

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**October 12, 2016**

The meeting of the Stafford County Planning Commission of Wednesday, October 12, 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, Hornung, Blackburn, Doolittle, Sugg

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Seeing none, are there any changes to the agenda?

Mr. English: Mr. Chairman, I have one. Item number 5, the applicant would like to ask for a deferral to our next meeting in October.

Mr. Apicella: Mr. Harvey, is that something we need to vote on or can we just proceed forward?

Mr. Harvey: Mr. Chairman, I believe you can go ahead and modify your agenda based on the request we got from the applicant.

Mr. Apicella: Okay. So, without objection, we're going to remove item 6 from the agenda tonight. Five. I can't count, sorry. Okay. It's not 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 opportunity to comment on each one of those as they come up. Please state your name and address before you start your comments, and address the Commission as a whole. You have 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left. And when you see the red light, please wrap up your comments. So, if anyone is interested in the very large audience we have today, please come forward. Okay, seeing no one, I'm going to close the public comment portion of the meeting. Mr. Harvey, item 1?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. COM16151389; Comprehensive Plan Compliance Review - Telecom Tower, T-Mobile Northeast at Staffordboro Blvd Moncure Water Tower - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of telecommunication antennas on an existing water tower, including ancillary equipment, on Tax Map Parcel No. 21-65J (77 Staffordboro Blvd), located northwest of the intersection of Staffordboro Blvd. and Juggins Road Connector, within the Griffis-Widewater Election District. **(Time Limit: December 11, 2016)**

Mr. Harvey: Thank you Mr. Chairman. If we could, please recognize Andrea Hornung for the presentation.

*Planning Commission Minutes*  
*October 12, 2016*

Mrs. Hornung: Good evening Mr. Chairman and members of the Commission. The first item on your agenda is the Comp Plan Compliance Review, 16151389. This request is to review compliance with the Comprehensive Plan in accordance with the Virginia Code Section 15.2-2232, for placement of telecommunication antennas on an existing water tower, including the ancillary equipment. And it is on Tax Map Parcel 21-65J at Staffordboro Boulevard, at the intersection of Staffordboro and Juggins Road. As I said, this request for the telecommunications antenna on the existing water tower is in the Griffis-Widewater Election District. The Stafford County Board of Supervisors is the owner, and the applicant/agent is Justin Blanset of T-Mobile Northeast, LLC. The maps that you see show the location; the white one to the left shows the existing location of the site. The site is actually the small square in the middle, which is... oops, thank you, I won't touch it anymore... it shows you the existing site which is in the middle of the Staffordboro/VDOT commuter lot. To the right you see the graphic which shows the aerial view of the existing water tower and the surrounding VDOT parking lot. Also, at the bottom of this graphic shows elevation views of the tower at road level. And another aerial view without the highlighted parcel. The existing zoning on this left graphic is R-3, which is high residential. You have the road that's in front of it is Juggins Road Connector, and then Staffordboro Boulevard to the south of this graphic. To the right shows the land use which is the surrounding land use is all suburban. These next graphics will show you the existing water tower with the antenna overlay on the top so you can see the view as if you're standing on the road. This is in the commuter lot, the VDOT commuter lot. This shows the antenna on top of the tower. Here's another view from some residential areas of the tower. And then this shows the antenna on top of the tower. Here's another antenna from the view of the commuter lot... I mean the tower. And then this shows the antenna on top of the tower, the water tower. As I said, the proposed installation will be nine panel antennas, two microwave dishes, and two hybrid sheaths that contain six power cords and 12 fiber tails inside each sheath, with two ½-inch coax cables for the microwave. The water tower is currently at 117 feet tall and about a million gallons. With these... the 15-foot high antennas will bring that up to about 132 to about 136 feet. The consultant had done a review as well and looked at the height being almost at 136. So, it'll be 132 to 136 and will not require any additional lighting. The equipment will be within the 10 x 20-foot area that's within this fenced in area compound. It also has a 50-foot access... or ingress/egress, which is through the commuter lot as well. This shows you the graphic of the site plan. The graphic to the left is pretty much an aerial view of the tower and the antenna that will be on the tower. And then the graphic to the right shows you a street view of the tower... I mean, sorry, water tank with the antenna on top of the tank. This is an existing service coverage map. And I did my best to put them on here so you could see the difference because it's minimal. You'll see below this U-shaped water body, there is light green. In the next graphic you'll see that will be filled in with the antenna. That's the major portion of this site that will be covered. So you can see a lot of the open areas, the lighter greens, are now darker green which means that coverage has been enhanced with the antenna. Here are some existing approved sites. In August, you approved Ferry Road. Last year you approved Austin Ridge, Stone River, and Embrey Mill for antenna on top of the water tanks. In evaluating this application, the request is consistent with the Telecommunications Plan in the Comprehensive Plan in which the location priorities are for colocation on existing buildings and structures; also locate on publicly owned lands, locate in overhead power line corridors, and also colocation of facilities on water towers, which is specified in the plan. The proposed coverage maps do confirm that the antenna will cover areas that are deficient, and the RF maximum permissible exposure analysis will also be maintained so to protect the surrounding and staff who are going to be working in that area. And there will be no impact to public safety communication system. Also, the County has a lease agreement as they do with all antennas on the water tank. It will also serve a potential tax revenue, and the reason for the installation and equipment, it would be within the water tank structure itself and also ensuring that the proposed facility will not exceed the amount of equipment that the structure can support. And on the technical aspects of the project and telecommunications in general will be taken care of. In summary, the positive aspects are that this proposed facility is consistent with siting priorities and design standards of the Telecommunications Plan Element of the

*Planning Commission Minutes*  
*October 12, 2016*

Comprehensive Plan. The proposed facility will not create a negative impact to County public safety communication systems, and the approval will result in enhanced coverage in the T-Mobile network system and help correct existing deficiencies. And there were no negative impacts found. Staff recommends that this request is substantially in accord with the Comprehensive Plan. Specifically, that priorities are to be given to colocation of facilities on water towers within major utility transmission lines and other existing suitable structures. I also added... I think this is a slow as my computer, unless I'm using the wrong button... the graphic to your left shows the current telecommunication tower map that we have in the County. I tried to take a portion of that which shows the Garrisonville in the purple to the right and the red, which is the Griffis-Widewater District. You can see the... I'm afraid to write on it also, I think I can write -- no I can't... I'm sorry. Okay, thank you. Anyway, I won't touch the graphic. In the right graphic I took a portion of this map to show... to enlarge the Griffis-Widewater that's in red adjacent to the Garrisonville. And then the graphic below which is the green area from our mapping. You see this little X on there? That is where this parcel is where the tower will be. So, by looking at the larger map to the left, you can see all the cellular towers that are in the vicinity. And in this area does not show any telecommunication towers that are existing. So, that helps solidify that installing the antenna on top of the water tower will help enhance the coverage in this area that is deficient. And, if you have any questions, I'll be happy to help answer those as best I can. We also have Justin Blanset here from T-Mobile to discuss anything on behalf of the applicant.

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

Mr. English: Mrs. Hornung, there's no antennas on that at present, right? Anything on the water at all?

Mrs. Hornung: No, I think that was just blurred pictures that I had because I was looking at them to make sure I didn't put a picture with an existing antenna.

Mr. English: And also, I think we've talked about this before, I just want to clarify. If somebody else wants to add to this, they can or, I mean, will there be space there for somebody else?

Mrs. Hornung: If there's space and they would have to come in with another application. If it's T-Mobile, this is specifically for T-Mobile.

Mr. English: And what about public service... I mean, public safety. Have they looked at about putting any antennas or anything on that?

Mrs. Hornung: Not to my knowledge.

Mr. English: Okay

Mrs. Hornung: But, whenever any of these requests come in, there's that availability that the County can install their antenna in that same area if they need it.

Mr. English: Okay, thank you.

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: Just a couple things. One, I had asked Mr. Harvey for this map and he was very awesome, as usual. No doubt you supplied and then he sent it to me.

Mrs. Hornung: I copied from him.

*Planning Commission Minutes  
October 12, 2016*

Mr. Coen: Cool. Would you be kind enough to send that to everybody so that for future cell phone items, everybody has the map so that we won't have to ask for it again?

Mrs. Hornung: Absolutely. I'll send it to you by email and also make copies for you so you can have a nice color copy.

Mr. Coen: Ah, thank you. And then, I'm curious because you said, you know, when Mr. English was asking about putting other cell towers or cell antenna up there, you said if there's room. So, just out of procedure, do we... when we go about this, do we put them up there with the envisionment that in theory there could be room for someone else? Or is it just sort of this is the optimum... you know, they ask for X, we stick in X and then if somebody comes in they say oh, well, there's no more room? I didn't think of that until Mr. English brought it up.

Mrs. Hornung: I believe that if other carriers, they would have to discuss that with T-Mobile if they would allow any other carriers. But I think it's primarily... this is primarily for T-Mobile and their antennas for their network. And if there's... like we discussed on the other ones, if there was room for additional antennas or other co-locators to be on that facility, they would still have to come through a Comp Plan Compliance as well.

Mr. Coen: (Inaudible - microphone not on) myself clearer, I mean, not necessarily going on their particular antenna. But on our tower we're going to let them put their antenna (inaudible), if somebody else comes in, if Verizon says hey, we want to put one up there too, they may not want to actually put it on T-Mobile's antenna but they want to put their own antenna up on the water tower. So, do we... I mean, (a) is that feasible, and (b) do we... just because they came in here first they get the optimum spot and then we say to Verizon, well too bad, you didn't come in fast enough. (Inaudible - microphone not on).

Mrs. Hornung: Right. I think we also discussed around the tank there is room for antennas as well. And it's probably staff of Utilities that will work with them to make that decision. Unless Mr. Harvey has additional information.

Mr. Harvey: Mrs. Hornung is correct. Some of the considerations would be the structural integrity of the water tank. And that's the County's primary purpose is to provide water. So, we wouldn't want to have any antennas mounted on the tank that would cause a structural problem. So that would be the first line of review that would have to occur. I'm sure T-Mobile has already done that with the Utilities Department for their application. If others were to locate on there, we'd have to evaluate for that purpose too. There's other technical issues with antenna placement. To minimize interference, there also has to be certain distance between antennas, and we'd have to see if that's feasible to fit something else up there.

Mr. Apicella: Thank you. Mr. English?

Mr. English: One more question, Mrs. Hornung. I'm just going to use this one here at the Courthouse, the Embrey Mill. That's got more than one antenna on it, correct? That's got T-Mobile and other antennas, correct? Are you aware?

Mrs. Hornung: I'm not aware of how many or who is located on there, but I do know that...

Mr. English: There's more than one.

*Planning Commission Minutes  
October 12, 2016*

Mrs. Hornung: ... the County had approved a Comp Plan Compliance for additional antenna on there.

Mr. English: And just one more question. And I don't know if you can even answer this or not, but if it was a need for public safety, that they needed to have that space and hey, there's no room, do they say okay, you guys have got to get off because public safety comes first. And I know we've got to provide water. Does public safety come ahead, if it's needed?

Mrs. Hornung: I would think public safety but I don't know. It might be some language that's in the lease that I'm not privy to what's in the lease that the County has with these carriers. Maybe Mr. Wisniewski has any information?

Mr. English: I knew I was going to get a question out of you.

Mr. Wisniewski: Sure, I get to start off quick here. As the owner of the water tower, we can control the provisions of the lease. I don't know if negotiations have already started or where that stands. But, as the owner of the tower, we can put in provisions to accommodate safety concerns or other kinds of concerns.

Mr. English: Thank you. Thank you.

Mr. Apicella: Any other questions? Okay, seeing none, thank you Mrs. Hornung. Will the applicant come forward?

Mr. Blanset: Good evening, my name is Justin Blanset. I'm from Network Building and Consulting, here on behalf of T-Mobile. T-Mobile, as you heard from staff, has identified a need for additional coverage and capacity in the area by the VDOT commuter lot on Staffordboro Boulevard. The coverage map that you saw shows part of the equation, which is where T-Mobile currently has a level of coverage. And just to give you some basic idea of what those colors on that map mean, the lightest green is if you're sitting in your car or standing outside, you could probably make a phone call. And the progressively darker colors of green show a more robust signal, a higher bandwidth signal. The darkest color green meaning inside a large heavy commercial building you would still have an effective data high speed connection. You also see here, down to the southeast of the proposed site...

Mr. Harvey: Computer please.

Mr. Blanset: ... you'll see here, there's an existing site that's within relatively close proximity of the site. That site has sort of reached the capacity of how much it can serve. And there are some T-Mobile users who are experiencing connectivity issues during peak hours even though they're covered, because there are not enough channels basically, not enough connections with the phones. So, this site will help to alleviate those issues as well in that high density area. The selection near the VDOT commuter lot is also not an accident. We all know that now you jump in your car, you throw on your GPS, google maps or iMaps or what have you and that uses a large amount of data as well. So this site is designed to address multiple issues, coverage and capacity in the area. I wanted to address one issue that also came up with staff which was the discrepancy about the height. We had encountered some discrepancies in our records when we were designing the site simply because they went out there and they laser measured the site, with a small light tool. You can't really get somebody on top of the site to do a tape drop and there were some internal discussion about where exactly that measurement had been taken due to the slope at the top of the water tank. So, the final design, and I don't have the documents in front of me because they have not been out to fully survey the site, but the final design will likely be the mount goes 15 feet above whatever that top height of the... the very tip top of the tank is, and then the antennas

*Planning Commission Minutes  
October 12, 2016*

hang with their centers on those mounts. So, an 8-foot antenna, which is the largest antenna we're proposing, the very top of that antenna would be 19 feet above the top of the tank. That's all that I have but I'm more than happy to answer any questions that anybody has, any aspect to the site or the proposal in general.

Mr. Apicella: Questions for the applicant? Okay, thank you.

Mr. Blanset: Thank you.

Mr. Apicella: I'll now open the public hearing on this matter. 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. 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. So, if anyone is interested, please come forward now. Okay, seeing no one, I'll close the public hearing and bring it back to the Commission.

Mr. Boswell: Yeah, Mr. Chairman, based on our past history of approving cell towers on top of water towers and based on staff's recommendation and no public outcry against it, I'm going to move to approve COM16151389.

Mr. Rhodes: Second.

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

Mr. Boswell: No sir.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Okay, there's a motion on the floor. Please cast your vote. Okay, motion to approve carries 7-0. Thank you very much. Mr. Harvey, next item?

2. Amendment to the Zoning Ordinance - Proposed Ordinance O16-21 would amend the Zoning Ordinance to remove content-based provisions pertaining to the regulations of signs and establish new County-wide comprehensive sign regulations. The new regulations would prescribe the area and height of signs and the material from which signs are made, define which signs are permanent or temporary, establish display time limits for temporary signs, and establish when a sign display permit is required. **(Time Limit: November 6, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The next item will be presented by Susan Blackburn.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, the item on the agenda is to consider proposed amendments to the County Code, Article VIII, Signs, which is Section 28-121 through Section 28-140. And it is regarding the type of signs designated for certain use such as, but not limited to, subdivisions, shopping centers, churches, Critical Resource Protection Areas, schools, and political signs. Staff had been working on amendments to the sign ordinance by various requests from FABA and citizens who just thought it needed some tweaking and needed some changes. And during that time, the Supreme Court Case, *Reed v. Town of Gilbert Arizona* was heard and decided. And the decision was

*Planning Commission Minutes*  
*October 12, 2016*

that signs cannot be regulated due to content. And that was such an eye opener, to say the least, that the Virginia Local Government Attorney's Association assisted the localities by drafting an ordinance that was to be in compliance with the Supreme Court decision. And the proposed ordinance before you is a version of... it was current County regulations taken from the attorney's draft ordinance and recommendations by the subcommittee which was Ms. Sellers and Mr. Milde. And the big changes from the Supreme Court decision was that a sign ordinance cannot regulate signs by the content. And this includes shopping center signs, place of worship signs, school, subdivision, home occupation, model home, Critical Resource Protection Area, anywhere that we had by this particular use, this was how the sign was going to be regulated was no longer permitted. And we had changes in the ordinance that... what you have before you... we've not designated them by a specific zoning district. We have lumped them residential districts, commercial districts, office, industrial, and planned development. And they are also designated as permanent or temporary. And we further define types of signs by adding more definitions so people knew what they were dealing with, and that was some of the recommendations from the attorney's ordinance. And we also prohibited material for permanent signs like cloth and canvas. Vinyl, paper, cardboard, and plywood is also included in the ordinance that you cannot use that for a permanent sign. And the potential process changes we have included are permits are not needed for temporary signs, permits are required for window signs, we are allowing electronic message signs in residential and agricultural districts only for non-residential uses, i.e., schools and churches, because they use them quite often. So, but they are non-residential use that ends up in our residential districts. So that was one way how we were able to address that. And we also are allowing deviation in size and height of signs if you permit a comprehensive sign package, and that needs to be approved by a conditional use permit.

Mr. English: Can I ask you one question?

Mrs. Blackburn: Yes sir.

Mr. English: You said permits required for window signs. Would that be if somebody had an open and closed sign and it's lighted, they have to have a permit for that? Or is that going in further?

Mrs. Blackburn: Well, we get into some other things. Flashing signs are not permitted. So, if it says open, it's not permitted. We were more thinking of the... mm-hmm; if it doesn't flash, that's a different story. Yes?

Mr. English: What if it's LED and it's bright, and well there's a sign over here, I know right here at the cleaners, they've got electric sign that's LED and then it changes constantly in the window. So that wouldn't be permitted or they would be grandfathered?

Mrs. Blackburn: We would have to look at that and see exactly how it fits into all of this when this is finally adopted. It's going to be a learning experience for all of us. We have been very used to dealing with the conventional way sign ordinance have been permitted.

Mr. Apicella: I'm going to ask sort of the same question, which is, again, if somebody has an existing sign that's outside the new parameters, are they effectively grandfathered in as a non-conforming use? And to what extent would they have to go or could they make changes?

Mrs. Blackburn: I think legal can answer that.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Wisniewski: Mr. Chairman, if we wanted to get into the details of the non-conforming uses that relates to signs, I suggest that we go into closed session as it involves some fairly sensitive attorney-client privileged information.

Mr. English: I make a motion then.

Mr. Apicella: Okay, well we have some specific language. Do we have a copy of...? I'll tell you what, before we do that, can we allow... can we just finish the presentation?

Mr. Wisniewski: I have basic language for when she's done with her presentation.

Mrs. Blackburn: Okay. The subcommittee suggestions, as I said was Ms. Sellers and Mr. Milde, they wanted to set a uniform standard for temporary signs. And we have put that in the ordinance at a maximum of 32 square feet and 8 feet in height. And they also wanted to allow certain numbers of signs; and it would be up to 3 temporary signs per parcel at any one time for a maximum of 60 days twice a year. They are prohibiting... we are prohibiting signs painted on walls.

Mr. Boswell: Question.

Mrs. Blackburn: Yes sir?

Mr. Boswell: A commercial building can no longer paint anything on the side of the building, is that what you're... or on the front or wherever they might?

Mrs. Blackburn: If it is considered a sign. The new definition of a sign: any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area, or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include public art, architectural elements incorporated into the style or function of a building, or flags of any nation, state, or other geo-political entity not related to a commercial business, product, or service. The term sign also does not include the display of merchandise for sale on the site of the display.

Mr. Boswell: Okay. So, when you say public art, say for instance the Mexican restaurant on 610 that has a lot of artwork on the outside of it, they can paint as they wish as long as they don't... I guess my question would be can they put their name on there is what I'm asking.

Mrs. Blackburn: Well, the public art definition, items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas. That would end up, again, we would have to look at it. We would have to run it through all these new regulations just to find out exactly how it fit in and what parameters we would use in things like that.

Mr. Apicella: So, just to be clear, when you say we have to look at it, the Zoning office would be looking at these?

Mrs. Blackburn: I'm sorry, yes, in conjunction with legal.

Mr. Apicella: Do we have enough staff to be able to police this?

*Planning Commission Minutes  
October 12, 2016*

Mr. Boswell: There's a lot of unknowns in this it seems like. I mean, you're saying it could be a case-by-case basis on a lot of things.

Mrs. Blackburn: Well, I think the unknown is more of our familiarity with the ordinance. I don't think that it's so unknown that the ordinance is weak. I think it's just making sure that we understand what the new rules are and being more familiar with them. Let's see, we were doing electronic message signs. We're going to limit the size of window signs such that the opaque portion of the sign cannot cover more than 25% of the window, and they will require permits. And allow up to 4 signs on the front of a building, and it will be up to 70% of allowable signage. Or, one sign on the front of a tenant space of a building, and up to 2 signs on each of the other walls, 30% of the remaining allowable signage. So, a building would be allowed to have 4 signs on the front for 70% of the signage allowed, and then up to 2 signs on each side of the building which would be the remaining 30%. And we have changed the method of calculating sign area and hopefully have made it easier. And staff does recommend approval. We have removed content based provisions, we've clarified the method of calculating sign area, we allow for deviations from sign size and heights in a comprehensive sign package approved by conditional use permit, we've consolidated sign regulations into four types -- but I think it's five types -- of zoning categories, we have rules for temporary signs, and we have specific requirements for permits and enforcement of regulations. And do we have any more questions?

Mr. Apicella: Questions for staff?

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

Mrs. Blackburn: Mr. Harvey is more familiar with that.

Mr. Harvey: Commissioner Vanuch, other localities in Virginia have modified their ordinance. They're not necessarily the same as what we've come up with here.

Mr. Apicella: Mr. Coen?

Mr. Coen: Just one quick question, back to where you said electrical signs are allowed for non-residential uses in agricultural district. But, so does that... well it says non-residential uses and you said schools and churches. But couldn't that be businesses as well?

Mrs. Blackburn: Yes. Any non-residential use that is in an agricultural or residential district would be allowed to have an electronic message sign.

Mrs. Vanuch: So... could I ask one more question?

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: So, what about like a horse farm who has like a sign that says boarding available, horse lessons, training? Even if it's A-1 and it's a business, could they then keep those signs and advertise in front?

Mrs. Blackburn: Potentially yes.

Mrs. Vanuch: Potentially.

Mr. Apicella: Other questions? Mr. Coen?

*Planning Commission Minutes  
October 12, 2016*

Mr. Coen: Yes, if...

Mr. Apicella: I've got some questions before we go into closed session.

Mr. Coen: I will be quiet.

Mr. Apicella: So, a couple of questions. This appears to go beyond just issues of content.

Mrs. Blackburn: Yes, yes.

Mr. Apicella: Okay. And so how are these specific changes that go beyond content established or proposed?

Mrs. Blackburn: They were primarily recommended by the subcommittee and also from recommendations from the attorney's draft document in just, you know, what really needs to be done with the sign ordinance. So, it was a combination really of all three of those. The condition from the Supreme Court and then...

Mr. Apicella: Oh, I can understand the Supreme Court. But from what I gather, the Supreme Court's decision affects content and this goes, again, beyond the scope of content. It's regulating where signs can be placed or not placed, and the size of those signs. So, that's what I'm trying to get at. So, when something is beyond just the scope of the Supreme Court's ruling, you've indicated that the attorney's group had some input. Did the attorney's group speak to those kinds of issues, beyond content sort of issues? I'm just trying to figure out where... I appreciate the work of the subcommittee; I'm just trying to get at, okay, so for example, the 70% (inaudible).

Mrs. Blackburn: The 70%... the percentages came from the subcommittee.

Mr. Apicella: Okay.

Mrs. Blackburn: Okay. Part of what was presented in the attorney's document was to add more definitions, to eliminate the contact base sign... content base sign regulation, to make sure you provide specific requirements for permits, specify which signs do not require permits, and one of theirs was to allow the deviations through a CUP process as opposed to a variance.

Mr. Apicella: So do we... so, for those changes in the proposed ordinance that go beyond content, and they even go beyond the specific things that you mentioned, what did the subcommittee use to inform the specific size, locations, and other non-content related provisions in the revised ordinance?

Mrs. Blackburn: Mr. Harvey handled most of these committee meetings.

Mr. Harvey: Mr. Chairman, for the most part when the ordinance was drafted, we looked at our current zoning classifications and the size. In other words, square footage allowance that the districts have. We tried to mirror that and roll it into this new draft. However, the issue about the percentage of sign area that can be on the front of the building and the remaining sides was, again, something that the committee discussed and felt... in their mind they felt that it was important. They wanted to make sure that the scale of the sign was in proportion to the size of the building. And they felt by having a 70/30 split so to speak that that spoke more towards the sizes of the signs being in scale with the building. They also wanted to ensure that the front of the building where the people enter had higher prominence and more importance for signage.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: Thank you Mr. Harvey. Now, as I recall, we just approved a sign-related change. How were those changes incorporated into this draft?

Mrs. Blackburn: Well, we are allowing a larger percentage of signage on the rear of buildings with the, you know, the number of percentages. As far as the comparison between the two, I really don't know. I will have to get that information back to you.

Mr. Apicella: So, two more points of information that you can verify. The first thing is, there's a time limit here.

Mrs. Blackburn: Yes.

Mr. Apicella: And we would have to, based on the November 6 deadline, really makes this an issue we have to decide by the next meeting on October 26, is that correct?

Mrs. Blackburn: Yes sir.

Mr. Apicella: And the second thing is, the referral from the Board of Supervisors did not allow us to make any changes; so it's just an up or down vote on what's in front of us.

Mrs. Blackburn: Yes sir, you can make recommendations.

Mr. Apicella: Okay. Mr. Coen?

Mr. Coen: Real quickly, before we go to... you go to public, did I read this correctly that you've all included political signs in this as well?

Mrs. Blackburn: Yes.

Mr. Coen: And they'll be classified as temporary.

Mrs. Blackburn: Yes sir.

Mr. Coen: And, correct me if I'm wrong... you can just say you're wrong... but basically signs for any political campaign can be up 60 days, either prior to the day or one or two days after the, say the primary or the general election. But then after that they have to be taken down or else there'll be a fine assessed.

Mrs. Blackburn: I violation can be noticed, yes.

Mr. Coen: Okay. And so, if you or, you know, Mr. Harvey was having a sign in his yard for Kanye West for President in 2020, he would not be allowed to put that in his yard because that would be in violation of the general election in 2020 because it's up 4 years early.

Mrs. Blackburn: He would be allowed to have a temporary sign.

Mr. Coen: Right, for 60 days then he has to take it down.

Mrs. Blackburn: Yes, for 60 days, yes.

Mr. Coen: Well, but is the wording 60 days before the election or just 60 days?

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Harvey: No Mr. Coen, it does not reference election. It's 60 days and that pertains to all temporary signs, whether it's a coming soon sign or a sale, 30-day sale or something like that.

Mr. Coen: Right. But as far as politically, you're allowed to have it up 60 days and, in Virginia, since primaries are either in March for Presidential elections or June for, you know, local or whatever, and the November election, you would have to take down the signs between a primary and a general election for fear of having somebody issue some type of restriction there upon you.

Mrs. Blackburn: Yes sir.

Mr. Coen: Okay, thank you.

Mr. Apicella: Mr. English?

Mr. English: One question. Does that also include the signs that builders... up and down the road when there's an open house?

Mrs. Blackburn: Those would be considered temporary signs.

Mr. English: Temporary signs. Okay, thank you.

Mr. Boswell: I want to ask another, too; it's probably already in there.

Mr. Apicella: Mr. Boswell?

Mr. Boswell: But what about the for sale signs for real estate? Was that addressed in there? You're going to put a sign in front of your house that it's for sale.

Mrs. Blackburn: It's a temporary sign.

Mr. Boswell: So, you can only have it up for 60 days?

Mrs. Blackburn: Oh, let's see.

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

Mr. Boswell: That's what I'm saying.

Mr. Apicella: Sixty-one days it's out of there.

Mr. Boswell: Right.

Mr. Coen: Well then you take it down a day and you put it back up the next day.

Mr. Boswell: I thought that was addressed in there that you can only do it, what, twice a year or something?

Mr. Harvey: Two 60-day periods for a year.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Boswell: Right, right. And I can tell you some houses have been on the market for a long time. Alright.

Mr. Apicella: So, it seems to me, Mrs. Blackburn, that the biggest constituency, aside from a homeowner who might want to put a for sale sign, is the business community. I'm curious what kind of outreach there was with the business community and what, if any, input was derived from those outreach sessions.

Mr. Harvey: Mr. Chairman, there was no specific invitation to business community members. It's all been discussed in open public meetings to this point.

Mr. Apicella: So, the only way that the business community or anybody who is a potential stakeholder impacted by these changes is just by the advertisement in the paper that the sign ordinance was up for...?

Mr. Harvey: That and meeting agendas that are posted online.

Mr. Apicella: Okay, any further questions for staff? Mr. Coen? Oh, sorry. We're going to go ahead and move to open the public hearing on this matter. Thank you Mrs. Blackburn. 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. Please state your name and address when the green light comes on. The yellow light indicates you have 1 minute left, and the red light means you need to quickly wrap up your comments. If anyone's interested in coming forward, please do so now.

Mr. Miller: Good evening, my name is Bruce Miller. I'm representing Stafford American Legion Post 290 tonight at this meeting. I'm a little nervous so I'll try to slow down and get my points in. We are building a new building on Mountain View Road, most of you know, many of you know. And part of our building plans is to incorporate signage into our new building. One of the suggestions is that we want to do a changeable LED type sign and I don't know what the new ordinance proposes as far as limitations and sign are height, display intensity, and that is a concern for us. Also, we would like to have a sign on the building and we don't know what the regulations are going to allow for that. So I'd like to see that. The devils are always in the details and I just haven't seen any details. So that's all I have.

Mr. Apicella: Thank you sir.

Mr. Miller: Thank you.

Mr. Apicella: Anyone else? Okay, is there any interest in keeping the public hearing open on this item?

Mr. English: Yeah, I would.

Mr. Apicella: Yes, okay. So, I won't close the public hearing, but is there anything that you want to offer up Mr. Coen?

Mr. Coen: Yes sir. I would like to make a motion for a closed meeting to consult with counsel to discuss legal advice regarding issues related to item number 2, the sign ordinance, pursuant to Virginia Code 2.2-3711(a)(7) as such discussions may occur in close meeting.

Mrs. Vanuch: I'll second.

***Planning Commission Minutes  
October 12, 2016***

Mr. Apicella: Thank you Mr. Coen. It's been seconded by Mrs. Vanuch. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mrs. Vanuch? Anyone else? Okay, there's a motion to go into closed session. Cast your vote. You obviously have a special clicker. Okay, motion to go into closed session passes 7-0. We'll return as soon as we're done with our closed session. Thank you.

*CLOSED SESSION: 7:17 - 7:44*

Mr. Apicella: I call this meeting back into session. Mr. Coen?

Mr. Coen: Yes sir. I make a motion to certify that discussions held in closed meeting only pertained to legal advice pursuant to Virginia Code Section 2.2-3711(a)(7).

Mr. Apicella: Is there a second?

Mr. English: Second.

Mr. Apicella: Okay. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. English?

Mr. English: No sir.

Mr. Apicella: Anyone else? Okay, please cast your vote. Okay, motion approved. I'll just point out that for the moment, the public hearing is still open so I'm going to ask the Commission its will.

Mr. English: On the public hearing?

Mr. Apicella: Well, first we have to decide what we're doing about the public hearing.

Mr. English: Okay, I make a motion that we keep the public hearing open on the proposed Ordinance O16-21.

Mr. Boswell: Second.

Mr. Apicella: Okay. I'm not sure that we need to take a motion... do we need to take a motion?

Mr. Wisniewski: To close the public hearing.

Mr. English: To keep it open.

Mr. Wisniewski: Oh, to keep it open?

Mr. Apicella: Right.

*Planning Commission Minutes  
October 12, 2016*

Mr. Wisniewski: If you're deferring...

Mr. Apicella: We haven't gotten there yet. For the moment, we're just keeping the public hearing open.

Mr. Wisniewski: I don't think it's necessary to make a motion, as long as it hasn't been closed.

Mr. Apicella: Okay. So, just to clarify, we're going to keep the public hearing open. What action would the Board like to take... the Commission like to take on this matter?

Mr. English: I make a motion that we defer to our next meeting on proposed Ordinance O16-21.

Mr. Boswell: Second.

Mr. Apicella: To October 26?

Mr. English: October 26.

Mr. Apicella: Okay, thanks for the clarification Mr. English. Did you second that Mr. Boswell?

Mr. Boswell: Yes.

Mr. Apicella: Any further comment Mr. English?

Mr. English: No sir.

Mr. Apicella: Any further comment Mr. Boswell?

Mr. Boswell: No.

Mr. Apicella: Anyone else? I would just say that there are potentially some issues here that the Commission is concerned about. And I think it would be helpful if the Commission got a side-by-side comparison of the current ordinance as it exists today and immediately on the right-hand side the same language that is commensurate with the language on the left-hand side. I don't know if I'm making sense. So we can see what's truly being changed and what's staying the same. Any other thoughts about what we might ask staff to provide to help us make a decision at the next meeting?

Mr. Coen: It might be helpful, Mr. Chairman, if we had sort of delineation of what elements were specifically related to the Supreme Court case and what really aren't related specifically to the Supreme Court case.

Mr. Apicella: So, you're saying content versus... I'm not sure what the other word would be but...

Mr. Coen: Right. Everything else.

Mr. Apicella: Everything else. Okay, any other suggestions for staff? Okay, so there's a motion to defer until the October 26 meeting. Please cast your vote. Okay, the motion to defer carries 7-0. Thank you Mrs. Blackburn. Okay, the next couple of items are deferred. We also took off the agenda tonight the item on Westlake, so the next item up is item... what was item 6, Granville Estates. Mr. Harvey?

UNFINISHED BUSINESS

*Planning Commission Minutes*  
*October 12, 2016*

3. 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) (History: Deferred on September 28, 2016 to October 26, 2016)**
4. 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) (History: Deferred on September 28, 2016 to October 26, 2016)**

NEW BUSINESS

5. WAI16151476; Subdivision Waiver - Westlake - A request for a waiver from Stafford County Code, Sec. 22-6(3), "Vesting of rights," to allow an extension to the expiration date for the preliminary subdivision plan. The property, Tax Map Parcel Nos. 35-20, 35-20A, 35-21, 35-31 (portion), and 35-32A (portion), is zoned R-1, Suburban Residential Zoning District and R-2, Urban Residential – Medium Density Zoning District and consists of 492.13 acres, located on the south side of Warrenton Road between Richards Ferry Road and Cedar Grove Road, within the Hartwood Election District.
6. WAI16151477; Subdivision Waiver - Granville Estates - A request for a waiver from Stafford County Code, Sec. 22-151, "Reverse frontage," for the Granville Estates cluster subdivision plan. The Granville Estates plan is a Construction Plan for 50 single-family cluster residential lots on Tax Map Parcel No. 46-74A, zoned A-1, Agricultural Zoning District on 232.93 acres, located on Potomac Run Road, south of Eskimo Hill Road, north of Leeland Road, within the Falmouth Election District.

Mr. Harvey: Thank you Mr. Chairman. If you'll recognize Mr. Sugg for the presentation.

Mr. Sugg: Good evening Mr. Chairman and members of the Commission. Item 6 is a request for a reverse frontage waiver for Granville Estates. Next slide please. The project is located on Assessor's Parcel 46-74A. The size of the parcel is 232.93 acres, zoned A-1, in the Falmouth Election District, and is located on Potomac Run Road, south of Eskimo Hill Road, north of Leeland Road. The applicant is seeking a waiver of the Subdivision Ordinance, Section 22-151, Reverse frontage, for use of a private ingress/egress easement internal to the subdivision to access 6 lots that front on Potomac Run Road. The applicant is proposing a cluster subdivision plan, number AP 16151353, for 50 single-family detached lots. Per the Subdivision Ordinance, Section 22-151, "Any development of a residential subdivision adjacent to a public street that has been classified by the Virginia Department of Transportation as a primary, collector, or arterial road shall contain reverse frontage lots, except in cases where the agent has determined the lots have a specific disadvantage of lot orientation or topography; provided, however, that adequate emergency service access from the collector or arterial road into the subdivision shall be accommodated and all lots fronting on the primary, collector, or arterial roads provide shared driveways for every 2 lots. The determination by the agent shall be in writing and in

***Planning Commission Minutes  
October 12, 2016***

response to a written request submitted by the subdivider.” Potomac Run Road is classified by VDOT as a collector road and required to have reverse frontage or, as an exception, shared driveways for no more than 2 lots per drive. Due to the location of an RPA feature and steep grades on this portion of the site, the applicant believes reverse frontage onto a public street is not feasible. The applicant further asserts that shared driveways along the frontage of these lots will create an increased accident potential along Potomac Run Road. Exhibit A shows the original submission of the project and the original design layout. As an alternative to a local public street or shared driveway accessing directly onto Potomac Run, the applicant is requesting the approval of a private ingress/egress easement internal to the subdivision to access the 6 lots fronting along Potomac Run Road. The approximate layout of the access drive is detailed on Exhibit B. Exhibit B shows the private access drive allows for 6 lots to be accessed internally to the subdivision which eliminates the accident potential on Potomac Run Road, which is the intent of this code section. Exhibit C is another layout with an internal road where 1 lot is lost. And Exhibit D...

Mr. Apicella: Well, what is Exhibit C telling me?

Mr. Sugg: Exhibit C is showing if they did have the internal road to, I believe, VDOT standards that they would lose a lot with this exhibit or this layout.

Mr. Apicella: So, tell me... I apologize, I don't quite understand or know what reverse frontage means. So, can you show me on Exhibit C how this complies or what the road portion that is commensurate with reverse frontage, or the definition of reverse frontage?

Mr. Sugg: I'm not sure... can you repeat your question for me again please?

Mr. Apicella: So, the issue here is the requirement when a subdivision is abutting a... collector road?

Mr. Sugg: Yes.

Mr. Apicella: ... has to have reverse frontage, and I don't know what that is.

Mr. Sugg: Okay. Reverse frontage, it's basically they want an internal road to... for these homes or these lots to be able to access versus accessing from the main collector road, which would be Potomac Run Road. So, they want to...

Mr. Apicella: A long, I'll call it a spine road? Which is the road that fits that definition? Is it the long road or the cul-de-sac?

Mr. Sugg: The cul-de-sac would be the reverse frontage road.

Mr. Rhodes: Or on B it would have been that other long spine road.

Mr. Harvey: No. Under our definition of reverse frontage, it specifies that the access has to come from a local street, which is a public street. Not off an easement which is shown in this exhibit. That's part of the waiver request by the applicant.

Mr. Rhodes: Because that is not a street?

Mr. Harvey: Correct.

*Planning Commission Minutes  
October 12, 2016*

Mr. Rhodes: Okay.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yeah, now I question because you said for your visual... you don't have to change it... but for B, we have numerous lots. But then when you said we move to C, they would lose 1 lot. So does that infer that in B they are not putting homes on all those other lots that they haven't put the little orange squares on?

Mr. Sugg: My understanding is...

Mr. Rhodes: Those are long rectangular lots.

Mr. Coen: Right, I got that. I'm just asking if they are going to put homes on those.

Mr. Rhodes: But they've got a home on every one of them. They go all the way from Potomac Run to the backside.

Mr. Coen: Correct. So that... but not on B, right. So the visual on B does not show any lots... any homes on lots 3, 4, 5... or 1, 2, 3, 4, 5.

Mr. Rhodes: No, it's on the front; it's on the bottom side of the road there.

Mr. Coen: Okay, so their lot would go all the way up through where the driveway would be.

Mr. Apicella: Their lots would be bisected by a road.

Mr. Coen: Okay. So then the next question would be, have they given you any idea what the lot sizes are for B and then for C?

Mr. Sugg: I do not have that information...

Mr. Coen: Okay, thank you.

Mr. Sugg: ... but the engineer is here to answer any technical or specific questions.

Mrs. Bailey: So, I have a question Mr. Apicella.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: So, the road in Exhibit C, is that then still an ingress/egress private easement?

Mr. Sugg: I believe C is the public road layout versus B which is the ingress/egress.

Mrs. Bailey: Okay

Mr. Apicella: So, B is what they're asking for?

Mr. Sugg: Yes, correct.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: And C is what (inaudible - microphone not on).

Mr. Sugg: Is a potential option.

Mrs. Vanuch: So then I have a lot of questions.

Mrs. Bailey: And then one more question, if I could. So, with the Exhibit B ingress/egress, who would be maintaining the access easement road?

Mr. Sugg: I believe, and the engineer may be able to best answer that, but I believe it will be the homeowners along that ingress/egress that are maintaining it.

Mrs. Bailey: Okay, thank you.

Mrs. Vanuch: So if they're... I just want to make sure I'm clear of this... so, if they're in charge of the maintenance, that means they're going to be in charge of the gravel, black-topping, paving, because it won't be part of the VDOT standards. And the reason I'm bringing this up is because a neighborhood in my district had this happen to them and ultimately the County wouldn't approve it and they needed... the land needed to be brought up to VDOT standards which the developer never did. This isn't really that part of the story, but, long story short, they never brought it to VDOT standards and the residents have spent the last 40 years maintaining the road. And it's in dire straits right now because the homeowners move, there's no HOA to require the maintenance there. You know, you couldn't require one HOA that's off the road, like the houses over on the left side of this depiction to pay for maintenance that's going to be on the other road. So, I'm just curious how you guys are going to enforce that because I don't think you can enforce the residents to maintain the road. So then it turns into a County issue later down the road because people can't get in, they can't get out, the school buses won't go down there, they can't get their mail down that road either. So, where's that going to happen?

Mr. Harvey: Yes, Commissioner Vanuch, in many of these cases, the property owner records a maintenance agreement that would be binding on all the lots affected by the road, the private road. But that would be enforceable amongst the property owners; the County would not be involved as you indicated. Also, as you indicated, normally school bus service doesn't go down those roads. Mail service wouldn't go down those roads either. In fact, under today's standards, the Post Office requires gang-boxes for mail service. They no longer, in many subdivisions, allow you to have a mailbox on your lot. So, they'd probably end up having a mailbox close to the intersection of that private road and the public road in this diagram.

Mrs. Vanuch: And then also, I also see no turnaround. So, like trash pickup for example -- how would a trash truck get down there? How would they be able to enforce like if other neighbors wanted to pull on that road and park? Since it's technically a private easement for those residents, I just see a lot of potential conflicts with, hey this is our road, we have to pay to maintain it, you can't go on it, I don't want your trash truck on here, I don't want your utility truck, you have more FedEx packages than I do. I see a lot of potential issues and the fact that there's absolutely zero turnaround. So you get a big truck in there and how are you going to get it turned around? Even to build the houses. And then I guess my other question is, how wide is this road? Is it a 2-lane? Is it 12 feet? Is it 25 feet?

Mr. Sugg: I need to defer that question to the engineer.

Mr. Apicella: Okay. You still have more to present, I'm sorry.

***Planning Commission Minutes  
October 12, 2016***

Mr. Sugg: Yes, I can finish... I'm actually to the waiver request slide. Okay, and so the applicant formally requests the Planning Commission consider the waiver request per Section 22-241(a), Authority to grant, which states "*Where permitted, one or more of the minimum requirements established under this chapter may be waived by the planning commission, upon assurance of the subdivider that each of the following have been met: (1) The minimum requirement, if applied to the proposed subdivision, would impose an unreasonable burden upon the subdivider. (2) The granting of such a waiver will have no substantially adverse effect on the future resident of the proposed subdivision, nor upon any property adjoining such proposed subdivision.*"

Mr. Apicella: Further questions for staff? Okay, whatever slide helps us figure this out. Where is the RPA on this parcel?

Mr. Harvey: Mr. Chairman, I believe the Resource Protection Area is the dark green on the image. There are some additional wetlands that show up in light blue, and then a symbolled marker. There are some wetlands in the bottom left-hand corner of the image.

Mr. Apicella: Okay. So, when... can you pull up C? So, I'm not seeing here how the RPA is preventing the applicant from meeting the requirement. In fact, it shows me that they can meet the requirement.

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

Mr. Apicella: Right, but the RPA is really not an issue, as I look at this.

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

Mr. Apicella: I gotcha, I'm just saying. I'm just trying to clarify, when I look at option C, I'm not seeing that the RPA by itself is a reason why they can't meet the requirement. The requirement, the reverse frontage requirement. That's countywide right? So lots of folks, lots of developers, builders, have had to meet this requirement in various subdivisions throughout Stafford County. And presumably there's a reason why this requirement exists, right?

Mr. Sugg: Right.

Mr. Apicella: I can't... do you know the last time someone's come in with a request to get a waiver from a reversed frontage requirement?

Mr. Sugg: I believe we had a recent submission for Spartan Oaks.

Mr. Harvey: That was for a private access easement, not reverse frontage.

Mr. Sugg: Okay, right.

Mr. Apicella: Okay, can you tell me more again about the cluster subdivision? How many total lots?

Mr. Sugg: Fifty.

Mr. Apicella: Fifty.

Mr. Sugg: Yes.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: Okay. Fifty if they met the requirement or 51?

Mr. Sugg: It's 50 and I believe it would... if they lose a lot, it would be 49.

Mr. Apicella: Okay. And if they had to go with Exhibit C, that approach, that does not preclude them from continuing forward with a cluster subdivision.

Mr. Sugg: It does not.

Mr. Apicella: So, the bottom line here, the issue revolves around 1 lot. For the record can you just say yes?

Mr. Sugg: Yes.

Mr. Harvey: Mr. Chairman, I would recommend that you hear the applicant's engineer speak to what the issue is, because the code stipulates that essentially the applicant's got to convince the Commission that the regulations are unreasonable. At this point in time, staff doesn't have enough information to be able to give you a recommendation on that. Plus, because the burden of proof is on them to convince the Commission, staff normally doesn't make a recommendation.

Mr. Apicella: Understand. But my earlier question was to the issue of kind of adjudicating reasonableness in the context of other similarly situated subdivisions have met this requirement and haven't come forward with a waiver request. Okay. Any other questions? Alright, thanks so much. Would the applicant like to come forward?

Mr. Reese: I'm not sure I would like to come forward after that. Good evening Mr. Chairman, members of the Commission, my name is Bruce Reese. I'm with Legacy Engineering and I'm representing the owner and developer of the property. This is a little unusual in that it's got a lot of frontage on a public road that we can't take advantage of; and so that's why we're coming to you asking for the ability to waive this reverse frontage requirement. We looked at it more as an ally and, to your point, we have absolutely no problem adding turnaround. We had just... this was a sketch to show you what we intended to do, not necessarily what the final design would be. The pavement would be typically less than a road pavement which, in this particular case is going to be 22 feet. We're going to be coming in around 18 feet on this width. It will be maintained by all the property owners, and there will be a Homeowner's Association here. This is going to be community drainfields. So, it's not that this Homeowner's Association is ever going to go away; it's going to be here forever because it... all of the homeowners are going to depend on them staying intact. As far as the RPA, because we don't want to puncture that RPA any more often than we have, and we've only punctured it that one time to get into the site, if... under normal circumstances we probably would have come in with multiple roads off of Potomac Run, which has issues with it in itself. So, our idea was let's maintain a minimum connection to Potomac Run Road, the main road coming in, and not have multiple roads coming in to accommodate more lots. I can tell you that this site is not developed to its maximum capacity. It's 234 acres; 130 acres or so is open space. By just the math, we could have had up to 77 lots. Obviously there are constraints that prevented us from doing that. But this hasn't been pushed as hard as it probably could have been, but the loss of a lot is a loss of a lot. And, again, we would hope that our goal would be where we have the opportunity to develop in a location like this, maximize that development to the extent that we can. I'd be happy to answer any specific questions.

Mr. Apicella: Questions? Mrs. Vanuch?

*Planning Commission Minutes*  
*October 12, 2016*

Mrs. Vanuch: You just mentioned that you guys weren't, you know, using... you said it could be used up to 77 lots. So, why can't you find another lot somewhere else outside of that street so that way you can build the street out like in option B.

Mr. Reese: Environmental constraints. There's floodplain and there is RPA.

Mrs. Vanuch: So then technically you couldn't get 77 lots.

Mr. Reese: No.

Mrs. Vanuch: And so 50 is the maximum you could obtain.

Mr. Reese: Yes.

Mrs. Vanuch: Even by... just because of the way that the land goes.

Mr. Reese: Yes ma'am. And the lots in question are right at 1.5 acres. So, simply the dedication of a road is going to reduce the area that we have. And if you look at all the lots, there are very few that are over 1.5 acres; there may be one that's 1.6, 1.7, but most of the lots are right at the minimum area, 1.5 acres.

Mr. English: Sir?

Mr. Apicella: Mr. English?

Mr. English: So, lots 5, 4, 3, 2, and 1 will not be developed, correct?

Mr. Reese: Oh yeah.

Mr. English: They can be.

Mr. Apicella: Each one of those units are actually on those lots.

Mr. Reese: The house is at the bottom.

Mr. Apicella: It's just the way that the road... it kind of splits right through the lots.

Mr. Rhodes: The top part of it becomes almost not usable portion or not really (inaudible).

Mr. English: That's confusing; okay.

Mr. Reese: And so, from that standpoint, comparing B to C, C requires that we build that road literally right down the middle. And so it's going to have a bigger footprint on the environment than the option of B, which is the shared driveway.

Mr. Apicella: Really? Because I've got to be honest, I didn't see that in Exhibit C.

Mr. English: Throw that C back up again.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: Can we see C again? In fact, the lots are, from the homeowners' perspective, it's much more palatable; Exhibit C.

Mr. Rhodes: I think the case you're trying to make is that that will be wide; that will be an actual state road so it will be a quality road and it'll cost more to make. And it will have more asphalt and other things so I guess you could say that would have more of an impact on the environment than others. But when you look at the other... I think the key point, when you look at the other part of the waiver where it says the impact to future homeowners on the properties. You know, it won't have an undue impact to the future homeowners of the property, and I think it does.

Mrs. Vanuch: I was going to say, I disagree wholeheartedly just because I live near a neighborhood and I have seen the residents fight over who's going to maintain the road. And then when they found out it had been deeded to public use, they were appalled that they actually were required to. So, it's a little bit different than this particular issue in the fact that it's a public road but they were told that it was private all that time. And then you had one neighborhood... one neighbor could essentially try to shut it down and say even though, you know, unless they had deeded access, you know, you have to work through that. And I just think you're going to have major issues. And it does put a lot of burden on the residents because ultimately they have to pay for it and they are responsible for maintaining it. So, if the HOA goes belly up, which happens all the time -- I lived in a neighborhood at one point in my life where the HOA did go bankrupt and then the residents were trying to figure out how to pay for things. So then you have the residents that could pick up having to plow and I think the major thing to me is they're impacted massively by the school buses, not being able to go down the road. The burden of like trash trucks, heavy trucks which are going to go down that road, and then the residents ultimately... it deteriorates them very quickly, especially if they're not paved to VDOT standards. And are you guys even going to pave it? At all?

Mr. Reese: Yes.

Mrs. Vanuch: And so is it going to be paved up to VDOT standards, because you mentioned it's going to be 18 feet wide so that wouldn't meet the standard.

Mr. Reese: We think it's important enough to avoid these connections onto Potomac Run that we would pave it to a VDOT standard. I don't think that's going to be a problem. I don't know what the school bus policy is, but I doubt they go down every cul-de-sac. So, I'm not sure that a school bus would have gone down this cul-de-sac even if it were a public road.

Mrs. Vanuch: Yeah, and I don't think that they can now.

Mr. Apicella: Mr. Coen?

Mrs. Vanuch: What if a house catches on fire? Is a fire truck going to be able to go down... what if the one, if you went to the other one, the one in the very end, whew, that very end, lot 1, if that house caught on fire, can a fire truck get down there and stage...?

Mr. Reese: Yes, a fire truck can get down there. And the other advantage is that Potomac Run Road is within a hundred feet of that house. So, if need be, they could fight that fire from Potomac Run Road.

Mrs. Vanuch: Through the trees though? They have to get all their equipment through the trees, because aren't there trees on the front?

*Planning Commission Minutes  
October 12, 2016*

Mr. Reese: We hope to leave trees there, yes.

Mrs. Vanuch: I don't think the fire department is going to go through the trees.

Mr. Coen: Yeah, just a couple quick questions. In looking at the map, which I appreciate that we received here... I also see that Southern View Drive in your development goes out and hits Eskimo Hill; (a) I guess that's just a 2-lane road, you know, one way each way?

Mr. Reese: Well, there's already a dedicated road to our property (inaudible).

Mr. Coen: Right, that's why I'm saying, is it a... right. So, the people in the latter part of the development can be going out that anyways.

Mr. Reese: Yes.

Mr. Coen: Right, okay. Secondly, in looking at Attachment 2 in our packet, which is online, it has I believe the topography lines on it... and I'm not sure if we can pull that up or not... but do I understand correctly that the topography for lots, basically the split in half lots 1 through 7... basically 1 through 6, when the people are looking at that, that drops off pretty precipitously around the houses?

Mr. Reese: Yes.

Mr. Coen: Okay. Whereas, if we look at it the way you came up with it, the better part of lot 4 is the part where the people really can't use because it's not dropping off; it's over on the other side of this road that you're proposing to put in. Correct? I mean, the flatter section is between the road and the RPV, correct?

Mr. Reese: Let me find exactly lot 4.

Mr. Coen: Well, basically it's 1, 2, 3, and 4. I mean, this is pretty flat where these have a drop-off, correct?

Mr. Reese: Lots 1, 2... 1 and 2 are going to be difficult lots.

Mr. Coen: So there all pretty bad lots.

Mr. Reese: They're challenging lots.

Mr. Coen: Okay. That's right, the polite word of challenging. And then, so I guess my one question is for this is that the desire to go from B to C, what size are the lots in B?

Mr. Reese: The lots in B are literally exactly 1.5 acres.

Mr. Coen: Okay, and then in C?

Mr. Reese: They're going to be slightly larger than that because the area of the road... so, take those 6 lots times 1.5 acres, whatever that comes to, and then subtract the area of the road which is going to be approximately 7, 8 tenths of an acre, and then divide that by the 6.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Coen: Okay. And basically either version is fairly close... I mean, the B version is close to what the existing lots are up in, you know, off of Southern Drive which exits in the Eskimo Hill, right?

Mr. Reese: Yes.

Mr. Coen: I mean, the whole thing is, so it's not as though we're going from a 3-acre lot to a 1-acre lot. We're basically just (inaudible) over 1 to 1-point something, correct?

Mr. Reese: One and a half... each lot will be at least 1½ acres.

Mr. Coen: Alright, thank you sir.

Mrs. Bailey: Mr. Apicella, I did have a question.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: For the lots 1 through 5, what's the potential benefit to the homeowner to have that road going through their lot like that? Is there a benefit to the homeowner?

Mr. Reese: Pardon?

Mrs. Bailey: Is there a benefit to the homeowner?

Mr. Reese: Well, we think the benefit is that they don't have to have direct access out onto Potomac Run Road.

Mrs. Bailey: Which they wouldn't have anyway.

Mr. Coen: Right.

Mr. Reese: Well, I'm not sure that there's anything that precludes having shared driveways onto Potomac Run Road.

Mr. Apicella: I thought... I'm going to jump in, I'm sorry...

Mrs. Bailey: Go ahead.

Mr. Apicella: ... because I asked this question at a different point in time to Mr. Harvey. There was the opportunity to go to the agent, who is Mr. Harvey, to get relief directly by doing some changes to the layout. Can you tell us why that didn't happen or why that wouldn't work here?

Mr. Harvey: Well, Mr. Apicella, Exhibit A shows the proposal that would... could be allowed administratively. It would have shared driveways between the lots. It's kind of difficult to see but there are shared driveways between the lots that front on the road. Knowing that that segment of road is very steep and the speed limit is 45 miles an hour. You can get up a high rate of speed going down the hill. It can potentially cause traffic accidents. So that's where I had discussions with Mr. Reese about whether it would be appropriate to grant the administrative waiver because of the concerns about the traffic issues and conflicts between people turning into driveways and a high rate of speed on a steep hill.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: Right. And the reason I bring that up is because having direct access onto... Potomac Run? Potomac Creek?

Mr. Harvey: Yes, Potomac Run.

Mr. Apicella: Is really hypothetical and not feasible. If I were a homeowner, I wouldn't want to have direct access onto that road. So, we can say it but it's probably not going to happen. Is that true?

Mr. Reese: That would be a question for Mr. Harvey. We would have to ask for that variance and he would make that ruling. But the way we submitted the plans is exactly as you see on Exhibit A, which is three shared driveways with direct access onto Potomac Run Road.

Mr. Apicella: Right, but if that were going to work, you would do it. So, for whatever reason, you've chosen not to do it.

Mr. Reese: No, no, no. We don't think that's the best solution. We think the best solution is to not have that direct access onto those... onto that public road. Instead, have a shared driveway, like an ally, that those lots would share to get back out to the internal road.

Mr. Apicella: Right, but in any given situation, sir, every parcel in Stafford County is going to have issues with it; it's not going to be perfect, whether it's the lot itself or the ingress/egress onto the roadway. And this particular parcel seems to be one of those circumstances where while you might want to optimize your yield, there are certain things about the parcel that keep that from happening. Which is why you're here, because you want a waiver to maximize your yield. That's kind of the bottom line.

Mr. Rhodes: The benefit here, though, is that with Exhibit C they get a really quality layout that complements the rest of the development that they're making with state maintained roads throughout and so they've got a good alternative there.

Mr. Apicella: Right. But that doesn't require a waiver.

Mr. Rhodes: Right.

Mr. Apicella: So that's ultimately what I'm trying to get at. I'm trying to figure out ultimately I appreciate where you want to be, but our job is to also look out for the requirements as they exist today, and the residents who will be living in this subdivision. And so, we've got a one page... no disrespect, we've got a one page letter making the case and there's not a lot there. One of the reasons was, there's an RPA and I'm not really seeing how that in any scenario is an issue. So, I want to give you one more opportunity to help us understand why and how you believe the existing requirements create another reasonable burden, and 2, would not otherwise be detrimental to the people who are going to be living on these lots and/or their neighbors.

Mr. Reese: Well, I believe that the loss of a lot is a detrimental impact to the development. And as far as the impact on those neighbors, I think that even if they were shared driveways, there would be a combination of more than one homeowner taking care of that driveway. In this particular instance, we have six homeowners that will be able to contribute to the care of that particular driveway. And so I don't think that impact is going to be so onerous that it's not bearable to those homeowners.

Mr. Apicella: Any further questions? Okay, thank you so much.

*Planning Commission Minutes  
October 12, 2016*

Mr. Reese: Thank you.

Mr. Apicella: I'm going to pass the gavel to my colleague since this is in my district.

Mr. Coen: Alright. Mr. Apicella, this is in your district; do you have a motion?

Mr. Apicella: Mr. Chairman, I'm going to motion that we deny this waiver request.

Mr. Coen: Alright, we have a motion to deny. Is there a second?

Mrs. Vanuch: I'll second.

Mr. Coen: Alright, seconded by Mrs. Vanuch. Mr. Apicella?

Mr. Apicella: Sir, I appreciate the information that you provided and the desire by the developer to maximize the yield on this particular parcel. As I mentioned, it's not a perfect parcel; it has its issues. Ultimately, I don't believe that the specific requirements, and I'll call them requirement A and requirement B, have been met. I don't believe it's an unreasonable burden. Other similarly situated developments and builders will run up against circumstances where they can't maximize their yield because of the (inaudible) of the lot or the road that abuts their parcel. And I am very concerned about the bisecting of the lots that would have to occur under this waiver scenario. I personally would not... I don't see it as a palatable option as a homeowner to have a road running right smack in the middle of my parcel, that's certainly not optimal. And it seems to me, the bottom line here is, we're talking about one lot. And it's not our job, respectfully, to set aside the requirements so that a developer or a builder can maximize their yield. Ultimately, a waiver is based on whether or not the requirements have been met. And in this case, I don't believe they have.

Mr. Coen: Alright, Mrs. Vanuch?

Mrs. Vanuch: I would just echo Steven's comments, and I think, you know, you guys have really failed to show us the burden of the applicant and what it would do specifically to the residents. And I think the only thing you've brought forward is that it would lose a lot, which would be, you know, maybe financial impacting but I think splitting those lots is going to be even more detrimental financially.

Mr. Coen: Alright, any other members? Alright, seeing none, we have a motion to deny; if you'll take a moment to vote. Alright, and the motion to deny passes, so it has been denied. And I hand the gavel back to Mr. Apicella.

Mr. Apicella: Thank you Mr. Coen. Mr. Harvey, next item on the agenda, what was item 7?

7. Amendment to the Comprehensive Plan and Zoning Ordinance - The Planning Commission is to consider authorizing public hearings for proposed amendments to amend the Comprehensive Plan, Chapter 3.6, Future Land Use, Special Uses to include Special Overlay Districts narrative and description of the Integrated Corporate and Technology Park Overlay Zoning District, and to amend County Code Sec. 28-33, "Districts Generally," Sec. 28-34, "Purpose of Districts," Sec. 28-35, "Table of Uses and Standards," Sec. 28-39, "Special Regulations," and Sec. 28-102, "Off Street Parking" to create an Integrated Corporate and Technology Park Overlay Zoning District. **(Time Limit: Comprehensive Plan Amendment - November 27, 2016; Zoning Text Amendment - December 27, 2016)**  
**(Authorize for Public Hearing: October 12, 2016)**

*(Potential Public Hearing Date: November 9, 2016)*

Mr. Harvey: Thank you Mr. Chairman. Item 7 was a matter referred to the Planning Commission by the Board of Supervisors. It would establish an amendment to the Comprehensive Plan, as well as create a new Overlay Zoning District referred to as the Integrated Corporate and Technology Park Overlay Zoning District. So, again, there's two pieces to this; the Comp Plan amendment, which would be amending the text of the Plan, as well as creating a zoning classification that later could be applied. Specifically, our Comprehensive Plan, which we recently adopted, does not discuss special overlay districts. The proposed amendment would create a section called Special Overlay Districts and talk about overlay districts in general, but also call out the Integrated Corporate and Technology Park Overlay Zoning District as being applicable in the Comprehensive Plan. And to reiterate the purpose, it says the purpose of the ICTP is to promote the integration of uses to facilitate the growth and development of large scale corporate office and technology parks. Such parks have the need for and should include integrated uses such as Class A office space, hotel space for corporate clientele, supporting retail services, data centers, child care, and multi-family housing for employees working in the ICTP and nearby area. The ICTP should be designed to accommodate at least 400,000 square feet of existing or approved corporate office space for services such as engineering, security, computer systems development, computer software development, education, and research and development. Quantico Corporate Center and Riverside Business Park are recommended as locations for inclusion in the ICTP. Other office parks may be supported elsewhere in the County, if they have similar characteristics. This was an item that was discussed at the Board's Community and Economic Development Committee. Quantico Corporate Center, there was a question that one of the Commissioners had asked about exactly which properties this would apply to today. It would definitely apply to Quantico Corporate Center; they have close to 500,000 square feet of existing office space. The Riverside Business Park has substantial office space but doesn't quite meet that threshold yet. They could if they built one or two more buildings, and they have room to do that. In both complexes, the property is a combination of commercial and industrial zoning. For the most part, the office buildings are built in the industrial zones. Quantico Corporate Center, there's been some rezoning along Route 1 to accommodate the existing hotel and retail uses. There's been a request to put another hotel at Quantico Corporate Center which started a lot of this discussion. Riverside Business Park has a pending rezoning application to rezone one of its existing buildings to commercial because of the concern about flexibility of use within the building. Also, the committee talked about a housing component which was requested by the developer of Quantico Corporate Center for consideration. It would allow multi-family dwellings up to 24 units an acre. The overlay as drafted would require that all buildings be at least 40 feet tall and up to 80 feet tall. So, you're going to have multi-story buildings so it would not be something of the typical suburban scale; it would be more of an urban scale type of development. So, in looking at this, the Commission does have latitude to make changes. I will note that the Comp Plan part, based on State Code, the Commission only has 60 days in which to act on the matter. So, the time limit for action on the Comp Plan part is November 27<sup>th</sup>. And based on your current schedule, essentially you'd need to authorize a public hearing tonight in order to make your November hearing date for the Comp Plan change. The Zoning Ordinance is up for 120 days. So, that's also State Code and local ordinance. Excuse me, 100 days. So, the Commission has more time on the Ordinance amendment if you want to discuss it more thoroughly and make some adjustment before we advertise the hearing.

Mr. Apicella: Before we get into questions, could you remind us where the 60 day time limit springs from on the Comp Plan amendment? Is that a statutory or is that a local...?

Mr. Harvey: Yes, that's state law. And once the Commission passes a Comp Plan amendment recommendation, the Board has 90 days to act on it.

*Planning Commission Minutes  
October 12, 2016*

Mr. Apicella: And just for clarification, when does the clock start? When the Board makes the referral or when the Commission... when it's first before the Commission?

Mr. Harvey: Mr. Chairman, I believe the resolution starts the time clock from when the Commission first receives this. I believe at the last meeting, staff had presented this to the Commission under Planning Director's Report and it was asked to bring it back under... at this meeting as new business for discussion.

Mr. Apicella: Right. I'm just trying to seek clarification in the broader context because, depending on our schedule, this goes back to how much time we actually have to deliberate on items. We've only lost a little bit of time here, but there are times when we have two weeks or a month between when the Board refers something to us and the time we actually first get a chance to look at it. So, in that scenario, we've lost 30 days. So I'm just trying to find out if the State Code is so specific that it says it's the date that the Board approves the resolution referring an item to the Planning Commission, or is it when the Planning Commission first has the opportunity to get its eyes on it?

Mr. Wisniewski: It would be 60 days from the date of the Board action referring the item to the Planning Commission. The State Code does speak to a longer timeframe as may be specified after written request by the governing body. So, I would have to look at our County Code and do some more research to give you a definitive answer if there's a possibility for a longer time period. But right now I think 60 days is the rule.

Mr. Apicella: Again, the reason I'm bringing this up because I know we had this in front of us at the last meeting and we decided to talk about it today, but now the reality is, we've got to make a decision about language that goes to a public hearing at this very meeting. So, even though we have the ability to make changes, in theory we would have already had to come in here with some thoughts about what those changes might be. So, with that being said, any questions for staff? Mr. Coen?

Mr. Coen: Yeah, one question -- can you just sort of... one thing, walk it through, because I know there's two parcels that we sort of think would fit, but there are other parcels in the County that fall under this zoning category. So, if they wanted to try to get into this, what would be the process for them to do so?

Mr. Harvey: Mr. Coen, this Zoning Ordinance amendment would change the text of the Zoning Ordinance to create an overlay zone. Typically, an overlay zone is adding additional regulations on top of what already is allowed in that zoning category. So, for instance, as I said with Quantico Corporate Center that has a mixed zoning of B-2 and 1, the overlay zone could apply across all those properties irrespective of their underlying zoning. They'd still have the opportunity to develop under the underlying zoning; however, they'd have to meet these additional regulations. But the Board of Supervisors, in a separate action, would have to impose the overlay on properties. And that is just like a standard rezoning; it requires notice to the affected property owner, the Board can elect to rezone the property under their own accord, or a property owner can petition to be within the zone. It depends on how the Board wants to proceed. But based on the purpose of the district and the requirements of the district, again, there's only one project in the County to qualify currently and that's Quantico Corporate Center.

Mr. Coen: Right, and then I guess the second question I would ask is, as of right now we've already said there's a couple of the parcels that are thinking of looking at things. What is the process for they to want to put in the hotel or whatnot? I mean, but this would make it by-right so that they could do it and

*Planning Commission Minutes*  
*October 12, 2016*

there's very little that could be said, whereas the existing situation is they would come before us, correct, and then...?

Mr. Harvey: Well, in the case of a hotel or say a child care center, in the light industrial zone part of that project they would have to ask for a zoning change or, in the case of hotels, the Board's resolving that with a separate amendment to specify that use. But as the Commission may recall, there was an office building being constructed within Quantico Corporate Center that had one of its tenants propose a child care center, and that child care centers are not allowed in industrial zones. They're allowed in commercial zones so the Board, in its consideration, rezoned that office building to commercial to allow the child care center there because that was a needed amenity for the overall complex.

Mr. Coen: Right, so the... and I remember that one; I mean, they came to us and basically they got approved to do it. Alright.

Mr. Apicella: Other questions? So, just to clarify, the Comp Plan piece of this is Attachment 2, page 1 of 1. It only kind of identifies this new creature called this Integrated Corporate and Technology Park Overlay Zoning District; it doesn't necessarily set the parameters. So, if we wanted to act on that by itself tonight and put that to a public hearing if the Planning Commission wanted to, we could do that and deal with the language of the ordinance separately and perhaps give ourself some more time.

Mr. Harvey: Correct.

Mr. Apicella: If the Commission wanted to do that. I guess on the ordinance piece of it, the question I would have goes to the by-right uses versus, you know, what might at least be considered for discussion purposes as a CUP versus by-right. And the piece that I'm a little concerned about, kind of going back to the last meeting, are large structures like hotels and multi-family units to the extent that you make something by-right, you lose all control or input into what that end product might look like. So, I certainly understand and appreciate that we want to promote these integrated corporate centers, my shorthand term for what this thing is called. But, by the same token, there is some... we're giving away any ability that we have to kind of help steer those end products into something that we would like to see or hope that the developer would be willing to consider. So, again, it's just my concern and thought that I wanted to put out there in terms of the ordinance piece of this. Do we want to press ahead and make all the proposed uses by-right, or do we at least want to take some time and think about whether that's the right approach or whether we should consider what are some of those specific uses mentioned might be better done as a CUP? So, I'll just throw that out there. Any other thoughts? Mr. Coen?

Mr. Coen: I just have one. Maybe it's from... we just finished with the Comp Plan revision and I'm just curious. Has this been out there or was this sort of created after the Comp Plan was revised and sent to them?

Mr. Harvey: Mr. Coen, this came up in a recent meeting of the Board's committee. It did not predate the Comp Plan adoption.

Mr. Apicella: So, what's the will of the Commission?

Mr. English: I guess we can go ahead and move to a public hearing on this and then come back.

Mr. Apicella: On both pieces or separating them out?

Mr. English: Separating them out.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: So, are you recommending then a motion to push ahead for public hearing the Comp Plan piece of this?

Mr. English: Yes, correct.

Mr. Apicella: Is there a second on that?

Mrs. Vanuch: I'll second.

Mr. Apicella: Okay. So we're going to kind of deal with the pieces separately as I hear it. There's a motion to move to public hearing the language on the Comp Plan amendment -- at the first available date Mr. English?

Mr. English: Yes.

Mr. Apicella: Okay, and you agree with that Mrs. Vanuch?

Mrs. Vanuch: Yes.

Mr. Apicella: Any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mrs. Vanuch?

Mrs. Vanuch: No.

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: Just, Mr. Harvey, on our agenda it says potential public hearing date November 9<sup>th</sup>, so that's the date?

Mr. Harvey: Correct, that's your November meeting date.

Mr. Wisniewski: Mr. Chairman, just to clarify, on the 60 days, I reviewed the resolution, and at the end it speaks to 60 days from receipt of a copy of this resolution. That's when the 60 days begins to run.

Mr. Apicella: So that would be today? Or the Friday that we got the package? I'm just trying to clarify for future reference. I would just ask that we maybe explore this for future consideration, because we do lose time from the date that the Board makes a referral to the date that we actually get it in our hands. And that could be anywhere from a week to multiple weeks. And so, if there is some flexibility there, I think we ought to at least explore it.

Mr. Harvey: Mr. Chairman, when the Board took action I brought this up the following Wednesday, under Planning Director's Report, and that's when it was presented to the Commission. We could change that process because we could wait to it to float up during a regular agenda, if that's the desire of the Commission.

Mr. Apicella: Again, I'm speaking more broadly that, in the past, my recollection is, the way that it's been interpreted by your office, the 60 day clock starts the date of the referral. That's how it's been

*Planning Commission Minutes*  
*October 12, 2016*

processed, and again, I feel like we lose some time there because there's a week or more that goes by that it's not in front of us and we have no... it's really creating less than 60 days. So I'm just... I'm not talking about this item specifically, I'm just saying in generally, if we could kind of take another look at when does the clock really start for us or when... what can we do to maximize our time that we have as much of the 60-day period as possible going forward on these kinds of items.

Mr. Harvey: Mr. Chairman, that can be addressed in the referring resolution. Like, in this case, the 60-day clock started from the time the Planning Commission saw it rather than adoption of the resolution. So, we can address it in that manner. Or, if the Board feels that 60 days is not enough time, they can grant you more time.

Mr. Apicella: Again, I'm not sure if I'm being clear. I'm not talking about this item specifically, I'm just saying it's an opportunity to raise the point that the clock has started in the past from the date that the Board made its referral, the date that they decided that we were going to see it.

Mr. Wisniewski: From what I understand... I'm sorry to interrupt... from what I understand, this item was received, if you will, by the Planning Commission at its last meeting. I think to clarify on your point, language could be inserted into resolutions. Obviously, it's up to the Board, but it makes sense to maybe put language in stating that the Planning Commission's time runs from its, you know, maybe its first next meeting where it considers the item. It has been specific to a date certain, if you will. So, it's kind of hard to say; if it was received at the last meeting, obviously I wasn't here for that so I'm not aware of that fact. But I think that might be a way to do it, from the Planning Commission's next meeting.

Mr. Rhodes: I think for this point, though, we just probably have staff come back with some options and approaches, just take up a scenario, let's look at the different approaches, and then we can more deliberately hone in on an approach that we just do consistently.

Mr. Apicella: Well, it's not so much what we do; it's what the Board does in terms of starting the clock.

Mr. Rhodes: Right.

Mr. Apicella: So, I just took the opportunity, since it was in front of us, to kind of raise that point. I've raised it before about our time and whether or not we're really getting the full time allotted to us on other matters. So, it just seems like an appropriate time. And I'm sorry to segue off topic here. So, again there was a motion to move forward with the Comp Plan amendment; it was seconded. Any further comments? Okay, cast your vote (the motion passed 7-0). Okay, so we've dealt with one part of the action item. Do we want to consider deferring the other piece of this, the Ordinance portion, to our next meeting or a subsequent meeting?

Mr. Coen: I'm okay with deferring it. I'm just... I'll ask Mr. Harvey if it makes any difference by the time it finally gets up to the other Board if one comes before the other. I know we have a certain number of days but, to a certain degree, if I'm looking at the calendar correctly, if we take it up next meeting it would be at our December meeting that we could have a public hearing. So both of them would actually be able to hit them at the same time at that point because, what did you say, a hundred days?

Mr. Harvey: Yes Mr. Coen. The Commission has a hundred days on a zoning amendment, and, as I mentioned...

*Planning Commission Minutes  
October 12, 2016*

Mr. Coen: Right, so and 60 on one. So would these both, if we did it that way and did one in November and one in December, would it be able to go to the Supervisors basically the same time or would they have to get them separately?

Mr. Harvey: It could go the same time. It depends on how the Board wants to process it. Again, state law says that the Board has to act within 90 days of a recommendation from the Commission on a Comp Plan change. So there's time where those two could marry back up.

Mr. Coen: I make a motion to defer this I now say to our next meeting. That would give people time to come up with suggestions and ideas.

Mr. Apicella: Is there a second?

Mr. English: I'll second it.

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

Mr. Coen: No sir.

Mr. Apicella: Mr. English? Anyone else? Okay, all those in favor of the motion to defer the ordinance portion of this to the next meeting cast your vote. Okay, the motion carries (7-0). Next item on the agenda, Planning Director's Report.

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I want to make the Commission aware of a proposed Ordinance amendment that may be coming to the Commission. It's dealing with drainfields and it's also going to be a joint referral from the Board to the Planning Commission for a change to the Subdivision Ordinance, as well as a referral to the Utilities Commission for a change to the Utilities Ordinance. For the Subdivision Ordinance purposes, the most significant change will be going from an area base requirement for drainfields to a capacity base requirement. Also, the current code stipulates two different size requirements for drainfields based on the type of drainfield, whether it's a conventional system or alternative. The proposed amendment would stipulate a minimum size no matter what type of system is proposed, but again have certain requirements for capacity of treatment. So, probably at our next meeting I'll have that under Planning Director's Report to give you an actual copy of the draft amendment. But I wanted to make you aware of it. I attended the Utilities Commission meeting last night and they also were made aware of this matter too.

Mr. Apicella: So, again, this has already been referred to us by the Board?

Mr. Harvey: Not yet. It's going to be on the agenda next week.

Mr. Apicella: Okay.

Mr. Harvey: I'm just giving you advanced notice.

Mr. Apicella: I mean, is it something that it would be worth having us kind of get a pre-look at it? Is it a substantial change or should be just wait until the Board makes a final decision?

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Harvey: As far as getting a pre-look at it, you can probably look at it online Friday morning; that's when it will be available in its final form.

Mr. Apicella: Okay. Anything else?

Mr. Harvey: That concludes my report.

COUNTY ATTORNEY'S REPORT

Mr. Apicella: County Attorney's Report. Now, I have to tell you, Dan, Rysheda gives us a 30 minute dissertation, so we're expecting at least that long.

Mr. Wisniewski: Instead of just deferring comments, I will say it's been a pleasure. We've had some interesting procedural questions, but it's been a pleasure tonight.

Mr. Apicella: We appreciate your being here tonight. Thank you. Committee Reports, Cemetery Ordinance Committee. Mrs. Vanuch.

COMMITTEE REPORTS

✧ Cemetery Ordinance Committee

Mrs. Vanuch: All right. So, just a summary of the Cemetery Ordinance subcommittee that was created, myself along with Darrell English and Commissioner Tom Coen, so just to kind of summarize and refresh everyone's memory at the last meeting we were asked by the Board to look at the County Code's Cemetery Ordinance. And while looking at that Cemetery Ordinance, it was brought to our attention that the current ordinance needed updating to conform to State law. So, we decided to create the subcommittee at the last meeting, which the subcommittee then decided to hold a public meeting to get resident input. And so a couple things came from that meeting; three major points really. So, the first thing that we received resident feedback on is that the current State law for Virginia in creating new cemeteries needed to have the same resident protections set for private drinking wells as there would be for the current State law, which is for public drinking wells, that the County would per se get water from. And we'll get into that in a minute in some of our draft changes. The second item that came up in that meeting is that the County should have setbacks from streams, creeks that drain into the reservoirs that supply the County's drinking water to the residents. And then the third is to ensure that notifications and updates for the creation of new cemeteries is put into this new Ordinance so that the local residents around the area would be notified within a certain amount of feet if their wells or drinking water could potentially be impacted by the creation of a new cemetery. So, based on extensive studies, reports, research, the subcommittee came up with the resident input on a couple of different changes which I'll get into in a second. But first I want to note a few of the studies which we used; we looked at the World Health Organization Report where they created, or they did a study to determine the impacts of cemeteries by drinking water. And they had recommended setback requirements. In addition, we looked at several other different studies talking about potential impacts when caskets are put into the ground, the way that it changes the nitrogen, the acid levels in the ground, how it could impact crop growth in the area. And not only is it the way that the water flows on top of the ground, but it's also the impact of what type of soil it is, how the water table underground which you can't really mitigate, it would also determine what type of excavation was done. But the baseline of these reports really states that it's really all about the water table, the things that you can't change. And even if we were to require extensive studies on soil samples and excavation mitigation, there's no true way to mitigate those impacts when the water table underground is leaching certain areas. Also, just a couple

*Planning Commission Minutes*  
*October 12, 2016*

of important items to note. Because of religious freedom protections you can't determine how many bodies are buried in a certain grave. You can't determine, you know, how a body is buried because of the religious issues. So, you know, you can't determine, you know, based on a size... oh you can only have 50 bodies there to mitigate some of the impacts. So you really have to look at, okay, how can we best protect the residents with the most reasonable setbacks to protect the water quality. So those are the reports that we had to balance and make sure that we were doing the best for all the types of cemeteries that could come before us. So, with that, everybody has a copy of the proposed changes. All of the changes that we made are highlighted in green and yellow. You'll see on the first page that we're just acknowledging that it's surface water runoff, groundwater intrusion, negatively impacting drinking water supplies is the reason that we're basing this update to the Ordinance. And then if you move onto page 8, if you look into just for context for everyone, number 1, you look at letter (a), restrictions as to location of cemeteries. So this is a requirement for all cemeteries, private, church, or a non-private or church yard. It's like a "commercial cemetery" or what have you. The numbers 1 and 2 and 3 all are part of the state law. So the state already requires these three things. So, based on the resident feedback, you'll see letter b. which says, Restrictions is to locations of cemeteries. No cemetery shall be established within 900 feet of any terminal reservoir or any perennial stream that drains into a terminal reservoir, which is our drinking water. No cemetery shall be located within 900 feet of any private well used as a water supply. So that was really what the residents felt very compelled against that. And number 3, the state affords that opportunity to any County well or a portion of which the County owns that pumped to create water supply. So the residents wanted those same protections. Not on to their drinking water, but also to those terminal reservoir streams, etcetera. So that was the first change. The size of cemeteries we did not change; that would be letter c. And then for letter d., the site plan required. So, in order for a new cemetery to be established, we really needed a way to understand who was establishing it, how it was being established. So, working with staff they said that we should require a site plan so that the staff should be able to demonstrate the compliance with the owner consent for the state law, the setback requirements to the wells and the creeks, the streams, and the reservoirs, and those are all located in paragraphs a. and b. Then you move on to letter e. which is the application process for a new cemetery. So we wanted to be able to spell out the application process. So, just keep in mind that a family residential cemetery and a church are still not required to petition the Board to establish a new cemetery, they just have to meet those original setbacks of the 900 feet and get the resident signatures which the state law requires. So, this would be any other cemetery other than those. So they'd petition the Board for adoption of an ordinance to establish a cemetery and they have to file those forms with... on the County paperwork. And then number 2 is that those... that the applicant requirements described in this section shall demonstrate compliance with the owner's consent, the setback requirements and distance requirements, and this is where we added in the notice of any public hearing shall be sent to owners of any properties located within 900 feet of the proposed cemetery. So, if there's a cemetery that's going to be created 900 feet within your property line, then you, as a resident, would be notified. And then the last section is just that in approving an application for establishment of a cemetery, the Board may set the conditions of approval to mitigate those impacts of the cemetery and its accessory uses and activities. So that just kind of summarizes the changes. I have just a couple clerical things from some feedback I got from Mike Rhodes earlier today when he reviewed this. And if you guys flip to page 7, which is the page right before all the highlighting, Section 17-22, entering cemetery, church or school property at night, we did not really edit this particular section. However, letter a. in the paragraph next to the last, where it says lot or grave of some member of his family, he wanted to make that more gender neutral and state their family. Jeff, are there any issues with making that edit change if we move this to public hearing?

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

*Planning Commission Minutes*  
*October 12, 2016*

Mrs. Vanuch: Okay. Dan? Okay. So, if it's the will of the subcommittee and the Commission, we can make that change. Sure.

Mr. Apicella: Is there... I'm sorry to be petty. Is there a definition of what constitutes night? Is it dusk to dawn? I mean, is it in the code? Do we have a definition?

Mr. Harvey: Mr. Chairman, I don't know off the top of my head; I'd have to look at the County Code to see if it's defined.

Mr. Wisniewski: If it's not defined in the County Code, then it just reverts to the dictionary definition.

Mr. Apicella: Okay, thanks.

Mrs. Vanuch: So that was the one change that Mr. Rhodes had suggested. And then, just a few that I noticed after reviewing this for the hundredth time today. If you move back to page 8, where you move down where the green highlighting starts where it's labeled letter b. right now. Since this is restrictions as to locations, I suggest we strike that from being letter b. and just add it as a number 4, because that's all, 1, 2, 3, and 4 are all the locations of establishing a cemetery, the restrictions as to locations of a cemetery. And so then subsequently it would change all of the letters below it to b., c., d., e., and so on and so forth. So, if there's no issues with changing just those clerical things, I would ask that we also do that. I know, I can't believe I missed it either. It's when you look at something 3,000 times. So, I hope I didn't talk too fast. I would love to ask... give you guys the opportunity to ask any questions as to how we got to where we did, if anybody has any questions, concerns, comments. And I would also really like to thank Darrell and Tom for all their hard work on the subcommittee, and Roy also for participating as an honorary member of the subcommittee and giving us support at our public meeting. Does anybody have any questions?

Mr. Apicella: Thank you Mrs. Vanuch. I want to also express my appreciation for the subcommittee and the promptness by which you, you know, looked at this matter and proposed a revision. So, are there any questions for Mrs. Vanuch?

Mr. Coen: I don't have a question, I just want to give a great amount of praise, because she had done... it was really amazing. The amount of work that she did prior to the meeting was phenomenal and then since the meeting, and it just was very impressive. And I just want to be on the record of saying that that was a massively amount of work that you did and very impressive.

Mr. English: My suggestion is that she's going to be Chairman of any other committee.

Mrs. Vanuch: No, it's like we take turns. Oh, and I also wanted to thank Mr. Harvey because he definitely helped. I think he was getting tired of me emailing him over the last week. He's probably so happy that we came to some good language.

Mr. Apicella: Are you kidding? He loves it when we bug him. Okay, so what is the... with no further questions, what is the will of the Commission? I believe we have to press ahead and put something to a public hearing today probably, right?

Mr. Boswell: I would motion to move it forward to a public hearing with the changes that we just made.

Mr. Rhodes: Second.

*Planning Commission Minutes*  
*October 12, 2016*

Mr. Apicella: Okay. Any further comments Mr. Boswell?

Mr. Boswell: No.

Mr. Apicella: Mr. Rhodes? Anyone else? Okay, so there's a motion to put this forward to a public hearing presumably at the first available date...

Mrs. Vanuch: November 9<sup>th</sup>.

Mr. Apicella: ... with the revisions that were stated this evening.

Mr. Boswell: November 9<sup>th</sup>.

Mr. Apicella: November 9<sup>th</sup>, okay. Just for clarification. Okay, please cast your vote.

Mr. Rhodes: How does Darrell always get up there first?

Mr. Apicella: Okay, the motion carries 7-0. I don't have anything under Chairman's Report. TRC has been cancelled. No minutes. And with no further business in front of the Planning Commission, I call this meeting adjourned.

CHAIRMAN'S REPORT

OTHER BUSINESS

7. TRC Information - October 26, 2016 - Cancelled

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:55 p.m.