoning Appeals must determine if a hardship exists due to the physical configuration of the property. In addition, the hardship must not be self-imposed by the property owner. It would be difficult for a property owner to prove there is no self-imposed hardship since options include moving the location of a building, pursuing a minor development project of less than 2,500 square feet in size that does not require right-of-way dedication, and not pursuing development on the property at all. Staff believes consideration should be given to amending the Zoning Ordinance to allow dedication of right-of-way to the extent feasible, without creating a nonconformity. There are pros and cons to such an amendment. A positive aspect would be that it may allow more properties to expand or construct new buildings, thereby enhancing the real estate tax base. And a potential negative impact would be if the County or State needed the right-of-way in the future, acquisition may be more costly due to the increased property value and higher potential for damages. This information was presented to the Board's Community and Economic Development Committee at its meeting on June 7, 2016. And after a discussion, the Committee voted to forward it to the full Board for its consideration. The Board voted to forward this item at its June 21, 2016 meeting to the Planning Commission for your review and recommendation. And you voted on July 13, 2016 to conduct a public hearing in September. And we received a couple questions concerning this amendment. One was to provide a graphic as to how this potentially work and we are going to see if this works. Computer please. This would be an existing non-residential building and their parking lot. And the setbacks are totally made up, so don't think this is via any ordinance. It was just for display purposes. This would be the addition they would want to add and they would still be meeting the 40 feet... 40 feet would be the required setback and they would be meeting that setback for their district. But in doing an addition they would be required to do a 10-foot right-of-way dedication. Which would then put their front setback to 30 feet and 35 feet is what is required. So in this particular case they could give... dedicate 5 feet of right-of-way and still comply with the regulations. Well, in part of the amendment it's to give as much possible. So in this case they could give the full 10 on this part of the property, 5 feet of dedicated right-of-way would not be given in front of the building and the 35 feet would be, as you can see it, as an angle would be where the setback would be meeting the new property line with a 10-foot right-of-way dedication. So this is how it would end up looking. Mr. Coen... when all is said and done this would be dedicating the right-of-way that would be required along the right-hand side of the property and as much as could be required in the front of the property. And do other localities do this, was the other question. And it is my understanding that... I tried to get in touch with several of them and the majority of the ones I talked to said that they require dedication according to their comp plan or major thoroughfare plan at time of development. And they did not specify that they only take what they can get. They indicated that they did get it all. And why is there a need? Well, there have been some properties, and one in particular, the latest one is Ramoth Church. They have a huge piece of property towards the rear of their building and to the side of their existing buildings and they wanted to add a new activities hall. But the main part of the building, the church, is right on top of the road and they could not afford to give up any right-of-way along that road. Now granted, that road has not been set as to where any of the right-of-way is going to be. We know it potentially will definitely be wider, we don't know if it is going to go near the church, if it is going to go closer to the other side of the property. So in this particular case, we could potentially get some right-of-way from them, but not all that would have been required. And do we have any questions?

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Mr. Apicella: Mr. English?

Mr. English: Yes, so the church has applied to do this and they can't because of the fact...

Mrs. Blackburn: They came in and discussed the project, yes.

Mr. English: And if this got approved then they could go ahead with...

Mrs. Blackburn: Yes there would be...

Mr. English: It would not cost them...

Mrs. Blackburn: They would be dedicating the land; no it would not cost them the price of their activity room.

Mr. English: Is that the only one that you can think of that is like that right now?

Mrs. Blackburn: Currently, yes. Mr. Harvey and I talked about it and he said there's been ones in the past but they left. So there... you know, we said you have to dedicate the right-of-way and the whole project just goes away.

Mr. English: So, if I am getting you right they would only have to give... they wouldn't have to give the whole 10; they could give...

Mrs. Blackburn: They would give as much as they could give, yes.

Mr. English: Okay.

Mrs. Blackburn: Yes.

Mr. English: Alright.

Mrs. Blackburn: It wouldn't be... isn't that correct Mr. Harvey? Aren't they planning on giving some?

Mr. Harvey: Yes, we have had some initial discussions with their attorney and they would be willing to give some right-of-way in the area near where a parking lot is, similar to this example. However, they couldn't do it near the church...

Mr. English: I was going to say there is not much they could really give, it is?

Mr. Harvey: ... because the church is too close to the road. Excuse me sir?

Mr. English: I said there is probably not a whole lot there they can give anyway.

Mr. Harvey: Right, by the church, that is correct.

Mr. English: Alright.

Mr. Apicella: Mr. Coen?

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Mr. Coen: Thank you for the diagram, that was very helpful. I guess... so we are... the one question that I had that you answered for Mr. English which is there is not a great number of these. Is there any other way, any other process to readdress this other than doing this?

Mrs. Blackburn: Not that I know of and Mr. Harvey may have some other suggestions. Of course the local jurisdictions love to get the right-of-way dedicated to them because then they don't have to purchase it. And that is what basically the process for going through when they are doing a site development, they are going to dedicate whatever right-of-way has been designated along the road. Also, it does create that the fact that the building will then be in compliance, at least for that moment of time.

Mr. Coen: Right.

Mrs. Blackburn: Unless you have any other ways of potentially doing it, the variance is a real problem because of the self-inflicted hardship.

Mr. Coen: Right. Well I guess the question... two more questions. One is you keep using the phrase as much as they can give. So, is the sole determination on the applicants?

Mrs. Blackburn: No, it would be up to potentially what the front property setback line is. For example, if they had a 50... if they had a required 40-foot setback and they are now sitting 65 feet back from their property line, they would have 25 feet... thank you, 25 feet in order to dedicate if that was the amount that needed to be done.

Mr. Coen: Right.

Mr. English: And they wouldn't have to give the whole 25 feet, correct?

Mrs. Blackburn: If that is not what is required, but if it is what is required, yes they would.

Mr. English: Okay.

Mr. Coen: The reason why I was making...

Mrs. Blackburn: Yes.

Mr. Coen: ... the face earlier was, but if VDOT decides they are going to widen the road...

Mrs. Blackburn: Yes.

Mr. Coen: ... they are not really going to worry about whether it was 10 feet on this part of the parcel and 5 feet over there. They are going to want 10 feet all the way across, correct?

Mrs. Blackburn: Unless they end of re-routing...

Mr. Coen: Right, if they can go to the other side of the road or something.

Mrs. Blackburn: ... the whole right-of. Yes, yes.

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Mr. Coen: I mean... it just would be... that is why I was saying, you know, if VDOT turns around and we are dealing with this on Courthouse Road and says we are zooming, at that point then you have this sort of well you promised us... you lead us to believe it is 10 feet and we can go 5 feet, now VDOT is sort of saying no, it's got to be all 10 feet. I mean, do we run into that risk?

Mrs. Blackburn: I... potentially we would, we would.

Mr. Coen: And that is sort of my concern is that we say yay and then even 10 or 20 years from now we get into a situation like they had on Garrisonville Road where the person is like, this is my business. You told me I could do this, and now you are...

Mr. English: But, back to... wouldn't that give... but if we did this ... is VDOT kinda... would kinda give a little preference and say hey well the county... would they kinda, if this was passed, would they kinda bend more with the county or are they just going to say no, this is the way? I guess you can't... it is probably not a fair question to ask you.

Mrs. Blackburn: No.

Inaudible

Mr. English: No, what I am saying...

Mr. Apicella: They are going to need what they need.

Mr. English: What I am saying is if we had this implemented they don't have the right... they don't have to go by this, is probably what...

Mr. Coen: Yes.

Mrs. Blackburn: Well, correct.

Mr. English: That is where I was trying to go....

Mr. Harvey: Mr. English, to add on to that VDOT or the county design the public road, often times try to design... we always try to design the road so it minimizes the impacts to property acquisition. So you probably have seen on the Garrisonville Road project, alignment has shifted a little bit here and there to try deal with that kind of issue to the extent that they can. They have certain geometric requirements they have to meet in order for adequate safety. But in all cases we try to minimize impacts on properties.

Mr. English: I think 610 Car Wash is one of them out there.

Mr. Boswell: If we do this, basically I think what you are saying, we are allowing a property owner now to be able to for short term use, what they want to do and if a road comes through then that's a whole 'nother ballgame.

Mrs. Blackburn: Yes sir.

Mr. Boswell: But you need... but right now they can't even add this addition on...

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Mrs. Blackburn: Exactly.

Mr. Boswell: ... because it doesn't fit.

Mrs. Blackburn: And in the particular situation of Ramoth Church, project, and Mr. Harvey you can correct me. There have been no plans to actually widen that road. They know they will, but there are no plans designed yet. So it was nothing really set in concrete. So they could still totally re-route the road. You know, I have seen stranger things happen. But in...

Inaudible

Mrs. Blackburn: Yes exactly.

Mr. Apicella: Can you pull up that presentation that you gave? Okay, so I am looking at the language on right-of-way protection and it talks about any new construction. So does that mean any... also mean additions?

Mrs. Blackburn: Yes.

Mr. Apicella: Are we just talking about new development.

Mrs. Blackburn: No this is additions to existing structures.

Mr. Apicella: Okay, and help me understand why, when somebody is adding to the back of the building they have to give part of the front of the property.

Mrs. Blackburn: If you are doing a major site plan you have to dedicate the public right-of-way.

Mr. Apicella: Okay. So is there another way to fix this without... see, here's my concern. We take a road that we need to, 10 years from now, make some improvements on. We need the full amount of right-of-way; however, we have only gotten half of it. So ultimately we're going to pass the bill onto the taxpayers because they have to buy the 50% that wasn't provided as part of this process. So, not all roads that are improved in Stafford are paid for by VDOT, sometimes we pay for them as well. So, I guess I appreciate the issue that has been created, although it does not sound like it's happened very frequently. We are talking about a major change to an ordinance that could have, as any change to an ordinance, long term implications and we don't know what we don't know at this point in time. I worry about unforeseen and unintended consequences. So I am wondering, to Mr. Coen's point, is there another way we can give relief without necessarily throwing out the baby with the bath water. Because at the end of the day, roads are going to need to be improved and we are going to need sufficient right-of-way, whether we are paying for it, the State is paying for it, or a combination of the two. So I am just trying to find maybe an alternative solution. It sounds like not too many other localities have gone down this path. I am concerned about being a trailblazer here. Again, while we want to provide relief, we don't want to create a self-inflicted wound for ourselves. And, the predicament is, we are sort of now under the gun to make a decision tonight because I think it needs to be decided on tonight, based on what I saw in terms of the agenda package. So, to me it's a big leap of faith to make a change for a limited set of circumstances. Albeit, perhaps meritorious but could it have downstream negative consequences? Maybe that is just commentary, I don't know. I am not quite sure we are doing the right thing for all of Stafford County versus potentially the right thing for a specific property owner.

Mrs. Blackburn: I understand.

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Mr. Apicella: Okay, any other thoughts or comments? Alright, I am going to open up the public hearing on this matter. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have 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. The red light means you need to quickly wrap up your comments. If anyone would like to speak, please come forward now. Okay, with no one coming forward, I am going to close the public hearing on this matter and bring it back to the Commission for discussion and perhaps a decision.

Mr. English: Mr. Chairman, I would like to make a motion to accept Ordinance proposal O16-29.

Mr. Boswell: Second.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there is a motion to accept and has been seconded twice; I think I am going with the first second, which was Mr. Boswell. Mr. English, any comments?

Mr. English: No, like you were saying I am... I think we may be trailblazing making this something different that has not happened before, but I don't see this frequently happening so I don't think this is probably going to be that big of an issue, so that is why I am... and I know what she is talking about with Ramoth Church, they have no room to move with what they are doing right now and I think it is helpful for them. I only hope it will help other people too that apply for this.

Mr. Apicella: Mr. Boswell? Mr. Rhodes?

Mr. Rhodes: *Inaudible.*

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: With all due respect to my good friend Mr. English, I am not going to support this only because I am very leery, and while totally have empathy for the one applicant that we know of, I am just leery of what can happen down the road, no pun intended, with this, with VDOT doing whatever they want anyways and then who knows how many years from now, 10, 20 years from now and applicant, no matter who it is saying but you basically promised me x. And I just feel that we need to be able to figure out another way to do this rather than just making a blanket thing for the whole county. So I have total empathy for the one applicant. I know the church, I know the road, I understand completely their angst in the great work that they do. But I just remember the thing on Garrisonville Road and that guy complaining about the fact when they widened it, it was impacting his business and etcetera, etcetera, etcetera. And so I just... I can just foresee that type of situation happening in other places. So with all due respect I can't support it.

Mr. English: Mrs. Blackburn, I have one question. Is it... maybe this is a crazy question, but is there any way that in that ordinance that there is some wording about VDOT would have the option to come back, so the applicant would know or it's in there for future, hey that just because we do this VDOT can come in. Is there any way that can be written into the ordinance or...?

Mrs. Blackburn: We can surely investigate doing that and seeing what our parameters are.

Mr. Apicella: The one thing I would say, not only do we not have a lot of time here, we are not given discretion to make any changes.

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Mr. English: Right, okay.

Mr. Rhodes: Yep.

Mr. English: Understood, understood.

Mr. Apicella: Any other comments? Okay, I agree with Mr. Coen and I kind of was going down that road myself. I definitely have empathy for anybody that finds themselves in this situation. But I always worry about precedent and unintended consequences and not knowing what we don't know. And I just am concerned that this could wind up backfiring, it as... by solving one problem we may be creating another problem. So, I am not convinced this is the best and right solution although I applaud staff's efforts and the Supervisors for trying to look into it. I wish we had more time to explore it and maybe my issues and concerns could be addressed. I probably would support it but I am not there and so I worry about making changes without knowing what the end result could be, especially when the issue only involves a small number of parcel owners who might be injured if we didn't make the change. So with that in mind, please cast your vote. Okay, the motion to recommend approval passes 5-2 (*Mr. Coen and Mr. Apicella voted no*). Next item Mr. Harvey.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O16-30 would amend the Zoning Ordinance, Stafford County Code Sec. 28-273, "Nonconforming Structures," to allow the expansion of nonconforming, nonresidential structures where the proposed increase in square footage does not further encroach into a nonconforming area; and create Sec. 28-278, "Highway Realignment or Condemnation," to clarify that any lot subject to a condemnation proceeding that does not meet the zoning specifications after the condemnation shall be considered a nonconformity. **(Time Limit: September 30, 2016)**

Mr. Harvey: Thank you Mr. Chairman, item number 4 will also be discussed by Mrs. Blackburn.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this is for proposed Ordinance O16-30 and it is to amend the County Code, Section 28-273, non-conforming structures and creation of Section 28-278, highway realignment and condemnation regarding the expansion of structural alterations of non-conforming non-residential structures. The Stafford County Code allows nonconforming single-family structures to be expanded and structurally altered, provided that the expansion or alteration does not further encroach into a required setback area or otherwise exacerbate the nonconformity. Currently, this privilege does not extend to the non-residential buildings. As the County continues to urbanize and roads are widened in order to carry more traffic, the County and the Virginia Department of Transportation often require additional right-of-way dedication from lot fronts. In many cases, the affected lots service single-family homes. However, along major corridors, such as Garrisonville Road, Jefferson Davis Highway, and Warrenton Road, many of the properties fronting along the roads have commercial or other non-residential buildings. Staff believes the Zoning Ordinance should be amended to allow the expansion and structural alteration of non-conforming structures, whether residential or non-residential, provided the expansion does not further encroach into a required setback area, or does not make the existing nonconformity worse for such things as open space ratio, floor area ratio, and building height. Furthermore, staff notes that it would also be helpful to specify in the Code that any lot subject to condemnation proceedings that does not meet the zoning specifications after the condemnation shall be deemed nonconforming. This would codify the current practice and no longer require the issuance of zoning determinations for verification. Staff presented this information to the Board's Community and Economic Development Committee at the June 7, 2016 meeting, and after a discussion, the Committee voted 3 - 0 to forward this item to the full Board for its consideration. At the June 21, 2016 meeting, the Board voted to forward this item to the Planning Commission and the

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Planning Commission voted at your July 13, 2016 meeting to conduct a public hearing in September. And we also got questions about this, and one of them was what is the need. As stated in the staff report, there are no provisions in the Zoning Ordinance to allow a non-residential building to expand, if any part of it is nonconforming. And that is not the case with single-family.

Mr. Apicella: Do we know why there's been (inaudible) treatment between commercial and residential for however long?

Mrs. Blackburn: I have no idea.

Mr. Apicella: How long has this provision even been in place in terms of residential?

Mrs. Blackburn: Um, a while. I tried to find that and I kind of ran into some dead-ends with various ordinances. There is no provision in the State Code that makes a distinction.

Mr. Apicella: Okay, thank you.

Mrs. Blackburn: And to provide examples of this, we have a new picture. Computer please. And this is my new toy today.

Mr. Apicella: Deja vu.

Mrs. Blackburn: This would be the County acquiring or VDOT acquiring right-of-way. This then creates a 30-foot setback; the required setback is 35. They are non-conforming because they do not comply with the front yard setback. In a normal... in today's world they could do nothing. They could not expand anywhere on the property. So if they wanted to do this addition that they meet the requirement for, they are not causing any trouble with their open space, they have more than enough parking for what they are doing, they could not do it. And one in particular, here is another situation where they do not meet the side yard setback. They want to put an addition on the rear. Again, they meet all the requirements, open space, parking, rear yard setback. They also... the addition would also meet the current side yard setback. And the way the provision is written now, they could not do this. And you could do this with a single-family home. So... and one of the... we have two buildings, two developments actually, Dell Auto is one that is waiting for this amendment to go forward, they have a side yard problem and also the Mason Lodge down on Courthouse Road has a side yard problem and they are waiting for this amendment to go through to put in development standards, or development plans.

Mr. Apicella: So based on this diagram, using the side setback, how far could an applicant go on the side without exacerbating the non-conformity?

Mrs. Blackburn: He would have to meet the current setbacks for a new development.

Mr. Apicella: So just to clarify, it's not the setbacks that were in place when the building was constructed.

Mrs. Blackburn: No.

Mr. Apicella: It's the setbacks as they exist now... which can be more robust or more...

Mrs. Blackburn: They could be, yes.

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Mr. Apicella: Greater than...

Mrs. Blackburn: Yes, yes.

Mr. Apicella: ... when the building was first constructed.

Mrs. Blackburn: Yes.

Mr. Apicella: In this case they could only, they could only, if the addition were also to the side they could only go up to the 5-foot setback and no further. Is that kind of... I am trying to understand.

Mrs. Blackburn: They could do nothing right...

Mr. Apicella: No, I am saying if this were in place...

Mrs. Blackburn: Oh, if this were in place...

Mr. Apicella: ... how far could they go? Only up to the 5 setback?

Mrs. Blackburn: They would be able to build an addition on to their property meeting the... whatever the current regulations were. In this drawing, the current regulations are 15 feet. So they would be able to put a new addition so long as it met 15 feet from the side property line and in this case the current regulations are 40 feet from the rear and they would be able to meet that setback requirement and then whatever their open space requirements were, in this drawing is set up such those things are still met. It would go through all the current requirements.

Mr. Apicella: Okay, other questions? Okay, seeing no questions, I will open up the public hearing on this item. Same ground rules as before. If anyone would like to come forward and speak, please do so now. Seeing no one, I will close the public hearing and bring it back to the Commission.

Mr. Rhodes: Mr. Chairman, I make a motion to recommend approval of proposed Ordinance O16-30.

Mr. Apicella: Is there a second?

Mrs. Bailey: Second.

Mr. Apicella: Okay, there is a motion to approve; it's been seconded. Any other comments Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: No further comment.

Mr. Apicella: Anyone else? Okay. Cast your vote on the motion to approve. The motion carries 7-0. Thank you. Next item Mr. Harvey?

5. Amendment to the Zoning Ordinance - Proposed Ordinance O16-38 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms," and Sec. 28-35,

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“Table of uses and standards,” to modify the definitions of parking garage/deck and public parking lot, to allow a public parking lot as a stand-alone (principal) use; and permit hotel and public parking lot uses by-right in the M-1, Light Industrial Zoning District. **(Time Limit: September 30, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Again, Mrs. Blackburn will be discussing the next item.

Mr. Apicella: Mrs. Blackburn’s night.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this is for proposed Ordinance O16-38 to amend the County Code, Sections 28-25, Definitions of specific terms, and Section 28-35, Table of uses and standards, to modify the definitions of parking garage/deck and public parking lot, and permit hotel and public parking lot uses by-right in the M-1, Light Industrial District. Currently, hotels are not permitted in the M-1, Light Industrial District. Quantico Corporate Center and Riverside Business Park are two different office developments located in the County that have the M-1 zoning designation. The County has received inquiries about allowing hotels in the M-1 zone. Hotels can be complimentary to large office complexes. Office users at times have needs to bring in clients and employees from other sites for meetings, training, and sales opportunities. Parking lots are normally considered to be accessory to a primary use or building. And the Zoning Ordinance requires minimum parking standards for occupancy of all buildings in the County. And currently, it only allows stand-alone parking lots... it does not allow stand-alone parking lots without a primary use as a public lot. Parking lots are permitted in the B-2, Urban Commercial and B-3, Office Zoning Districts upon issuance of a conditional use permit. The County received an inquiry regarding allowing stand-alone parking lots to serve office buildings in the M-1 Zoning District. The parking needs of office buildings can vary widely. Buildings with hard wall interior office space usually have fewer employees per square feet than buildings with open floor plans. The minimum zoning ordinance parking requirement is 3 spaces per 1,000 feet of office space. This minimum standard is insufficient for open floor plan offices. Some office buildings, as they have changed floor plans, have a need for additional offsite parking. Stand-alone public parking lots can be used to accommodate the additional parking demand. Proposed Ordinance O16-38 would amend the Zoning Ordinance to allow hotels and public parking lots as by-right uses in the M-1 Zoning District. It would further clarify the definitions of parking garages and public parking lots. The definition of parking garage would be modified to say that they are considered to be parking lots. And the definition of a public parking lot would stipulate it would be a principal use of a lot. It could be considered as a stand-alone use and not have to be accessory to another building or use. The Community and Economic Development Committee discussed this issue on September 7th and forwarded the amendment to the Board for its consideration. And on the same day, the Board voted to forward this text amendment to the Planning Commission for their review and recommendation. And it does not allow for any modification to the Ordinance. And questions we received on this item were hotels are by-right in what district? They are allowed by-right in the RBC, the B-2, the P-TND, and they are allowed by CUP in the PD-2, A-1, B-3, and in the HCOD.

Mr. Apicella: Can you go a little bit slower there?

Mrs. Blackburn: Yes.

Mr. Apicella: Okay, so start again with where they’re by-right.

Mrs. Blackburn: They’re by-right in the RBC, the B-2, and the P-TND. And they are allowed by CUP in the PD-2, A-1, B-3, and within the HCOD. And one of the questions is why not a CUP, why not present this as a CUP? And when we received the request, we were looking at the various uses within

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the M-1 and they do allow for general and/or flex offices, convenience centers/stores, and restaurants. And, as stated in the staff report, if those uses are placed in an M-1 zoning district, we feel that hotels would be a complementary fit for those uses. And some of the questions would be, well, but M-1 is an industrial zone. Well, M-1 does allow for other things than industrial uses. And it would be more to the developer if he was going to... he or she was going to put a hotel next to a bottling plant. And it may be if it was Coca-Cola having training sessions. One of the other requests was to provide a map showing all the M-1 and the M-2 areas. And that is there. And, as you can see, the lighter color are the light industrial and the heavier color is the M-2. And do we have any questions?

Mr. Apicella: So, what's the downside of applying a CUP? And what's the upside?

Mrs. Blackburn: Well, the normal upside of a... well, the standard upside of doing anything with a conditional use permit is normally it is a use that you may not think would be able to fit in that zoning district in all situations. But in that... in a unique and individual situation, you would be able to review all of that and potentially apply conditions so that use would be compatible with its surrounding area. The downside, and this is one of the complaints we received from the development community, that some of the uses that require CUPs, they do not understand; and that is their statements. And it is a process that is cumbersome to uses that they think should be permitted otherwise. But those are their words.

Mr. Apicella: So, what I didn't hear you say, is under a CUP and from the County's perspective, is it gives us some ability to make some changes or to establish some conditions based on the specific set of circumstances as they exist on a specific parcel.

Mrs. Blackburn: Yes.

Mr. Apicella: And also to look at the other uses that also exist on that parcel.

Mrs. Blackburn: Yes sir.

Mr. Apicella: For example, when we do CUPs, we look at the traffic flow and we try to make sure that, you know, the circular pattern, or whatever pattern, makes sense. We spend a lot of time, for example, on a rezoning to a B-2 because some of the travelways did not make sense. So, in the absence of a CUP, how would we do that?

Mrs. Blackburn: If the particular situation, and this would again be that the Planning Commission recommending to the Board and the Board believing that those particular uses warranted those kind of studies I those particular districts. And without that, unless it was a rezoning, you would not be able to do it.

Mr. Apicella: So, the only I'll call it... how would I say it... in a situation where we have lots of activity in terms of our zoning categories, the only one that I heard was B-2. We don't have a lot of RBC, that's only at Celebrate Virginia North. And we don't have a lot of P-TND; I think we maybe have two or three projects, right?

Mrs. Blackburn: Correct.

Mr. Apicella: So, we do have CUPs for A-1, B-3, B-3 being another business category. I don't know that we have HCOD. Remind me what that is?

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Mrs. Blackburn: Highway Corridor Overlay District.

Mr. Apicella: Okay. So, again, you know, my concern is I see some merit to allowing hotels in the M-1 zoning district, but I'm concerned about having no input on how that gets shaped. What would limit the size and scope of a hotel on an M-1 parcel?

Mrs. Blackburn: It would be the same that would be for an office. It would be its open space, it would be its setback requirements, it would be its stormwater, it would be the development standards. If it were a by-right use.

Mr. Apicella: And what about architectural treatments? I mean, how do we know... we can get a Motel 6 versus a, I don't want to say a Ritz Carlton because I don't think we'll ever get a Ritz Carlton here, but a fairly upscale hotel. So, we again would have no input or no vision on what that hotel is going to look like.

Mrs. Blackburn: Correct.

Mr. Apicella: Okay. Other questions?

Mr. Coen: I just want to make sure I understand correctly looking at the map. If we do one M, we do both. We have M and M. We really can't say well, we're okay with the M-1 but no M-2.

Mrs. Blackburn: Correct.

Mr. Coen: So, its... you know, if you're looking at the map and you see little blue dots either up near Quantico, down near the Fauquier line, down near King George, anywhere on there, by-right people could come in and put a hotel.

Mrs. Blackburn: Yes sir.

Mr. Coen: Okay, thank you.

Mr. Apicella: Other questions? Okay, seeing none I'm going to open the public hearing on this item. If anyone would like to come forward and speak on it, same ground rules as before. 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 for discussion and deliberation. Anyone? Mr. Coen?

Mr. Coen: I'm not comfortable with this. I understand where they're coming from. I just think there's just way too many parcels that weigh different areas and we would have no say, as Mr. Apicella said, of what type of hotel we're getting; it just would be done by-right. And looking at where some of those blue dots are makes me a little leery. So, if nobody's jumping, I'm going to move for denial.

Mr. Apicella: Is there a second?

Mrs. Vanuch: I'll second it. Can I comment also?

Mr. Apicella: Yes.

Mrs. Vanuch: Okay. I just want to echo Tom's comments and, you know, at first when I looked at this I'm thinking okay, maybe no big deal. But then after kind of hearing the digression of the conversation,

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I'm a little concerned about not having any input on the potential hotels, and I'm really concerned why they just can't submit a conditional use permit. I guess I don't understand that. So, anyway, that's my comments.

Mr. Apicella: Any other comments? Okay, I think you kind of heard where I'm coming from. I also have concerns about the lack of any input into what it might look like, and I don't necessarily think a CUP is overly burdensome, especially for a hotel because it's not a cheap endeavor. And I think sometimes in at least a CUP process we actually help the applicant be successful and when sometimes they may not be. I don't have any problems with the parking piece and, unfortunately, they've lumped the two pieces together. We don't have any discretion here to make changes; it's kind of a take it or leave it. So, I hope it's kind of a sign post in the future that we have some discretion on these kind of ordinance changes to allow us to make specific recommended changes because I would have hoped we could have passed part of it if we weren't in favor of all of it. But that's not the case. So, with that in mind, there's a motion to deny. Please cast your votes. Mr. Rhodes?

Mr. Rhodes: I'm not allowed to vote.

Mr. Apicella: Would you like to borrow mine? Okay, the motion to deny passes by 6 to 1 (*Mr. Boswell voted no*). Thank you Mrs. Blackburn. 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)** **(History: Deferred on August 24, 2016 to September 28, 2016)**

Mr. Harvey: Mr. Chairman, for item number 6, please recognize Kathy Baker again.

Ms. Baker: I will recap; this is unfinished business, 1348 Courthouse Road Retail reclassification request. As a reminder, the property is located on Courthouse Road, just east of the intersection with Stafford Avenue. There's an existing residential home on the lot that is no longer... it's now vacant. There was a public hearing on this application on July 13th and it was deferred to your August 24th meeting, where you all had some discussions with the applicant. Several of the items that were raised from your public hearing were addressed with revised proffers and a Generalized Development Plan at that meeting. This is the actual Generalized Development Plan. They're proposing a 9,100 square-foot retail store, specifically a Dollar General. You'll see the location to the left of the property line, the entrance onto Courthouse Road opposite of Stafford Elementary School. These are the proposed elevations, the Dollar General front of the property up in your top left-hand corner. And this was just a recap of your land use designation being in a Targeted Growth Area where you see the hatch in the tan area. The star indicates the property location. And then this is from your Comprehensive Plan, the Courthouse Planning Area, again showing the location with the star being within a mixed use residential land commercial mixed use area. So, at your last meeting there was a vote for this project; there was a tie vote so it did not move forward. So, with the subsequent motion for deferral, it was deferred to this meeting so no changes have been made to the application since you last saw it. There was, however, one proffer that was changed during your discussion that was submitted in the written format and that is in your proffers. So it wasn't a change since the meeting, but that change was incorporated from the

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meeting time. The applicant is here if you have additional questions, and I'll be happy to answer questions as well.

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

Mr. English: Kathy, did the school ever respond back to us in writing about this that you know of? Or Jeff?

Ms. Baker: Just via email from the school's division. After we met with them, that was no new information; that's what they had submitted prior to your last meeting.

Mr. English: Okay.

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: I just wanted... if you could pull up the map again just so that I can get my visual; the one of the actual parcel via a vi... I hate that phrase, I'm sorry... in relation to the next one that you had, with the entrances directly across from Stafford Elementary School. Do I have it correctly? Yeah, okay. And the cut-through to the next parcel where there's a house, as you're looking at the screen over to the right, that's still immediately... fairly immediately after the entrance, correct? I mean, there hasn't been any change.

Ms. Baker: That has not been modified, no.

Mr. Coen: The 8.6 million that are watching us know where it is.

Mr. Apicella: Eighty-six million.

Mr. Coen: Well, I think there's a baseball game on tonight.

Mrs. Vanuch: My husband did text and say that's he's watching, so that's at least one viewer. And your mom, that's two.

Mr. Apicella: Any other questions? Mrs. Vanuch?

Mrs. Vanuch: I don't know... again, I don't know that this is a question. I just have lots of comments. So, I actually reached out to the Sheriff's Office here in Stafford County to ask about some of the traffic and accident and ticket reporting on that specific section, from Stafford Avenue onto Courthouse Road. And just in the last year alone there's been 16 traffic stops resulting in 9 summons and 7 warnings, 8 accidents with 2 involving injuries. So, I know last time when I voted no for the project, traffic was a major concern of mine and it continues to be. I went to Brooke Point High School and I see how the kids fly down that road. I am very, very concerned about the left turn traffic for a school bus to be turning into the elementary school, the left turn traffic to possibly be turning into the Dollar General location, and what that would do to impede the traffic flow for the school buses getting into the school, people getting off of Stafford Avenue, backing the traffic up into Courthouse intersection. So, I stay very concerned about that and really think that, you know, with the changes coming to the Courthouse Area, you know, I think changes like this should be... we should wait until the roads are improved. The second comment I that I have a little paper on everybody's desk to look at the Small Area Plan for the Courthouse Area. I know Kathy mentioned it in her presentation but the red dot there shows that based on the work that we've come up with in the Comprehensive Plan, it should be mixed use commercial

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and it's rated for high residential. And, you know, as I kind of look all of the neighborhoods and all the development that, you know, may be proposed to us in the future and we have a few areas where we are targeting this growth, and this is one of those for the high residential. And with the road improvements, this is an area that could potentially handle it. So, I'm very concerned about just doing one rezoning on one property and only looking at the small picture instead of looking at the large area plan. And I think as planners, that's our job is to look at the whole picture. And I would challenge each of the Commissioners to kind of think about what they want that area to look like and should we be accepting ordinance changes, rezoning changes, one property at a time outside of the small area plan. Anyway, those are my comments.

Mr. Apicella: Mr. English, if I may impose on you since you work during your day job for the Sheriff's Department, can you kind of give us some context to the accident information that Mrs. Vanuch mentioned?

Mr. English: What she's saying about that area, that's kind of moderately high for that area. And it is high volume traffic in the area, especially in the morning... during the morning with the school times; I'd say between 7 and at least 9:30 is high. And then it's a high volume of traffic again around 2 o'clock and it runs until 5. So, it is moderately high for that area, those stats.

Mr. Apicella: Okay. You were going to ask a question, I'm sorry, I stopped you.

Mr. English: No, that was it.

Mrs. Vanuch: I was just going to comment we tried to get someone from the Sheriff's Office to come but, with the storm, everybody was sort of busy with all the flooding and the traffic.

Mr. Apicella: Okay. I've got basically a follow-up question from what Mrs. Vanuch said about the small area plan. So, I guess we don't have a specific insight into that parcel. But where was the entryway into that specific parcel? Was it also directly across from Stafford Elementary School?

Ms. Baker: I'm sorry, you're talking existing entrance?

Mr. Apicella: So, that area was designated for high residential and mixed use development. And so my question would be, if that's the case, when the small area plan was developed, where was... where does the plan or where does staff envision the entrance to that so-called high residential development, mixed use development going to be?

Ms. Baker: Actually, I did not include the actual redevelopment... the plan that was done with... what am I saying... the small area plan. It shows a grid pattern of streets and there was no specific entrance to this parcel, but it showed the grid pattern basically coming from the street extending from the existing -- let me go back to this. It's easier to see on this. So, from Stafford Avenue and extending on straight down was a proposal for one of the street grids to be in that location. Again, it didn't specify where your entrances would be, but a logical entrance could be on that proposed future street extension if it is (inaudible).

Mr. Apicella: It's probably unlikely though that the entrance into this parcel or section would have come directly across from the school. I guess I'm putting words in your mouth. Let me take another shot at this. Can you pull up the GDP? Okay, now I'm looking at the school entryway and exit point. Can you help me understand -- and this is what causes me a little bit of concern as I take another look at this -- you've got certain times of the day when buses are trying to get out of Stafford Elementary

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School and they're going to turn left, right? Some buses will turn left, some buses will turn right. For those buses that are turning left, and a car or cars that are also wanting to turn into the site, do you see a potential conflict?

Ms. Baker: I'm sure you're going to have a conflict anytime you have two different vehicles making turns.

Mr. Apicella: Well, it's more than two vehicles. Normally what happens at a school is you've got more than one bus; you have a line of buses and also cars. I don't know whether cars actually come into or go out of that site, maybe somebody could help me. My concern is, again, you've got cars wanting to turn left into the parcel. You've got buses and perhaps other cars also wanting to turn left. And that's going to cause a... unlike the high schools, where somebody gets out onto the road and helps direct traffic, you don't normally get that with elementary schools. And the reason is because, again, they want to move buses out of the school because a lot of times those buses are used more than once. So, I'm trying to remember -- does anybody know what time the elementary schools get out? Okay, and do we think those buses are used a second time?

Mr. English: You've got to consider, too, you've got Stafford Middle School on that road and you've got high school on that road too, so there's more buses...

Mr. Rhodes: They stagger their departure.

Mr. English: Right.

Mr. Rhodes: So, one is leaving, then the middle school is leaving, then the elementary school is leaving.

Mr. English: Plus then you've got high school and then you've got high school traffic.

Mr. Apicella: I'm just... I'm looking... my concern is the totality of traffic on Courthouse Road, cars that are wanting to turn left into this parcel because it's directly across from the elementary school, and buses that also want to turn left at the same time. And what kind of traffic problem that's going to create, not for the site, but for the school who's got a mission to get their students out of the elementary school. So, I know I'm kind of throwing this at you at the last minute, but it causes me some concern.

Ms. Baker: Again, I'm not sure the question. I think I'm going to have to defer to Mr. Harvey because I don't quite understand. I mean, yes, there's going to be a conflict; there's always a conflict when you have different vehicles turning in different entrances. Yes you have bus traffic coming out here. Do you want me to say yes, it's a potential conflict? Yes, it is. Just like any other intersection that you're going to have entrances that are aligned...

Mr. Apicella: Well, we don't have a lot of entrances, we don't have a lot of commercial parcels where a school is directly across from it, as far as I know in Stafford County.

Mr. Rhodes: But it's not... conversely, it's not like it is a high volume commercial prospect. It's a Dollar General Store; they're not large square-footage, high capacity. This is one of... we don't have very many well-developed 4-lane roads in all of Stafford County. This is one of the few roads we have that actually has capacity to it and shoulders and curbing. So, if it's not good here, it's... yeah, that's the counter part that I have a little trouble wrestling with.

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Mr. Apicella: I wouldn't normally raise it if it were just a normal set of circumstances. My concern is the school. But, by the same token, the school system had an opportunity to comment and they didn't raise these issues. So, I'm just throwing it out there for, you know, potential thought if and when this moves to the Board of Supervisors.

Mr. English: My concern has been all along, you've got Stafford Avenue just down from that, plus you've got the school and you've got the Dollar General, and then you've got the fire department's training ground. So you've got everything kind of clustered in there, and then you have no traffic light. And then, put on top of that, you've got a funeral coming out of there, a funeral going on, you know, you don't know what time that's going to be. And again, I just think you're just going to have a big mess adding... it's a problem now and I think we're just... personally I think compounding it by putting a business in that area, it's just compounding the problems. It's a problem already and that's how I feel. Trust me, I'm pro-business; I love businesses, but I just don't feel like no business should be in that intersection unless a light or something is there or everything can come out in a four-way or something.

Mr. Apicella: Mr. Coen?

Mr. Coen: I'm just asking two quick questions to you Kathy, just to make life a little easier. First of all, in the small area plan, I believe Mr. Harvey told me that the concept was yes indeed that there'd be an access road, that the entities would not be coming in and off of Courthouse Road.

Ms. Baker: That's the intent, to have a grid system, yes.

Mr. Coen: Okay. And then, secondly, the one element of the small planning area is to have a lot of green space between the businesses and Courthouse Road so that we can have a pleasant pathway, so it's sort of enjoyable. You know, that's sort of the mindset of that whole concept that they came up with, correct?

Ms. Baker: That is part of it, yes.

Mr. Coen: Thanks.

Mr. Apicella: Anyone else? Okay, thank you Ms. Baker. Applicant please?

Ms. Karnes: Good evening Mr. Chairman, Planning Commissioners, and staff. My name is Debrarae Karnes; I'm an attorney and a land use planner with Leming and Healy and I am here representing the applicant. This application proposes a rezoning from residential to commercial in a manner that's consistent with the Comprehensive Plan. Specifically, the Comprehensive Plan calls for the development you described, but it also contains an interim strategy provision that envisions parcels developing at lower density before the complete small plan is enacted. What we've got here is a proposal for a building that is less than 10,000 square feet and therefore is not a heavy traffic generation at all. In response to Mr. Apicella's inquiries at earlier meetings, we drastically proffered out any use that could be seen as generating higher traffic; more than 600 vehicle trips per day. I think I sat back there and counted the uses proffered out; I counted 47 uses. That's unheard of. So, when you evaluate this application, this is the rubric if you will I suggest. If not this use, what use do you envision on this property before the entire Courthouse Development Area is proposed? One suggestion I would look at is whether the entrance meets VDOT goals. In this case, VDOT approved the entrance based on the traffic generation factor and it even issued an access management exception because they preferred the entrance across from the elementary school. They did not see the need for any kind of other mitigation measures. At the last meeting, I offered additional proffers, as authorized by the applicant. In

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recognition of the fact that the busiest time for the school is before 9:30 in the morning and between 3 and 4 in the afternoon, we... we provided new times for trash pickup. And so now trash pickup cannot occur before 9:30 and it cannot occur between the times of 3 and 4. Now, remember I talked about the amount of traffic. Unlike schools, a Dollar General Store generates an equal amount of traffic throughout the day. So we're not talking many vehicle trips. This is a very small use, a low traffic-generating use, and I submit to you the applicant has gone above and beyond in providing proffers that exclude the majority of available uses in B-2. Also, consistent with the Courthouse Redevelopment Area, there are excellent architectural renderings proffered. I'll be happy to answer any questions you have. I think you guys have debated it and have shown tremendous interest in the planning process. But, at the end of the day, I submit this is not a use that provides much impact and is the best use at this time for this site. I'll be happy to answer any questions.

Mr. Apicella: Questions for the applicant? Okay, thank you. I'll bring it back to the Commission.

Mrs. Bailey: Mr. Chairman, I'm going to make a recommendation to approve RC16151104.

Mr. Apicella: Okay, there's a motion recommending approval of the reclassification. Is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Okay, thank you Mr. Rhodes. Any further comment Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman. I do appreciate the applicant's patience and their willingness to work with staff and the Commission on this project. As we've reiterated, the parcel lies within the UDA, the Courthouse RDA, and is in a Targeted Growth Area which calls for the potential for high density and mixed use development, which could definitely occur there. VDOT's confirmed that the existing transportation infrastructure is sufficient to support the proposed use. The subject parcel is limited to the type of development due to the size of the parcel and due to the topography, not to mention the parcel that the County owns that abuts it to the rear. So there's very limited use to that and even any of the adjoining properties down the road there. I'm very sensitive to the concerns raised over potential traffic issues. There's probably not a road that you go down anymore in Stafford County, including gravel roads, where you don't have traffic issues where the roads are probably not wide enough or there's congestion or there's accidents or there's something that goes on. Unfortunately, we live in a state where you have to prove the use sometimes before the roads are built. If you waited for builds to be built in the State of Virginia, we would have probably no development going on whatsoever. I don't necessarily like it that way, but that just tends to be the way that it is. The applicant has gone above and beyond to mitigate the impacts of the traffic. A Dollar General Store will not have 30 or 40 people pulling in and out of there at any given time. I've actually sat and watched. I've driven by a number of them. So, even though a Dollar General Store has become more and more popular, I just don't think that it's that high impact use. I'd rather see that there than a high density mixed use right there across from the school, which could possibly happen even with the grid of, you know, putting in a grid of street work. We do know though that we have transportation improvements that will be in place, and they will be built. We've got Stafford Avenue, the extension for that, we've got the Courthouse redesign for the interchange, and the Courthouse intersection road improvement. That in itself is going to make a lot of change to Courthouse Road per se right there across from the school. The Courthouse Redevelopment is a wonderful plan and I do hope one day that we do have the Courthouse Redevelopment in that area. But, since its inception, I haven't seen a whole lot done with that and I don't see any incentives for that currently. I don't see grants, I don't see that at all. So, I don't want to tie the hands of a property owner over something like that. And so, basically, for those reasons, I'm in support.

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Mr. Apicella: Thank you Mrs. Bailey. Mr. Rhodes?

Mr. Rhodes: Ah, yes, Mr. Chairman. I would just submit I think there've been some good commentary, good efforts by the applicant to address things of the Planning Commission. I think there have been some great suggestions by the Planning Commission to make this a better application. And I think, at this point, it's about where it can get to and reasonable enough to go forward. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Any other comments? Mr. Coen?

Mr. Coen: Yeah, as I did with my good friend, Mr. English, I'll have to disagree with my friend Mrs. Bailey. While I appreciate the work that the applicant has done and staff has done, from its inception I've had major concerns about this. I think, and without stating any viewpoints about VDOT, having the entrance directly across from Stafford Elementary School will be problematic during the times of day that the students are let out. Especially since it is not the norm to have crossing guards and staff members standing out in the road as is accustomed in other schools. I think that the idea that, sticking with the schools, whilst we had some verbal communication with staff from the schools at our last meeting that we talked about this, we do have one written communication. And that was emailed by Dr. Benson. And Dr. Benson wrote that it was against the viewpoint of the school system to put this and approve this. I believe his phraseology was he didn't want a repeat of Moncure Elementary School, which is sort of, you know, a lot of commercial around a school. And from what I understand with talking to my School Board member and another School Board member, there was a subsequent memo that reiterated that. It may well be that they felt that since he sent something in writing, that superseded something that a staff member may have said verbally. But I think that they have made it very clear that they're not in favor of this because of the impact on the schools. The traffic, to quote my good friend Mr. English, I think he used the term, it's a general traffic mess in that area, and having driven on that quite frequently, it is a general traffic mess. And I'm very leery to adding to a mess. In relation to the small area plan, as it was stated tonight, it's for mixed use; this is not. Then it's supposed to have an access road so there is not traffic coming off of Courthouse Road; this does not. It's supposed to have ample green space which this does not. So it doesn't go with that. And while it... I guess there's a difference between having a plan and wanting to see it come to fruition and then just saying, well, eventually. I mean, I think the phrase used by somebody was "until the plan gets enacted." Well, the problem with that is if we put a bunch of stuff in and then when we go to enact it, it's going to be well, we can't enact it because all these things are there already. So, it sort of negates the whole idea of having a plan. So, I think that that's a problem. And Mrs. Vanuch made a comment on this because she's the most recent one who's gone to our training. But if I remember our training when we went to be a Planning Commissioner, one of the things that the gentleman kept stressing to us is public safety. That we need to be, when we're doing our job, we need to be looking at public safety. And so then I look at this and say yes, I understand where they're coming from; I understand what they want to do. But I have great concerns, given the number of accidents, given riding on that road several times a day, given that there's no turn lane to get into this that people are going to be stopping in the fast lane on the left-hand side to, you know, you're going to zoom up there thinking it's clear and then all of a sudden you have to stop because somebody's making a left-hand turn and they can't make it because traffic's coming the other way, that we are just opening up something that is not for public safety. And if that is one of our guiding tenants as a Commissioner, I don't feel that I can, in good conscious, say I'm going to go along with something that I believe is bad for public safety.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: I'll just quickly comment. I made most of my comments previously, but I will reiterate one of the comments that Commissioner Coen mentioned. And in the training they do stress public

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safety. And sometimes it's really hard to look at an individual property owner and make a decision that may not necessarily benefit them, but it's for the better good of the public. And then I think when I look at our job as Planning Commissioners, sometimes one of the hardest things to do is, you know, take the broader good of the public and ensure that we're doing the right thing. And I can't vote for this in support of the public good because of the public safety concerns that I have. Now, by 2020, when this road is finished and there may be some of these safety concerns are rectified, the decision could be different. But, for right now, that's my thoughts.

Mr. Apicella: Okay, I don't see anyone else commenting. I'm where I was before, somewhat conflicted on this. I agree with comments made both from those who support it and those who oppose it. I think there will potentially be some traffic problems, especially in terms of the alignment of the entrance of this site with the immediate alignment with Stafford Elementary School. On the other hand, I think a good question was asked by the applicant's agent -- if not this, then what? I think the applicant went to great effort to try to minimize what could actually occur on this site, so we're talking about at max 600 vehicle trips per day. Unfortunately, we can't necessarily shape when that happens throughout the whole day and so there's some uncertainty there. It is proposed for a mixed use development which does include commercial; it's not the entire portion of what's been proposed for the small area plan. I'm not quite convinced that what the specific purpose is, identified here, makes a lot of sense in that particular parcel, but that's not for us to decide. At the end of the day, we have to strike the right balance. I'm not quite sure what that is in this case, but I'm going to go ahead and support the motion as I did last time. So, with that in mind, please cast your vote. Okay, the motion carries 4-3 (*Mrs. Vanuch, Mr. English, Mr. Coen voted no*). Thank you. Mr. Harvey, next item?

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

7. Comprehensive Revisions of Sign Regulations

Mr. Harvey: Thank you Mr. Chairman. Since there's no New Business, the next item is the Planning Director's Report. I'll note that there's three Ordinance amendments that have been referred to the Planning Commission from the Board of Supervisors. The first one is the comprehensive revisions to our Sign Ordinance. There's a Supreme Court case that occurred last year, about a year ago, that changed the view of how free speech is determined with signage. And basically our Sign Ordinance has some conflicts. The Board had established a committee and worked on this with staff, and they've referred it to the Planning Commission. There is a short time fuse on it so I'll note to the Commissioners that we've advertised it in advance for your meeting on October the 12th. There's also a proposed overlay zone that was referred to the Commission called the Integrated Corporate and Technology Park Overlay District. That would potentially apply to significant corporate office parks. It would be designed to allow some more flexibility in uses. And then also, the third Ordinance amendment was dealing with cemeteries. Currently, our County Code is out of sync with State Code and needs to be amended, and this would resolve some of those issues, especially dealing with establishing new cemeteries. And that concludes my report.

Mr. Apicella: Thank you Mr. Harvey. Mrs. Vanuch, you mentioned that you might have some thoughts about the Cemetery Ordinance?

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Mrs. Vanuch: I did. You know, in looking at these as we got the Planning Director's Report ahead of time, I think Cemetery Ordinances, or any change in an ordinance like this when their outside of conformance of State Code, can be very complex and there's many considerations that need to be taken into account. So, I think this is a particular Ordinance change that I'd like to have a subcommittee created so that we could review the Ordinance changes and make any edits necessary. And then also allow an opportunity for constituents in the County to come to the meetings and engage and comment as well. So, if you're supportive of that, that's one of the things that I would really like to be on.

Mr. Apicella: Mr. Harvey, what's our time on this?

Mr. Harvey: Mr. Chairman, it came under normal referral so the Commission has a hundred days to schedule a public hearing and make a recommendation.

Mr. Apicella: So, we do have time to create a subcommittee and have them...

Mr. Harvey: Yes sir.

Mr. Apicella: ... take a look at it and make some recommendations. Well, you know what happens when you make a recommendation Mrs. Vanuch, sometimes you get tasked being the person who has to lead that specific recommendation. So, I think a subcommittee might be well in order, especially in the context that you mentioned. It's eliminating the entire Cemetery Ordinance and proposing a replacement. So, I'd like for you to serve as the Chair.

Mrs. Vanuch: Okay.

Mr. Apicella: And as I look across the dias here, I think the two other people I think that have the most A-1 or cemeteries probably would be Mr. Coen and Mr. English. So, I would appoint you as well to the subcommittee. So, without objections, I'd like to proceed forward in that manner. Okay?

Mrs. Vanuch: Good.

Mr. Coen: Certainly.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yeah, just a quick question. If we were going to try to do a public hearing, I know we only have one meeting in November, so if we wanted to do a public hearing in November to get this to the Supervisors before the end of the year, when would the subcommittee need to come back with something in order so you could schedule it?

Mr. Harvey: Mr. Coen, it would depend on if the full Commission would be willing to accept whatever the committee recommended to go to public hearing, or it has to come back to the full Commission first. Because looking at the meeting dates for October, we are into the 12th and the 26th. So, the 26th would be the meeting date you would have to have the committee come back to the Commission to authorize a November public hearing. I'm sorry, I was just corrected. Because of the time limit in between, it wouldn't work for November. So, unless it comes back to the next Commission meeting on the 12th with a committee recommendation, the Commission would need to be willing to accept whatever the committee refers out as the authorized for public hearing.

Mr. Apicella: Also, one option would be to ask the Board for a little bit more time.

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Mr. Coen: But staff's already been looking at this because, if I read everything correctly, the Supervisors were sort of mulling this over anyways. So this isn't something brand new. So, do you think that the subcommittee could meet and do something before, you know, and get it to us on the 12th and then we could approve a public hearing in November?

Mr. Harvey: Mr. Coen, it's up to the committee meeting schedule; whenever you want to meet we're available.

Mrs. Vanuch: Yeah, so, I guess my only question would be, so when do we need to be able to publicize that to be able to notify folks that they can attend the subcommittee meeting? Like, so if we came up with a date tomorrow, not the meeting tomorrow but came up with a date tomorrow for it to maybe be like next Tuesday, let's say, how many days out does it need to be? What are we required to advertise?

Mr. Harvey: Typically, it requires five days. Three days? Three business days' notice.

Mrs. Vanuch: Three business. Okay, so let's say if we got a date to you tomorrow, Friday, Saturday, Monday, so...

Mr. Coen: Three business days, so Monday, Tuesday, Wednesday.

Mrs. Vanuch: Okay.

Mr. Coen: Right? Or Friday, Monday, Tuesday.

Mrs. Vanuch: Right, so Wednesday.

Mr. Apicella: So, from the three members who are going to sit on the subcommittee, do you see that as doable to get us a product by October 12th?

Mrs. Vanuch: I think so.

Mr. Apicella: Okay. Well, we'll see where you are again. Worst case scenario we can always go back to the Board and hope and pray that they give us more time if it's required.

Mrs. Vanuch: Okay, okay.

Mr. Apicella: Any other comments? Okay, thank you Mr. Harvey. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

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

COMMITTEE REPORTS

Mr. Apicella: Thank you. I don't think we have any committees. I don't have anything under Chairman's Report. It looks like our TRC has been cancelled; no new TRCs. No minutes. And with no further business, I call this meeting adjourned.

CHAIRMAN'S REPORT

OTHER BUSINESS

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8. TRC Information - October 12, 2016 - Cancelled

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:58 p.m.