

## **STAFFORD COUNTY PLANNING COMMISSION**

***April 10, 2019***

The meeting of the Stafford County Planning Commission of Wednesday, April 10, 2019, was called to order at 6:30 p.m. by Chairman Crystal Vanuch in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

**MEMBERS PRESENT:** Crystal Vanuch, Steven Apicella, Albert Bain, Roy Boswell, Darrell English, Fillmore McPherson, Barton Randall

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeff Harvey, Lauren Lucian, Stacie Stinnette, Brian Geouge, Andrea Hornung, Eva Campbell, Miranda Critzer

### **DECLARATIONS OF DISQUALIFICATION**

Ms. Vanuch: Okay, now moving onto any declarations of disqualification or disclosure on any item on the agenda from any member of the Commission.

Mr. Randall: Madam Chair?

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have two quick things. One, I had a conversation with Mr. Payne regarding the Cherryview Landing. And I just wanted to make a comment quick about the Red Fines Sportsmanship Awards that I was able to go to for the Parks and Rec. It was a wonderfully attended sportsmanship awards for our County. They did a... Parks and Rec did a very good job with that, so I just wanted to mention that quick. So, thank you.

Ms. Vanuch: Okay, perfect. Anything else? Okay. Moving on this evening to our Public Presentations, if you're here to address the Commission, you can come down at this point to present to the Commission on any item that is not up for a public hearing this evening. You'll have 3 minutes; when the green light comes on, please state your name, address, and the district that you reside. When the yellow comes on, you'll have a minute left. And when the red light comes on, please conclude your comments. Anyone like to come down and address the Commission? I like your shirt.

### **PUBLIC PRESENTATIONS**

Mr. Waldowski: Thank you. I like your suit. Paul Waldowski. You're the only one without a suit, I don't know if you knew that. I'm in the gerrymandered Rock Hill District. I also own property in the gerrymandered Griffis-Widewater District. You know what's neat about history is I've been a Presidential buff for a long time. And William Henry Harrison started what was called the zero year aspect. But what he really started was any President who didn't make it through their term, like Tippecanoe and Tyler Too, John Tyler became what was known as the first accidental President. Now, there's two Presidents that really had to come out running, and one of them was Harry Truman. After FDR won the fourth term, because he ran for office for himself and not service, 82 days in we all know what happened after World War II. So, it's a good thing Harry was prepared because he only met with FDR twice. And, the other one in my lifetime, was when JFK was assassinated on 11/22/1963, and now we know in history exactly where LBJ stands. Probably right next to Uncle Joe Biden. Many of you don't know that he ran for the Senate seven times and on the same day he ran for Vice President the

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seventh time. He took the oath of office, collected his Senate check, then resigned, so someone had to become the “accidental Delaware Senator” and he cost the taxpayers millions of dollars. I wonder if he’s going to give healthcare to everyone, just like The Bern. I can’t wait till I see what happens there. Now, I do want to commend the Commission; last time I learned something about single use of property and, as you know, I’m anti-development. Any development is a no to me. It’s just the way it is. If you say yes, I say no. Now, the gerrymandering committee is really looking at things again, especially after the 4-3 vote which moves 700 kids. And I mentioned to the School Board yesterday that when you keep running for office for self before service and you vote, you get elected with less than 40% of the vote, you’re not a representative, and the other two haven’t even been in office 18 months.

Ms. Vanuch: Okay, thank you. Anyone else like to come down and address the Commission? Okay, seeing no one, I’ll close the public presentations portion of tonight’s meeting and move on to the first public hearing, item number 1 on the agenda which is the Reclassification for Cherryview Landing in the George Washington Election District. And for this we recognize Mr. Brian Geouge.

PUBLIC HEARINGS

1. RC18152389; Reclassification - Cherryview Landing - A proposed zoning reclassification, with proffers, from the R-1, Suburban Residential Zoning District to the R-3, Urban Residential – High Density Zoning District, to allow for the development of 71 townhouse dwelling units on Tax Map Parcel Nos. 45-35C, 45-35D, 45-35E, and 53-1D (Property). The Property consists of 10.27 acres, located at the southeast intersection of Musselman Road and Krieger Lane, within the George Washington Election District. **(Time Limit: July 19, 2019)**

Mr. Geouge: Good evening Madam Chairman, members of the Commission, Brian Geouge with the Planning and Zoning Department. This is a request for a reclassification from the R-1, Suburban Residential to R-3, Urban Residential–High Density Zoning District, to develop 71 townhouse units. There are four parcels subject to this; parcels 45-35C, D, and E, and parcel 53-1D, with a total site area of 10.27 acres. The owner is Robert and Sheila Williams. The applicant is Gary Szebalskie with Beazer Homes, and the agenda is Charlie Payne. This is in the George Washington District. The four parcels subject to this application are identified here in red outline. The property is located on the east side of I-95, between the Rappahannock River and the southern terminus of Musselman Road. The site is adjacent to property zoned R-1 to the south, west, and north, and also R-2 zoned property to the east, which is the Rappahannock Landing townhome development. The property is mostly wooded and relatively level. There is one single-family home, located here, and one manufactured home located on the property. There are no known Critical Resource Protection Areas on the property; however, there are some wetland areas, the largest of which is associated with a small farm pond located here near the eastern property line. There are single-family detached homes to the north and west, along Musselman Road and Krieger Lane, and townhouses to the east within the Rappahannock Landing development which this shown here is now all developed. The wooded property to the south is currently the subject of a rezoning request to permit 324 apartment units. The Generalized Development Plan, shown here, depicts the layout of the proposed 71-unit townhome development. There are two access points proposed on Musselman Road, located here, and one gated emergency access point proposed along Krieger Lane down at the southwest end. Sidewalks are proposed throughout the development as required by County code. Sidewalks are also proposed along the frontage on Musselman Road, and this would tie into existing sidewalks that come out at the entrance to Rappahannock Landing at Rising Sun Drive. The existing pond, located here, is proposed to be retained, and a tot lot is proposed near the pond. There are seven parallel parking spaces also proposed along... or adjacent to the tot lot and the pond. And there are three additional parking areas outside of individual lot and driveway parking areas. A required 20-foot transitional buffer is shown adjacent to the residents to the northwest end of the

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development. That 20-foot buffer is shown as this dash line here. The actual buffer width between the property lines is somewhere between 40 and 45 feet. There's no required transitional buffer between this proposed development and the adjacent Rappahannock Landing townhome development since it's the same use. The Comprehensive Plan designates the property within the Warrenton Road Planning Area and Targeted Residential Growth Area. The more detailed land use concept shown here designates the property for residential use. TGAs are recommended for urban or high density suburban development with a recommended density between 5 to 8 units per acre for townhouse developments. The proposed density is 7 units per acre. The plan also recommends that developments within TGAs occur in phases, and recommends that undeveloped portions of the Warrenton Road TGA be developed in the near term by 2026. On to public facility impacts -- staff has evaluated how this request will impact the listed public facilities. This rezoning is subject to the July 1, 2016, proffer legislation which limits proffers that the County can accept. Under the state law, proffers to mitigate offsite public facility impacts are limited to transportation, public safety, schools, and parks and recreation. Proffers can only be tied to a need that is in excess of existing public facility capacities. For schools, this is within the attendance zones for Rocky Run Elementary -- this is current attendance zones -- Drew Middle School, and Stafford High School. All three of these schools are currently over capacity. Therefore, it would be reasonable to receive proffers to mitigate impacts on schools. Although the elementary school district will be changing to Conway, for the next school year the proffer evaluation is based on existing public facility capacity for the current Rocky Run District which is consistent with state code requirements for proffer evaluation. The 71 townhouses proposed with this development would generate approximately 39 students based on student generation factors provided by public schools. For the purposes of proffer mitigation though, the impacts of 24 students are evaluated. This excludes the 14 students that could be generated from by-right residential development under the existing R-1 zoning. Staff has determined that there is adequate park capacity at this location. Based on the 2017 Parks Utilization Plan, this area is not defined in that plan as in need of additional park facilities. For public safety, the site is within the first response area of Berea Fire and Rescue Station. It was determined that a current service level deficit exists and any additional homes would further add to the current service level deficit. The standards for that are... the standard is to respond to a call within 8 minutes 90% of the time. At Station 12, the 8 minute response rate is 65% so, therefore, it'd be reasonable in this case to accept proffers for public safety mitigation. On transportation, a TIA was not required with this application since the estimated trip generation is less than 1,000 vehicles per day. It's estimated that the use would generate 522 vehicles per day, with 30 of those during the AM peak hour and 39 during the PM peak hour. Staff does not anticipate significant impacts with this development from a transportation standpoint. However, we do note if both this townhouse project and the adjacent proposed apartment complex is approved, it is possible that additional improvements would be needed to adequately mitigate impacts. Just a few notes on transportation -- there's some projects going on that will impact this proposed development. First, the signal at Short Street is being relocated to Olde Forge Drive, and that's expected to happen this year. And along with that, the median would be extended on Warrenton Road which would limit left turns to and from Short Street; so it'd be a right-in/right-out only at Short Street. And also, Musselman Road is currently being widened to 20 feet between Thomas Lane all the way down to Krieger Lane. And here's a photo that was... this was taken a few weeks ago, so they could be a lot further along now. But this is showing Musselman Road here and Krieger Lane intersection here. This is generally facing east, showing the road widening project in progress. So, this proposed development would be located back here behind this house that's shown here, with access points on Musselman Road. For general government and judicial, this includes the facilities such as the County's government center and courthouse complex. Staff has determined that a deficit does exist due to the courthouse needs. To address this, the County's CIP includes construction of a new courthouse to be completed in 2022, in line with the projected buildout of this project. Libraries are identified as having adequate levels of service through the buildout of this project, with the Comprehensive Plan projecting a need for a future library in the year 2023. So, to summarize, staff finds that levels of service are adequate for parks and

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recreation, libraries, and general government. There are deficits for schools which are proposed to be mitigated with cash proffers in the amount of \$15,772 per unit, and for public safety proposed to be mitigated with cash proffers also, in the amount of \$950 per unit. The total contribution is \$1,187,274. And we note that levels of service is uncertain for transportation. For design standards, renderings were provided with this application, shown here. This depicts the proposed design of the townhouse units. We note that the renderings are consistent with the Neighborhood Design Standards Plan, although that's not a requirement as this is not in the Highway Corridor Overlay District. We do encourage conformance with the plan which the proposed architecture is in conformance we find. And that includes variations and style, and includes wall plane recesses and projections from one unit to the next. There's variation in roof line, and the base of the building consists of stone. A proposed proffer would ensure consistency with the renderings and limit the types of materials that can be used. To summarize, the proposed proffers would require development in accordance with the GDP; limit development to 71 single-family attached units; architectural designs would be in accordance with the renderings; the cash contributions, as I just noted; require declaration of covenants and establish a homeowner's association for the property; require the tot lot to be constructed prior to the 50<sup>th</sup> occupancy permit; require the construction of the gated access to Krieger Lane; require removal of existing structures prior to issuance of the first building permit; and require construction of the sidewalk along Musselman prior to the 47<sup>th</sup> occupancy permit. Staff finds the positives are this is consistent with the land use recommendations in the Comp Plan, including density and phasing recommendations for the Warrenton Road TGA; proffers ensure consistency with the proposed GDP, including the provision of tot lot and sidewalks; mitigation of impacts to schools and public safety are considered reasonable; proposed density is consistent with the adjacent Rappahannock Landing development, which is around 6.7 units per acre; improvements to Musselman Road will help accommodate traffic; and the building designs are consistent with the NDS Plan. Staff notes a negative as the extent of impacts on local roads and intersections is uncertain, although I will note that earlier today we received an updated transportation impact memo from the applicant, which is included in your hand-outs tonight. And we haven't had time to look through this in detail, but it looks like they did evaluate some local intersections, including the one of greatest concern which is Warrenton Road and Olde Forge Drive. However, I believe this evaluation is based on just the construction of this project; it doesn't assume any other adjacent large projects. And that concludes...

Mr. English: Brian, I've got a question for you. When they get ready to move that intersection -- I think I've already asked this before -- when they move that intersection from where it is now, I think it's Short Street...

Mr. Geouge: Short Street.

Mr. English: ... is that going to be closed off so no traffic can go through that at all? I mean, is that going to be...?

Mr. Geouge: It'll be a right-in/right-out.

Mr. English: That's it?

Mr. Geouge: Yeah.

Mr. English: Okay, and then everything... they're going to filter everything down to the Olde Forge Drive, right?

Mr. Geouge: Correct.

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Mr. English: So, they're going to have to cut through the subdivision, or use Thomas Lane to get where they need to go, correct?

Mr. Geouge: Most likely Thomas Lane, yes. That is, if they want to head west on Warrenton Road.

Mr. English: Right. Okay... yeah, okay, thank you.

Mr. McPherson: Brian, I have one quick question. The emergency access off Krieger Lane, when would that be installed? First occupancy permit?

Mr. Geouge: I believe that would be initially with the development, yes.

Mr. McPherson: Because we don't want to wait for emergency access until it's completely built out. That might be an addition to the proffer.

Mr. Geouge: I'll confirm that real quick. Okay. Yeah, there's no timing specified, so we would look for them to provide that with the initial construction plan for the development.

Mr. McPherson: Okay, thank you.

Mr. Bain: If I could, Brian, to follow-up on that though, why is it emergency access only? That's not a county requirement I understand.

Mr. Geouge: It's not... it was suggested by Fire and Rescue that they have an access point there, and they specified at a minimum have it be a gated access, so I don't think they were necessarily looking for it to be gated. So, it could have been, I'm just speculating here, to reduce impacts on some of the residents on Krieger Lane so it would direct more traffic more traffic out to Musselman Road. But, I'll have to defer to the applicant on that. We did check with them but I haven't received a response yet on the reasoning there as to why it's gated.

Mr. Bain: Okay.

Mr. Randall: Madam Chair?

Ms. Vanuch: Yeah, go ahead.

Mr. Randall: I have a couple questions. How does this density compare to the Rappahannock Landing density right next to it?

Mr. Geouge: It's pretty similar. This proposed density is right at 7 units per acre, which is the maximum under the R-3 District, and the adjacent development is 6.7.

Mr. Randall: 6.7, so relatively the same.

Mr. Geouge: Yep.

Mr. Randall: Okay. Could you go back to your picture of the house that exists on the corner? Or not on the corner, but... right there. You mentioned that there's going to be a 20-foot buffer, but there's about 45 feet between the property lines, correct?

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Mr. Geouge: That's how they have it depicted on the GDP, yes.

Mr. Randall: Okay. Would you expect, based on looking at this -- I don't know if you've been out there to look at it, but based on what you see here in the picture, would you expect this natural vegetation to meet the requirement of the County for landscape requirements?

Mr. Geouge: I believe it would, yes.

Mr. Randall: Okay, alright. And then, about the... building the tot lot, we noticed that it's the 40<sup>th</sup> occupancy permit?

Mr. Geouge: Uh-huh.

Ms. Vanuch: 50<sup>th</sup>.

Mr. Randall: 50<sup>th</sup> for a tot lot, thank you. And I guess maybe this is better to the applicant, but I guess then the first 49 applicants... or the first 49 occupancy people wouldn't have something to do there? I guess that's what we expect. Is that the message that we get from not requiring it till the 50<sup>th</sup> occupancy permit? The first 49 would be out of luck until they build the 50<sup>th</sup>?

Mr. Geouge: That's one way to look at it, yes.

Mr. Randall: That's the way I look at it if I'm the first one there, right? It's the same with the sidewalks?

Ms. Vanuch: Same way with sidewalks.

Mr. Randall: Same with the sidewalks, correct?

Mr. Geouge: I guess it also might come down to how quickly they issue those permits. It could be quite a while or it could be all within a year, so we're just...

Mr. Randall: That's the leading question to that is if it takes them a year and a half to get to the 50<sup>th</sup>, then for a year and a half the first one there...

Mr. Geouge: Right.

Mr. Randall: ... has no tot lot, no, you know, no... I don't know when they're gonna build a fence around the tot lot. You know, that's another question is do we want to have something there to mitigate the pond...

Mr. Geouge: Right.

Mr. Randall: ... if they don't have the tot lot yet.

Mr. Geouge: Right.

Mr. Randall: Because right now the fence is around the tot lot. That doesn't protect the pond, that doesn't keep anybody out of the pond per se. So that's a whole nother question but I am interested in talking about the timing of the build of those.

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Mr. Geouge: And we did bring that issue up to the applicant and the safety issue of the tot lot being next to the pond and suggest that they consider proffering a fence, something that affect. Currently, that's not in the proffers, fencing between.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Thank you. Would the applicant like to come up and address the commission?

Mr. Payne: Thank you Madam Chair, other members of the Planning Commission. My name is Charlie Payne, I represent the applicant. Appreciate your time this evening, and thank you to staff obviously for his presentation. They covered much of the application in detail so I'll try to just reiterate a few points and then answer some of the questions that have come up. As staff had noted, there are four parcels involved with this project that consist of a little over 10 acres. It is a request from R-1 to R-3. It does include 71 attached townhomes. The R-3 district does encourage... it's one of your higher dense districts... it does encourage multi-family and townhouses. As staff noted, this would be 7 units to the acre; typically R-3 requires 25% open space. You'll see in this... in our slides that actually we exceed that number. And this use is encouraged under the County's Comprehensive Plan. It is located, as you heard, in the Warrenton Road Planning Area, Targeted... Planning Area Target Residential Growth Area. There's a mouthful. The surrounding area, as staff had noted, is generally south of Warrenton Road and also east of I-95; to the west and north are single-family detached homes, and then the Rappahannock Landing Section 3 is adjacent to us which has a similar density and is built out. And into our south is a vacant lot zoned R-1. Again, open space and buffering, we're looking at 39% for this project versus 25 in the minimum R-3 district and open space will be used for stormwater management as staff has noted and passive recreation. There are no cultural resources on the site and this project will not have any environmental impacts. This project is consistent with the Comprehensive Plan. The property again is within a Targeted Growth Area, the Warrenton Road Planning Area Residential -- that is a mouthful. TGAs are designated to be near transportation facilities, like Warrenton Road and I-95 and within the Urban Services Areas where we can connect to utilities. The Comp Plan does recommend, as you know, that 50% of all new growth occur in TGAs and within our USA, and residential areas within this planning area are recommended to include 1,500 multi-family, 800 townhouses, and 1,000 single-family detached units. The project again is 7 units per acre which is consistent with the Comp Plan. The project also promotes the Comp Plan's housing goal. These homes will be townhomes as you heard. They'll be about 22 feet in width, include 2-car garages which is bigger than the adjacent townhomes to us, looking at a price range on average of about \$254,000, which is a strong starter home for folks. And again I think would be very attractive in this location. And as I stated, it's within the Urban Services Area. Here is the GDP and I'll just point out a few additional comments. The reason why Krieger is just for emergency access only is we're trying to avoid cut-through traffic from the adjoining property to come through there through our site. As you can see there's a pretty clear quick cut-through this way versus having to come here, so that's why it's there. And also obviously (inaudible) wanted an additional access. This is a vacant lot that you saw here on the photos... not here but you saw from the photos from staff and there is a residence here. The setback here, we will have about a 20-foot transitional buffer here. The setback from back lot line to the to the property line of the owner there at that location is about 40/45 feet and about 50 on the other side. This area here will remain undeveloped. It will stay in its natural state. There is no requirement to have any sort of buffering there. There is some open space I'll note here Rapp Landing. There is the pond which will be the stormwater management facility. Obviously the tot lot is here and, as we heard comments obviously about having that fenced in. The reason why it's here is basically reacting to some of staff comments to get it closer to the center of the development. We initially had it here, kind of away from the development. There are also some open area here as well to perhaps provide some additional amenities, like a pocket park of some kind which we'll be very open to doing which would improve the

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development of the site and then maybe we can bring the tot lot back here if that is something that folks felt more comfortable about. The tot lot, just to in regards to the timing of it, when there's a lot of construction going... activity going on, these townhomes will probably be built in a couple years. Typically, you try to avoid putting the tot lot in too quick because you're then avoiding the tot lot for purposes of construction as you phase it, especially back here, and no one wants to go to the tot lot when there's construction around. So, typically, you try to get it towards the end of the development, not necessarily the end but towards the end and that's why we picked 50<sup>th</sup>. But we'll certainly take a look at it especially if we relocate it. Maybe it can come in a lot earlier. Sidewalk again, we'll talk about that again. That's, you know, you're phasing in the construction process. You don't want to damage the sidewalk; if it's built too early then you gotta rebuild it. So that's just... that's just sort of how the construction process happens and that's why we look at putting those in sort of later stages. But again, this is a couple of years if the market stays the way it is that this project will be built out once all building plans and site plans are approved. You saw the renderings; again, 22 feet in width which is a superior product to our adjoining neighbor and it will include 2-car garages. And as staff noted, it is consistent with the Neighborhood Design Plans. Transportation -- access as staff had noted to the property would be directly provided from Musselman Road. Again, emergency access only from Krieger. Again, this plan... there are planned transportation improvements as you've heard from staff ,including moving the light from Short Street to Olde Forge and Warrenton Road. And also there are plans obviously to improve the interchange at Warrenton Road and I-95 including widening of I-95 lanes from six to eight. The trip generation assessment includes... we didn't initially do a TIA and we didn't do a TIA with our memo. We just something called a quasi-TIA, but a TIA is not required under the County requirements because of the fact there's 71 units. So, it's assumed that it would not impact level of services, that's why it's not required. But we did take a look at it. We took a look at it based on the projected traffic counts and it would not degrade any level of services at any of the key intersections, and the key intersections we looked at were the same that we looked at for the Highlands on the Rappahannock. So, we assumed it would be the same for purposes of any scoping. Schools as staff had noted, and again this is data as we have today; I know there's been redistricting. We can only work with what we've been provided to date, Rocky Run Elementary, Drew Middle, and Stafford High. Based on the estimates for townhouses, it's 0.54 students per dwelling unit which will generate 39 school-aged children. Under the current proffer legislation, including under the amended one, you get a credit for by-right units, so that would net it down to 24. So, there is an impact on capacity for all three schools which we're proffering \$15,771.54 per unit. And again, the cost for per pupil and the number of pupils is not the numbers that we create. That's what we're provided and that we've got to throw into our formula. Public Safety, Parks and Rec, again Fire and Rescue Station 12 will serve this location. There will be an impact to those facilities; we're paying proffers of \$950.63 per unit, even though there are some by-right credits we're applying those against all of the 71 units. And the proffer analysis, as staff noted, concludes that since the project is not within a priority area -- I'm sorry Mr. Bain -- there will not be any impacts to parks although I hear what you've got to say especially with Falmouth Park looking so horrible. I know there's a need for parks. Again, summary of key proffers and fees -- the total all in, just based on the current proffer legislation, would be \$16,722.17 per unit for schools and public safety and this is how it's broken down. There are transportation impact fees required so at the end of the day this is almost \$20,000 per unit. If you think back to the old days, they were ranging 24/ 25 a unit so this is fairly close to those numbers. Also, additional proffers, as we've noted, we will construct the tot lot. Also, you know, thinking about and talking to Mr. Randall about putting in a potential pocket park to improve the amenities on the site. We will also construct the gated access again for emergency purposes only on Krieger and removing existing structures on the site prior to the issuance of the first C.O., and construct the sidewalk along Musselman Road. And again, we can take a look at doing that sooner rather than later. Again, I just wanna be careful about that because I want to make sure we don't damage any of the improvements that we make during construction. And with that I'm happy to answer any questions.

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Ms. Vanuch: Mr. Bain is your district, you can go first.

Mr. Bain: Yes, I'd like to; thank you very much. Mr. Payne, I'd like to hit the Krieger Lane emergency access again. Your drawing showing that it would be an attractive path for the cars to cut through your development doesn't make any sense to me because to do that the car would have to make three turns as opposed to just coming up Krieger and turning right on Musselman or doing the reverse. And the density of traffic along Krieger and Musselman would be much lower than cutting through the subdivision. So, that doesn't make sense to me. And I just... I hate to see roads blocked. And I know these gated access things, would that be the responsibility of the HOA to maintain? They tend to fall into disrepair. I would encourage you to withdraw that emergency gate and just let it be an open access. I would similarly suggest maybe connecting the next street up to the north that right now is a hammerhead. Go on and connect it to Krieger; eliminate dead end streets in these subdivisions where you can or else do circles. Hammerheads are very awkward. You get one or two people park there and then you don't have the opportunity to actually use it as a turnaround spot. So, just some suggestions to think about.

Mr. Payne: Sure. Appreciate it.

Mr. Bain: The tot lot, I certainly support moving it away from that farm pond. You mentioned the intention is to use the farm pond for stormwater management, that the drainage of this site is primarily south and westerly. So, to get water into that pond from the southern portion of this development I think you'd have to pump it maybe, which doesn't make any sense, practical sense. So, I'm really questioning... I know farm ponds, unless they have a constant flow in them, in the summer they go stagnant. And have a tot lot next to a stagnant pond or a dried pond, it's not a good situation. Ponds attract nuisance animals. So, to me, if it could be done I think the pond should be filled in rather than leaving it. But I understand the wetlands and they may be regulated so that could be a problem. But if you could get the tot lot away from the pond, I think it would be a good idea. I can I can just see mothers and fathers spraying their children with mosquito spray every day to go to the tot lot so they wouldn't get eaten up by the mosquitoes that live in the pond. The parking -- I had asked Brian about the additional parking. There were like 37 or 39 additional parking spaces. Is the intent that each homeowner would have a single-car garage and that the driveway would be long enough for a car to fit on that without blocking the sidewalk?

Mr. Payne: That's correct.

Mr. Bain: I've taken a couple of rides over into the Rappahannock Landing townhouse areas and on a number of occasions I've seen people parking in their driveways but not pulling up to the garage door and thereby blocking the sidewalk. So, I really think that's a bad planning approach. You're allowed to do it under the criteria, but I think the... our planning code should be adjusted for that.

Mr. Payne: When I can figure out how to manage human nature, I'm leaving this job.

Mr. Bain: I fully understand. I fully understand. I think the idea of a pocket park is very nice. It's not something we can require but certainly that would make the units more saleable.

Ms. Vanuch: You can require a pocket park.

Mr. Bain: Oh, you can.

Ms. Vanuch: Yeah.

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Mr. Bain: I want a pocket park.

Mr. Payne: You got it.

Mr. Bain: I think that would be an excellent idea.

Ms. Vanuch: How big do you want the park to be, Bart?

Mr. Randall: Yeah, I need to go out and measure the land and make sure that we can get a football field in there.

Mr. Bain: On the northeast end of the development where the sidewalks going along Musselman Road, is that going to tie into sidewalk... existing sidewalks for the Rappahannock Landing townhouse?

Mr. Payne: Correct.

Mr. Bain: Okay, that's good. I didn't want... it's going to just drop dead on the other end but at least on that end it'll tie in, so that's good. That's all the questions I have right now. Thank you.

Mr. Payne: Thank you.

Ms. Vanuch: Mr. McPherson said he had a couple questions.

Mr. McPherson: I just have one question, related to my previous comment about the timing of that emergency access. If you look at the map that you just had up, this is going to be phased construction as you said. How does that visions of some of the roads being blocked by cement trucks, trucks delivering lumber or whatever, and if an emergency vehicle needs to get down there and you do not have that emergency access created before the first unit is built, you're potentially putting those first occupants at risk. So, is there a way to add to the proffer that that road will be built first and then that access road would be available from day one?

Mr. Payne: I'm not sure how the fire department has advised on that. Do you know, Brian, if they wanted that built first? Were they concerned about that?

Mr. Geouge: I don't think they specified.

Mr. Payne: Because there's multiple accesses for construction obviously, but we'll take a look at it. I think that's a good point.

Mr. McPherson: Thank you.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: Madam Chairman, just one thing. Can you pull that GDP up one more time? So, so having been an HOA President, I would still be concerned about the pond, whether the tot lot is there or not. I think kids are going to play there just because it's an open area, and I would ask that you consider still putting a fence around it.

Mr. Payne: Okay. Thank you.

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Ms. Vanuch: That's it.

Mr. English: Is that a natural pond or is it...?

Mr. Payne: Yes.

Mr. English: It is?

Mr. Payne: It's a pond there now.

Mr. English: So, was that manmade...

Mr. Bain: It's a farm... it's a manmade farm pond.

Mr. Payne: Well, oh, yeah.

Mr. English: So it could be filled in if need be then.

Mr. Bain: Not necessarily, no.

Mr. English: If it was manmade, I thought it could be.

Mr. Bain: No. If it becomes a wetland... if wetlands develop along it, if they're large enough to be regulated...

Mr. Payne: I'll let Bill Pyle answer that question real quick.

Mr. Pyle: Good evening members of the Planning Commission, Bill Pyle with Bowman Consulting. I don't know off the top of my head whether it was a manmade farm pond or an existing farm pond, but the intent is to use it as stormwater management, so we would still need stormwater management whether the pond was filled in or not.

Mr. English: Right.

Mr. Pyle: And there are wetlands around the edges so there would be wetland impacts if you filled in the pond.

Mr. English: Okay.

Ms. Vanuch: Mr. Randall, go ahead.

Mr. Randall: Yeah, one quick question to that then. What do you anticipate having to do to make that an actual stormwater pond? You just expect that the natural drainage to there but, to the point that was made before, do you expect to be taking proactive measures to get as much drainage into that pond that may not go there now?

Mr. Pyle: We've done a preliminary grading study and I believe that the water will drain to the pond without any... without a lot of extra effort required.

Mr. Randall: Would that be through the tot lot?

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Mr. Pyle: Through the tot lot? No.

Mr. Randall: Okay.

Ms. Vanuch: Anybody else have any questions? Alright, thank you very much.

Mr. Payne: Thank you.

Ms. Vanuch: Okay, now we'll open it up for a public hearing. So, if anyone is here to come down and speak on the Cherryview Landing Rezoning Reclassification, come on down to the podium. You've got 3 minutes to speak; please say your name, address, the district you reside. When the red light comes on, please conclude your comments.

Mr. Waldowski: Wow, I wish you could take this away. Paul Waldowski, in the gerrymandered George Washington District. Oh, I mean Rock Hill. Freudian slip. Okay, houses of aristocrats, HOAs. Number one rule you need to know is you need 48 of the members to sign the petition and you can get rid of the HOA. Second, if you have an HOA, your state road should be secondary state roads and then the HOA doesn't have to take care of that. But I'm not the agent. But, what can I say. If you listen to this, I've heard from staff, I've heard from the applicant, I believe that this is going to drain. Well, I don't believe because that's subjective. I believe that that's the right buffering for this. I believe that you don't need to ask for a fence, you need a fence. Cabin Creekwood had 107 townhouses, okay? I bought one of the very last ones in 1990 and I only paid \$109,900. But I owned part of the storm pond... what can I say. But I needed 71 signatures to get rid of the HOA. Now, another subdivision, Stafford Meadows, has 143 townhouses. You know, that's the one with no public water and sewer. Hopefully you're going to give them public water and sewer here, so they get their bill. It took 20 phases to build 143 townhouses. You have 71, so you can count of 10 phases to do this, and you're maximizing this as 7 units per acre. As usual, I just love how you tell me that there's .554 students. Wow. All humans are 1.0000. So quit using these averages and put the real amount of students across 71 houses so people can understand what's going to affect the capacity of our high schools, our middle schools, and we only have 17 elementary schools so, what are you worried about? Ahhhh. Let's go back to the level of service for transportation. It's not even a C. It was, I believe it's a C. I don't have a traffic impact analysis. And I can't wait to see that sidewalk to nowhere that you're going to build because that's all what all sidewalks are in rural Stafford County -- they're going nowhere.

Ms. Vanuch: Thank you. Would anyone else like to come down and address the Commission on this item? Okay, seeing none, I will close the public hearing and bring it back to the Planning Commission. Does anybody have additional questions for the applicant? Mr. Randall? Okay. Mr. Payne?

Mr. Randall: Just a couple of additions. You know, we've talked about some of the items; would those things... I mean, is there some ability for the applicant to proffer some of those, a fence, the park, those types of things before we move forward? Or is that something that would be done later? What would your thoughts be on that?

Mr. Payne: Yeah, we're in agreement to do that.

Mr. Randall: Okay.

Mr. Payne: The fence and the pocket park and to move the tot lot.

Mr. Randall: So, I would say a fence around the pond, for sure.

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Mr. Payne: Yep.

Mr. Randall: And the pocket park, and then if it's feasible then to move the tot lot down to that pocket park so everything's right there.

Mr. Payne: Sure. Yep. We can certainly do that.

Mr. Randall: Okay. Alright, so noted. Alright, thank you.

Ms. Vanuch: Okay, thank you Mr. Randall. Mr. Bain?

Mr. Bain: Were there any other questions?

Ms. Vanuch: Does anybody else have questions? Okay.

Mr. Bain: No. I would like to see that revised GDP then if they're willing to incorporate some of those measures. And I would also like to have an opportunity to look more thoroughly at the traffic analysis that Bowman provided us tonight.

Mr. Payne: Sure.

Mr. Bain: So, with that, I'd like to make a motion that we postpone a decision on this application...

Ms. Vanuch: When would you like to do that?

Mr. Bain: Let's see, April... May...

Ms. Vanuch: May 15<sup>th</sup> is our next meeting, and then there's one on May 29<sup>th</sup>.

Mr. Bain: May 29<sup>th</sup>.

Mr. English: Mr. Bain?

Mr. Bain: Yes sir.

Mr. English: In reference to your motion, what about...

Ms. Vanuch: We need a second and then we can discuss.

Mr. English: Okay.

Ms. Vanuch: Can you... you want to second?

Mr. English: Yeah, I'll second it for discussion.

Ms. Vanuch: Okay, now you can go.

Mr. English: In reference to your... in reference to that traffic that you're asking, what about the traffic that's impacted on Bellows Avenue that comes through... cuts through that subdivision right now? I'm kind of concerned that... that's a big concern because you're coming through another subdivision and, if

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they shut that light down, and they're going to be... that's going to be an automatic, just human nature, they're going to go just like Mr. Payne said; human nature they're going to go to the right and I'm really concerned about... What's the traffic right now with Rappahannock Landing in there? That would be my question to add to your motion if you could.

Mr. Bain: That's very good points. So, if we could get some clarification.

Mr. Payne: What avenue was it, I'm sorry?

Mr. English: I think it's going to be Bellows or Anville, one of the two. I think it's going to be Bellows.

Mr. Payne: We'll take a look.

Mr. Bain: Good point, thank you.

Ms. Vanuch: Okay, so there's a motion on the floor with a second to postpone this until May 29<sup>th</sup>, and then they've given the direction to change the proffers to add the pocket park, move the tot lot, fence in the pond area, and whatever Mr. English just said about the road. I don't know which road we just... okay. You wrote the road down.

Mr. Apicella: I missed the timing, too, that they were going to look at that as well, of the tot lot.

Ms. Vanuch: The time... oh, yeah, yeah, yeah... you're going to look at the timing...

Mr. Payne: Yeah.

Ms. Vanuch: ... for the tot lot.

Mr. Payne: Yep.

Ms. Vanuch: And then did you want to address the hammerhead versus cul-de-sac?

Mr. Bain: Yes, Krieger Lane.

Mr. Payne: You want Krieger (inaudible)... Krieger Lane being open?

Mr. Bain: And the hammerhead eliminated possibly.

Mr. McPherson: And the emergency access.

Ms. Vanuch: And the emergency access.

Mr. Bain: I want Krieger Lane open.

Mr. Randall: The intent is leave the public hearing open?

Ms. Vanuch: No, we already closed it.

Mr. Randall: Okay.

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Ms. Vanuch: Okay. So, that's good. So he'll address those issues and then come back on May 29<sup>th</sup>. So, we have a motion and a second on the floor; I think we're ready to vote if there's no more discussion. Okay, go ahead and vote. Motion carries 7-0; we'll see you gentlemen back on May 29<sup>th</sup>. Okay, moving on to item number 2, a Conditional Use Permit for the Garrison at Stafford Restaurant Minor Conditional Use Permit Amendment. This is in The Garrisonville Election District and will be presented by Ms. Hornung. Ms. Hornung?

2. CUP19152662; Conditional Use Permit - The Garrison at Stafford Restaurant Minor Conditional Use Permit Amendment - A request to amend conditions of an existing conditional use permit (CUP) to modify the type of use associated with a drive-through within the HC, Highway Corridor Overlay Zoning District, on a portion of Tax Map Parcel No. 20-130. Specifically, the amendment would modify the condition related to the type of drive-through facility to allow a drive-through associated with a restaurant use. The property is located in the P-TND, Planned – Traditional Neighborhood Development Zoning District and consists of 0.84 acres, located on the south side of Garrisonville Road across from the intersection with Travis Lane, within the Garrisonville Election District. **(Time Limit: July 19, 2019)**

Ms. Hornung: Hello, thank you Madam Chairman, members of the Commission. The project you have is The Garrison at Stafford which is a conditional use permit amendment for a restaurant use/drive-through versus what was approved previously, which was a bank... a drive-through for a bank institution. This drive-through facility is within the HCOD, Highway Corridor Overlay Zoning District, and this will be associated with a restaurant use. It's currently zoned P-TND, Planned Traditional Neighborhood Development and the Assessor's Parcel is 20-130, which is a portion of it. It's 0.84 acres and the applicant is Route 606 Reston LLC and the agent is Clark Leming. This shows you the... in red which is the site on the entire site of The Garrison at Stafford. This is off Garrisonville Road. A little bit of background is the graphic to the left shows the entire parcel and the zoning adjacent to the property. And the right graphic shows the current proposed development on this property, which we currently... staff currently has a site plan that's been submitted and tentatively approved pending a payment of a Chesapeake Bay mitigation fee from a special exception, which shows the financial institution from the original Conditional Use Permit. This is a graphic of the GDP for the building that is being replaced with a... about a 6,000 square-foot building with multi-tenant uses and a restaurant drive-through which, looking at this graphic, the restaurant drive-through will be to the right and that will be the only use that will be able to access the drive-through. This development would be in... is in accordance with the GDP. Also, the access shall be limited to the location as identified on the GDP, so there won't be any direct access to Garrisonville, or there is the Highpointe Road access to the far left, which is here. So this... I mean, if the... the site will actually come out to the main entrance which will go out to Garrisonville Road. The headlight glare will be minimized with berms and evergreen plantings, which are currently shown on the site plan which has not been approved yet. The loading and trash collection will... is also required to be screened. Currently in that area there was no dumpster shown, but there was a loading space shown and, in this revised GDP, they do show a loading space. The stacking lanes for the drive-through facilities will be... shall be designed so it would not impede traffic. So there... which is also a requirement at site plan review when it... whether the site plan gets approved or not, it still has to be amended or revised to show this new building so that any of the stacking, which here is the window for paying. It's tentatively proposed that the menu board would be about in this area, that the stacking will have to be minimized so that there will be no stacking in the... in the through lane which will be right in here. Some of the traffic impacts I wanted to point out to you is that the... with the 6,000 square-foot building... let's see, I'll go back to this... with the 6,000 square-foot building and the restaurant drive-through on the east side and the frontage on Garrisonville, we did receive an impact statement that approximated that 1,846 vehicles per day would be associated with this 3,000 square-foot retail use, and an additional 554 vehicles per day for the additional multi-tenants.

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Looking at the traffic for this site and comparing it to the entire site, it's highly unlikely that the 26,000 vehicle trips per day that were initially done with the rezoning, that this additional traffic would impact the entire development. It's possible it could impact this particular use at this location but, for the overall development of everything that's included on this site, it's possible that it won't impact it that much. And staff used the Institute of Transportation Engineers, the 10<sup>th</sup> edition of the ITE manual, to look at a bank drive-through of a thousand square feet that would generate about 2,825 vehicles per day per... oh, I'm sorry, 550 vehicles per day per thousand square feet. A fast food with a drive-through would generate about 2,825 vehicles per day per thousand square feet. And then a coffee/donut use with a drive-through would generate about 4,922 vehicles per day per square... per thousand square feet. So, the intended use generally generates considerably more vehicles per day but, as I said, it's highly unlikely that it would impact the overall development.

Mr. Bain: We don't know yet who the tenant's going to be in there, do we?

Ms. Hornung: That is correct.

Mr. Bain: Okay.

Ms. Hornung: Some other things about this particular development, the building design would be subject to the Neighborhood Design Standards that were approved with the P-TND when the entire site was rezoned. So, while we don't have architectural, the development of the entire project is subject to the Neighborhood Design Standards that was recently approved. The drive-through is in compliance with the Comp Plan and the commercial corridor within this suburban area because of the... allowing the neighborhood uses to serve... the neighborhood serving commercial uses consistent with the recommendations in the land use plan. And it also fits in with the uses established along 610. Some of the positive findings, the conditions will limit the intensity and external impacts from the proposed use; it is consistent with Comprehensive Plan recommendations; and also with the criteria considered for a conditional use permit. And there apparently are no negative condi... negative impacts. Some of the conditions that are reiterated here that the site shall conform to the GDP that was submitted, dated 2/21/19, the access shall be limited to the location of the... that's shown on the GDP; no direct access to 610 or the other entrance, which is the Highpointe entrance; the drive-through lanes shall be oriented in a manner to minimize any headlight glare on the state maintained roadways; and then, of course, if necessary, because of being in the HCOD, a berm or additional plantings will be required to screen that glare. The loading areas and dumpster pads and trash compactor shall be located in a manner so they'd be screened from the road and not between Garrisonville and the front of the building. The stacking lanes for the drive-throughs also shall be designed so not to impede traffic congestion... traffic circulation in the area to cause any congestion, and the stacking would come out onto the road that is accessed from Garrisonville. The drive-through shall... staff recommended the drive-through shall also include bypass lanes for vehicles not utilizing the drive-through area, so that if, for whatever reason, something happens and cars are in a drive-through lane, there is an access for them to get out of that drive-through lane for whatever reason. So, it can also be used as an emergency feature if something were to happen and the vehicles needed to move out of that area. And also, the conditional use permit may be revoked or conditions amended by the Board, which is a standard comment. And if you have any questions, I'll be happy to answer them.

Ms. Vanuch: Mr. Randall, this is in your district, do you have any questions to start off?

Mr. Randall: I do have some questions.

Ms. Vanuch: Sure.

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Mr. Randall: Could you go back to your slide presentation please? To the GDP?

Ms. Hornung: Yes sir.

Mr. Randall: Based on what I see here and what the conditions were that you mentioned at the last slide, I don't see a bypass lane based on this site plan that we're looking at, the GDP. Where would you expect this bypass lane to be in? Have you been in contact with the applicant to put that bypass lane as part of this?

Ms. Hornung: Yes sir. The comments that went out to the applicant requested a bypass lane to be included as it was with the bank institution had 3 drive-throughs plus a bypass lane, and the response was that it was not needed. I'm sure the applicant is... they have a graphic and they're ready to discuss that with the Commission. Staff had requested a bypass lane but the GDP that you see is the one that was submitted to staff.

Mr. Randall: Initially.

Ms. Hornung: Yes sir.

Mr. Randall: Okay. And the second thing is once we get, and you know, depending on what the use is, once these... once this stacking lane is full, where would you expect cars to be waiting to get into that line? Do you expect them to be waiting on the red line, where that red line is in the road, or is there some other... some other place on the site that would be acceptable or prepared or something for them to be waiting to get into that stacking lane?

Ms. Hornung: There could be a number of options. I think, considering human nature, when you're coming off of Garrisonville Road... I'll use a different color... and you're coming in... let's say you want to go to the site and get to here,...

Mr. Randall: Yes.

Ms. Hornung: ... normal direction is going to come this way because it's the shortest way to where the individual wants to end up. So, and I would go this way, too. I would come from Garrisonville and I would go this way and... which is the direction of the roadway without making a U-turn or going around and continuing in to enter the site from this entrance. If there's enough room here and you can't get in, if I didn't want to wait I would most likely continue in and go through this area and try to come in and park and walk in.

Mr. Randall: Okay. Because there's another... the only reason I bring that up is because that whole corridor, through the Garrisonville, there are several issues with stacking and waiting and drive-throughs. One of the restaurants on that location have changed their whole drive-through process in order to meet... in order to better accommodate the stacking that they expected and they do get throughout the day at one of those restaurants, and I'm just wondering if the applicant's looked at making some modifications such that it would accommodate more than just the, you know, 10 or 12 cars that are here, as other restaurants have done.

Ms. Hornung: That would be a possibility.

Mr. Randall: Have you been in conversation with them regarding that?

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Ms. Hornung: No.

Mr. Randall: Okay. Alright, thank you.

Ms. Hornung: And some places have... that I have visited and seen, the drive-throughs have gone around the building and actually the front of the building is the drive-through.

Mr. Randall: Yes. That's one of the ones I'm talking about. You drive around the bypass lane, you drive all the way to the front, and that's where it starts.

Ms. Hornung: Right.

Mr. Randall: And then the stacking goes all the way around the building to accommodate those extra cars.

Ms. Vanuch: And to reiterate that, we see that with almost every drive-through on Garrisonville Road because there's such a need for these types of businesses in the area and that road sees so much traffic in the morning. And we are in dire need of these businesses that they're going to be busy and abnormally busy, I think, especially during the rush hour timeframe. So, anything they can do to help mitigate some of that will be really great. Anybody else have additional questions?

Mr. Apicella: I'm sorry... I'm sorry to jump in. How would we know that that problem is going to get fixed in the absence of having a GDP that's essentially being proffered? That's probably not the right word, but having one that's...

Ms. Vanuch: A condition maybe? Could we have a condition? Mr. Harvey, would that be appropriate?

Mr. Harvey: Madam Chairman, Commissioner Apicella, that was the purpose of the condition for the bypass lane was that if traffic does get backed up, that gives people the option to go around the building and park elsewhere as Commissioner Randall had mentioned. So that was the purpose behind that condition. As far as re-orienting the building, we'd have to defer to the applicant and their development plan to see if that's a possibility.

Ms. Vanuch: And is that entrance where they're going into the drive-through, is that enter and exit or is that enter only?

Ms. Hornung: Enter and exit.

Ms. Vanuch: Okay. Okay, Mr. McPherson, was that your question?

Mr. McPherson: Same question.

Ms. Vanuch: Alright, thank you Ms. Hornung. I think that's it. And then we'll have Ms. Karnes come up. I'm sure she can maybe help us answer some of these. Haven't seen you in a while, Ms. Karnes; good to see you. Is that my stick if I need it?

Ms. Karnes: You called me my name so I won't introduce myself as H. Clark Leming, which is what I was going to do. Commissioners, Madam Chairman, and staff, my name is Debrarae Karnes and I'm the attorney for the developer of Garrison. Now, first of all, I'd like to thank staff for their cooperation, and I'd also... and assistance... and I'd also like to apologize for Jeff and Bob Pence. They're usually

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here tonight; they usually present. Bob Pence is in Finland; he was recently named Ambassador to Finland, and Jeff Pence is at an unavoidable family meeting. Staff gave you a very good presentation of the issues. This is a minor amendment to a conditional use permit and its conditions. The only change is the substitution of a use. It was a bank with a drive-through; now it's a restaurant with a drive-through. It's consistent with the Comprehensive Plan, it's consistent with the approved GDP, and it's consistent with the pattern of development in the neighborhood. Okay, now, the question I heard was on stacking and on the bypass lane. And I have an exhibit to show you, a conceptual exhibit -- they're still finalizing the details -- if you could bring that up on the screen. This shows you their initial thoughts. One thing I want to point out is there is no direct access from Garrisonville Road. There is also, on this, no bypass lane. But, as Mr. Harvey pointed out, the conditions require a bypass lane so it will have to be designed and the applicant is already talking to the proposed user about the need for this. When you look at it, the stacking meets the code provision. We believe there are no outstanding issues that are not addressed by the conditions. And, I guess there was the question, well, how would you come in? And maybe... maybe I drive very differently but if I were to try to come in, I would avoid coming in... and I don't think I can draw on this, right, I don't think I know how to draw on this... but I wouldn't come in that way. And the reason I wouldn't come in that way is that I would be afraid of making this turn. And I also think I might be visiting this restaurant use as I was leaving the site, so I would wonder if some traffic wouldn't be coming in this way. But, we'll have to see. Can I answer any questions for you?

Ms. Vanuch: Mr. Apicella, go ahead.

Mr. Apicella: This came up during another project. My concern would be, again, it's hard to know what we're going to end up with here, but, tractor-trailer deliveries versus box truck deliveries.

Ms. Karnes: Okay.

Mr. Apicella: And that what I see is a confined area to navigate around. So, could that be a potential problem?

Ms. Karnes: I will certainly... I don't believe so. This is a large site. However, I will certainly flag the issue for the developer. I think that is a site plan issue, but I will, um, specifically let the applicant know that you have inquired.

Mr. Apicella: I mean, I don't disagree that it might be dealt with at site plan, but if there's no condition, I'm not sure how we... how we address it on the front end. Again, I'm going back to we don't know what it's ultimately going to look like.

Ms. Karnes: Right.

Mr. Apicella: So, all we can do is deal with the conditions to make sure there aren't going to be any issues. So, that's kind of our way of making sure there aren't going to be problems is putting conditions on the front end.

Ms. Karnes: What exactly... I'm not really familiar with...

Mr. Apicella: Where would... how would a tractor-trailer, if a tractor-trailer was being used to make deliveries, how would that work here?

Ms. Karnes: Okay, that's your concern? Um...

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Mr. Apicella: Without impeding... so, you've got people parking, right?

Ms. Karnes: Mm-hmm.

Mr. Apicella: And somebody obviously is going to want to back up at some point in time. This is kind of a dual use so somebody could be going to a restaurant.

Ms. Karnes: Right.

Mr. Apicella: The bottom line, this is going to be much more throughput as a result of changing the use as compared to a bank. So, it makes me that much more concerned that people are going to be parking and potentially having, you know, conflicts with a tractor-trailer trying to make deliveries here.

Ms. Karnes: Would you be content with a condition that says, um, the delivery path of tractor-trailer and/or box trucks shall be designed so that it, um, does not interfere with traffic movement?

Mr. Apicella: Yeah, that might work. Mr. Randall, that's in your area, so.

Mr. Randall: Well, I guess the question is, are the... based on what you have here as far as parking's concerned, will it even accommodate a semi? Is there room in there for a semi? You know, we can park it anywhere, but will it be able to get into there? Do we know if it's large enough to be able to accommodate the movement of a semi through there? Or, as we've done in the past, one of the conditions was that we won't do semi's and it will only be a box truck. That's I think where we're going is that is it going to be large enough to do a semi or do we need to make a condition that a box truck only will be what is used to deliver supplies being that it's much easier to get in and to get out based on the current plan you have?

Ms. Karnes: I can't tell you, based on this plan, which was just an illustration...

Mr. Randall: Sure.

Ms. Karnes: ... of the proposed stacking. I can tell you that the applicant certainly doesn't want movement, any kind of movement, interfered with. The applicant certainly doesn't want, um, anything that's inefficient and there are, Andrea made a note, 12 by 15 loading spaces on the site. And other than that, I can... I can ask the applicant and get you more information.

Mr. Randall: Okay.

Mr. Harvey: Madam Chairman and Commissioner Randall, if I'm interpreting this concept plan correctly, it appears that they're showing a tractor-trailer parking space at the south end of the building, right adjacent to the drive-through stacking lane. So, typically that would imply that a truck driver would come in off of Garrisonville Road, come down the main entrance, and continue to make a right turn into the site entrance. From there, they would veer to the left and then back into the space, to the loading area where you see the door at the back of the building. Another option could be for someone to go to the next drive aisle and go back around if they needed additional turning radius. Generally speaking, the way this graphic is illustrated, it showing someone backing the truck into that large hatched space there, which is the loading space.

Mr. Randall: Okay.

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Mr. Bain: Is that the loading space or the dumpster location?

Mr. Randall: I thought it was a dumpster, that's why I didn't say anything.

Mr. Apicella: To scale, I see maybe 2½ car lengths there; that doesn't seem to be big enough to put a semi.

Mr. Bain: I don't think that would be the loading area.

Mr. Harvey: Well, it potentially could be serving a dual purpose. It could be a loading and also a dumpster location.

Mr. Bain: Well, if they backed a tractor-trailer in there, the tractor of the tractor-trailer would extend well out into the drive lane and would block traffic completely.

Ms. Vanuch: I think it would just... to sum it up, do you think they'd be willing to just put a condition that box truck deliveries only? Or do you think that's a deal breaker for the applicant?

Ms. Karnes: I would prefer to ask the applicant that question.

Ms. Vanuch: Okay.

Ms. Karnes: I'm very positive that they would agree to a condition that says, um, delivery by either tractor-trailer or box truck will be regulated to the extent that traffic is not, uh, neither stacking nor any other traffic onsite will be blocked or interfered with.

Ms. Vanuch: Mr. Apicella, does that...?

Mr. Apicella: I mean, I think so, but I'm not sure. Because... and I'm not sure where we're at because it seems like this plan is just hypothetical; it's not solidified. So, I'm not sure if we're... this is ready to go or it's something that you need to take back and kind of flush out a little bit more. So... and if you can, I mean, if it's going to take more time, then maybe it's something you all need to think about.

Ms. Karnes: I think staff... I mean, I'm sorry, I think the applicant is... had been planning all along to work with staff on the, um, both the stacking and the bypass lane. I think as Ms. Hornung said, it's, uh, the site plan is conceptually approved except they have to substitute the use and so they will have to work out these issues, at least the stacking and the bypass lane because they've been made conditions. And so I think it would be easy to get clarity. I've also been asked to explain the timing on this. Um, the applicant is working with a user who has a very short timeframe and it's been imperative throughout the process that this move forward as fast as reasonably possible. Now, I'm a planner. I would never for one minute suggest you move forward something where you didn't have control and enforcement power on any essential issue. But you've got the enforcement power from the conditions that staff has imposed and the one I suggest. And what I would suggest you do, if you're comfortable with it, is to move this forward, have the minutes flag these issues, which they will, and have the applicant come back with a little bit more information and as part of the Board presentation address these issues.

Ms. Vanuch: Mr. Randall? We have another public hearing yet, so just FYI.

Mr. Randall: Right. Let's do the public hearing and then we'll come back.

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Ms. Vanuch: Okay. Thank you Ms. Karnes. Mr. Apicella.

Mr. Apicella: I was wondering if, you know, maybe you could write out exactly what you had proposed.

Ms. Karnes: I'll try because I have a bad memory. I'll try to get it down.

Ms. Vanuch: And my last question for you, I know you're working with an applicant; I have some idea on what that is and I've been to many of these. I know the new theme is to do drive-through only.

Ms. Karnes: Mm-hmm.

Ms. Vanuch: Is this going to be a drive-through only or do you know if they're proposing to do a walk-in and a drive-through?

Ms. Karnes: I do not know but I can tell you this, that they're proposing what, a little bit in excess of 2,000 square feet for this use, which makes me believe it's walk-in, as well as drive-through.

Ms. Vanuch: Okay. Thank you. Okay, now we'll go ahead and open up the public hearing. If you're here to talk on this item, which is the Garrison Restaurant Minor Conditional Use Permit Amendment, come on down. You'll have 3 minutes; state your name, address, the district you reside. When the red light comes on, please conclude your comments. And we have Mr. Waldowski.

Mr. Waldowski: Yeah, it's just a minor amendment.

Mr. Bain: You didn't change your shirt.

Ms. Vanuch: Yeah, no outfit changes tonight?

Mr. Waldowski: What's that?

Ms. Vanuch: No outfit changes tonight.

Mr. Waldowski: No, I played poker today and got beat up. Paul Waldowski, I don't need to tell you what gerrymandered district I'm in; all 7 of them are gerrymandered. Alright, this is my favorite in the commercial corridor -- 57 acres. We have the Pence Fence up, okay? So, you might as well enjoy that. At least he knows how to put a fence up around a stormwater pond. And, you already took my thunder - - it was a bank, not a restaurant. A bank! That means banks don't have semis, deliveries, box trucks, unless you bring in the guys who are gonna come get the money. So, you already heard the applicant say 2,000 square feet. So you're gonna walk in and do it. This place... you don't own property off 610. I own property right across from there. The red light's coming there -- eventually. It's such a nightmare, the 57 acres. And your Comp Plan's out of date. Now, staff, I hate to keep picking on you but you made this comment; highly unlikely that there'll be a possible no impact to the overall development. Fifty-seven acres... you change it; you know, it's kinda like that President - we're gonna change things. CUPs, I'll keep stressing this over and over again, are favoritism. You amend a CUP... if this guy had such a great GDP, he wouldn't need a CUP. A conditional use permit is for special aspects. You know, I had to put up with a CUP when you put up the Stafford High School because you didn't have the right GDP. But I'm going to fight every CUP until I'm long gone, because you're favoring this developer who lives in Reston and now we now his buddy is... he's in Finland! Wow! He ought to go see my buddy Linus Torvo. You know, he invented Lenox just so you know. Unix is in the

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word Lenox. Even Katz on 610 did redevelopment of the hardware store. You can go get a state inspection, you can go get an emissions inspection, you even have a lane to get out and go around the building and get out. But, does this guy look at stuff at the commercial corridor? Noooooo... it's the Pence Fence. I'm enjoying this one. And your evergreen plantings... come on. Pear trees, evergreens, you're not going to block the lights of today's high beam lights that are going all over the place. Safety hazard.

Ms. Vanuch: Thank you. Would anyone like to come down and address the Commission? Seeing no one, I'll go ahead and close the public hearing and bring it back to the Planning Commission for any additional questions for Ms. Karnes. Anybody have any questions, left?

Mr. Randall: No, I don't have any particular questions.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: I would just like to see the language, or hear it again.

Ms. Karnes: I can read it.

Mr. Apicella: Sure.

Mr. Randall: Please.

Ms. Karnes: The applicant shall provide adequate turning radius to allow semi trucks and/or box trucks safe transit throughout the site without blocking or interfering with traffic movement.

Mr. Randall: Okay.

Ms. Vanuch: I have the utmost confidence that Amy Taylor will make sure that that happens in TRC.

Mr. Randall: Yes. And then I do have one additional question for staff. I don't know if... well, either of you can answer it I'm sure. If you go back to the conditions, it talks about a bypass lane.

Ms. Karnes: Mm-hmm.

Mr. Randall: Is that a bypass lane through the entire stacking area, or is that just a bypass lane for half of it, past the menu... it showed initially the dotted line; that may be a preliminary site of where that bypass lane will be but does the condition... does the interpretation of the condition that it's the entire stacking area that should have a bypass lane? Or is there a portion that's only required?

Mr. Harvey: Madam Chairman and Commissioner Randall, staff's interpretation of a bypass lane is that it's a lane that allows you to go around the stacking. So, that would be a second lane. What could be interpreted from this drawing is there's a portion of a bypass lane after the menu board. Again, staff would interpret a bypass lane requirement as being from the beginning of the stacking area all the way around the building.

Mr. Randall: Right, so the entire... so basically what we're saying, and looking at the diagram, is that the bypass lane would be a second lane right around the entire red portion, that red line, there would be a bypass lane around that entire portion, correct?

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Mr. Harvey: Correct.

Mr. Randall: Is that the interpretation that we're having?

Mr. Harvey: Yes sir.

Mr. Randall: Okay, does that meet... okay. And you'll work that out with the applicant or does that need to be clarified that it will be throughout the entire stacking lane? I'm not sure how... what would be the best enforcement way, whether that needs to be in a condition or whether that's the interpretation you can provide.

Ms. Vanuch: Mr. Harvey, go ahead.

Mr. Harvey: Madam Chairman and Commissioner Randall, that can be added to the condition to further clarify things. As I said, staff's interpretation of what a bypass lane is full length. And Ms. Hornung's got some additional information she wants to share with the Commission.

Mr. Randall: Please.

Ms. Hornung: I have the section of the code for a drive-through facility's special design requirements: storage aisles and lanes for drive-through facilities shall not be less than 10 feet in width and shall provide a stacking reservoir with a minimum total length of 150 feet, measured from the point which the transfer of products is conducted. That would be then the window where you pay.

Mr. Randall: Sure.

Ms. Hornung: With the minimum of 75 feet from the first point of transaction or menu board. And then there's two other requirements; if you have two drive-through lanes you can have your area reduced. If you have three or more you can have area reduced. But this is what's in the code for one drive-through lane. So you have to provide a stacking of 150 feet from... from this window would be 150 feet and we would go from the entrance, and then 75 feet would be... this is the menu board, right?... from the menu board to...

Ms. Karnes: With the first point of contact.

Ms. Hornung: Right.

Mr. Randall: It looks like they meet those requirements there.

Ms. Hornung: It appears that way from this graphic, yes.

Mr. Randall: As long as... obviously, that's the staff's requirement to make sure that it's built as it says. The question is, is that a bypass lane? And so, I think it would be beneficial to clarify in a condition. Can we go to the condition list if you don't mind? I think it's your last slide. I'm sorry, Andrea?

Ms. Karnes: While Ms. Hornung does that, I will tell you that when the applicant sent me this exhibit, it... they clarified to me that there was no portion of the bypass lane showing.

Mr. Randall: Okay, alright, okay, perfect. It's the last... it's the second to the last condition on this page. I'm open for any wording that may work with that. Anybody have any... the drive-through area

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shall include a... the entire drive-through area, the total length of the drive-through area... maybe the total length of the drive-through area shall include a bypass lane?

Ms. Vanuch: That would be fine, I think that would do it.

Mr. Randall: You think that...?

Ms. Vanuch: Yeah, the total length of the drive-through, yeah.

Mr. Randall: The total length? Could we add that to that condition Andrea?

Ms. Vanuch: That would also make it much easier for people that drive big trucks to enter into the drive-through. I'm sure I'm going to be going there almost every day so.

Mr. Randall: There will be dumpsters and we'll do trash trucks as well.

Ms. Vanuch: Are you amenable to that Ms. Karnes? The total length of the drive-through?

Ms. Karnes: Yes, yes.

Ms. Vanuch: Okay. So I think we've got everything, right?

Mr. Randall: So, I think based on then what we've talked about with adding the total drive-through area, the entire total...

Mr. Apicella: You said the entire length.

Mr. Randall: The entire length, thank you.

Ms. Hornung: So, are you recommending the second to the last condition would say, the entire length of the drive-through area shall include a bypass lane for vehicles not utilizing the drive-through area?

Mr. Randall: Yes, yes. And then if we'll include, as another condition, the language that Ms. Karnes added; I think she stated it very well, as far as her language with the box trucks and the semi-trailers not impeding traffic.

Ms. Karnes: And although I'm sure the record keeper caught my language on tape, I'll go ahead and send it to you again.

Ms. Hornung: Thank you.

Ms. Vanuch: Perfect. Alright, anything else? We wrap this up?

Mr. Randall: No.

Ms. Vanuch: Okay. Alright, Mr. Randall, this is in your district, what would you like to do this evening?

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Mr. Randall: With the changes to the conditions that we just mentioned and we've made note of, I'd like to recommend... move to approve the Conditional Use Permit, CUP19152662, The Garrison at Stafford Restaurant Minor Conditional Use Permit Amendment.

Mr. Apicella: I'll second that.

Ms. Vanuch: Okay, so there's a motion to approve the minor conditional use permit proffer amendment by Mr. Randall and a second by Commissioner Apicella. Any further comment Commissioner Randall?

Mr. Randall: No, thank you.

Ms. Vanuch: Commissioner Apicella?

Mr. Apicella: No ma'am.

Ms. Vanuch: Alright, anyone else have any comment? I would just like to thank you Ms. Karnes. We're trying to promote business friendly. I'm very, very excited that we have somebody that wants to come into The Garrison and I'm really, really hoping that this is going to help get it off the ground. That is the number 1 thing I hear our residents say in North Stafford is where is the movie theater and where is this development? So I'm very, very thankful for all of your hard work on getting this. And please let the applicant know that we're very excited that they've chosen to move forward with the project.

Ms. Karnes: Thank you very much.

Ms. Vanuch: Thank you. Okay, with that said, we'll go ahead and vote. Alright, motion carries 7-0. Moving on to item number 3 on the agenda, Amendment to the Zoning Ordinance for measurements to reduce the amount of allowable encroachment into side yard setbacks for ingress/egress window wells; for this we also recognize Ms. Hornung.

3. Amendment to the Zoning Ordinance - Proposed Ordinance O19-10 would amend the Zoning Ordinance, Stafford County Code, Sec. 28-24, "Measurements," to reduce the amount of allowable encroachment into a side yard setback for ingress/egress window wells and outside basement entrances in specified areas within the PD-2, Planned Development-2 Zoning District (PD-2). Specifically, proposed Ordinance O19-10 provides that if the property is located in the PD-2 District and an application for a building permit was approved by the department of planning and zoning prior to June 14, 2018, the encroachment of an outside basement entrance and an emergency ingress/egress window well may be located up to three (3) feet to the property line. **(Time Limit: June 7, 2019)**

Ms. Hornung: Thank you Madam Chair and members of the Commission. This proposed Ordinance, O19-10, is to address the reduction of allowable encroachments of ingress/egress window wells and outside basement entrances. To give you some background information, the lot sizes in Planned Development districts range from 80 to 40 feet for single-family dwellings, thereby having small side yards which could limit the opportunity for encroachments. Homes with basements typically use emergency ingress/egress window wells in order to comply with the building code regulations if it's not a walk-out basement. Window wells and outside basement entrances can also encroach into side yards. Allowable encroachments into a required side yard could be 50... could be 6 feet with a minimum of 6 feet to the property line. So, that means that no more than... sorry, a maximum of 6 feet into the property line. So you can't be any closer than 6 feet to the property line. A request was made to lessen this dimension, but the Board had decided to leave it at... change it to 6 feet. The CEDC did forward to

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discuss this at their November 7, 2018, meeting and they forwarded onto the Board in which the CEDC did not want to recommend this to go... this ordinance to go forward. So, the building code requirements are that you have to have adequate egress from a basement bedroom by either a door or a large window in order to allow someone to go through the window if they need to, egress from a basement bedroom. The adjacent grade is typically higher than the bottom of a window emergency exit well. The windows in an emergency exit well shall be installed and that area has to be a minimum of 9 square feet. Window wells located in side yards typically violate side yard requirements. Dwelling walls must be 10 feet from adjacent dwelling walls in order to avoid a firewall construction. And I will show you that picture so you can see that, in these graphics, the walls are 10 feet apart. So then, it would... if they were any closer, then fire code recommends a firewall. Zoning Ordinance requirements are a little bit different. The encroachment for outside basement entrances and similar features, like ingress/egress window wells, they can encroach up to 6 feet into a requirement setback, but they still have to remain at least 6 feet from the property line. Side yard setbacks for single-family lots in Planned Development Districts, which we know as PD-1 and PD-2, are zero feet on the side but they have to have a total of 10 feet. If a wall of a dwelling is 6 feet from the property line, there's typically no opportunity for encroachment. The dwellings shall comply with the building code requirements with that 10-foot separation, but zoning encroachment standards don't require the same issue. Currently, there are 129 units in Embrey Mill that are in violation of this zoning requirement.

Ms. Vanuch: How did that happen?

Ms. Hornung: How did that happen?

Ms. Vanuch: Mm-hmm.

Ms. Hornung: I honestly can't answer that.

Ms. Vanuch: Mr. Harvey?

Mr. Randall: Inquiring minds would like to know.

Mr. Harvey: Madam Chairman, I can answer that question. During the building permit review, we do a zoning review of the building plans and, unfortunately, with these lots, they're only 40 feet wide and they're smaller than most lots that we have in the County for single-family detached homes. For some reason, the zoning reviewers missed the subterranean projections. Normally, they look for porches, other additions on the buildings for setback purposes, but didn't catch the stair... the below-ground stairs and these window wells. So, that's how we came across this issue where we have issued permits not meeting proper code.

Mr. Randall: So, would those 129 units be grandfathered then? Would they... do they have something in writing that says, we know you're in violation but you're grandfathered through the ordinance? Or will they... how would we address that now?

Mr. Harvey: Madam Chairman and Commissioner Randall, this ordinance is attempting to address that issue. It would make all those parcels that had the violation, homes that had the violation no longer in a non-conforming status; they would be conforming based on this code amendment. So, this is the remedy to fix that situation. This code amendment is limited to the PD-2 zoning district where this problem has occurred, and also limited to building permits that were approved on or before June of last year, when we first realized we had this problem.

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Mr. Randall: Okay, so when they built the lots and they built the homes, they put the window wells in there at the same time, or those were built aftermarket?

Mr. Harvey: Commissioner Randall, those were built as part of the home.

Mr. Randall: As part of the home.

Mr. Harvey: Yes.

Mr. McPherson: So, does this apply to future PD-2 or just these 129 units?

Mr. Harvey: Just these 129 units.

Mr. McPherson: So, we're not allowing this going forward for everything (inaudible).

Mr. Harvey: Correct. When the Board referred this to the Commission, they had discussions about that and felt that looking at these images that are on the screen as an example, they were concerned about fire access and other things that may impede that in the future if someone put up a fence in between the lots and things of that nature. So they felt it was important to help the residents that were affected by the permit issuance unbeknownst to them or the home builder, so, to make them whole but not to continue this process going forward.

Mr. Apicella: I think I just heard you say something that might be a concern. What if somebody decides to put a fence up after we grandfather these?

Mr. Harvey: Well, regardless of whether they get... they are grandfathered in that they've been issued a permit and the structure has been built. So, it's there legally but it's in violation of the code. So they can continue to exist. This code amendment would remedy the question of them being nonconforming or not because if the code amendment is passed, they won't be nonconforming, they'll be totally legal. As far as operational aspects, whether if someone puts a fence there or not, the County can't really control that. Most fences don't require a building permit.

Mr. McPherson: I have another quick question, if I may. What happens if they stay non-conforming? How does that affect the homeowners, anything going forward? I mean, they're built; it's a done deal.

Mr. Harvey: Madam Chairman and Commissioner McPherson, in most cases it wouldn't have any effect on the existing homeowner. The worst case scenario is if the house was totally destroyed by a fire and they wanted to re-establish the home. They may not be able to use that basement bedroom in the future condition and have to close that window well off, or close off the stairwell where there's a violation.

Ms. Vanuch: I think that's a way to add an additional bedroom, because a bedroom has to have a closet and a window. And so, if it was burned down and that was counted as a bedroom, then they would lose a bedroom maybe impacting their value or something. If it burnt down, yeah. Okay.

Mr. Boswell: I don't know if there's room, based on these pictures, but it would affect them if they wanted to add something onto the home, wouldn't it, if they're nonconforming? They're not going to be able to add... make any major changes, correct?

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Mr. Harvey: Madam Chairman and Commissioner Boswell, they would not be able to make any changes in this current configuration in between the two houses, regardless of what it is, because it wouldn't meet setback. They could put potentially other additions onto the house on another side that doesn't have as tight a setback or the rear of the house.

Mr. Boswell: With it being nonconforming, they could still add on?

Mr. Harvey: Yes sir.

Mr. Boswell: Okay.

Mr. Harvey: As long as they're not contributing further to the nonconformity.

Ms. Vanuch: Okay. I know you're not done so, go ahead.

Ms. Hornung: That's okay, I'm almost finished. And the discussion was just to update you on what happened with the Board, and the Board discussed it January and February, and then they discussed reducing the distances between the window wells and nonconforming areas but they decided to provide the relief in which it's only applications that were submitted as of June 14, 2018. That would cover those 129 units and it also addresses PD-2 districts, which is only Embrey Mill. So, by changing that, it would only affect those items that... those 129 permits. So, the ordinance would actually add emergency ingress/egress window wells in this definition, in this detail, and then the language that will be added would state, if the property is located in the PD-2, Planning Development-2 Zoning District, and an application for a building permit was approved by the Department of Planning and Zoning prior to June 14, 2018, the encroachment of an outside basement and an emergency ingress/egress window well may be located up to 3 feet to the property line. So that will take care of the existing permits and anything happening after that will have to meet the current code regulations. So, staff recommends the ordinance be approved and forward to the Board with these conditions.

Ms. Vanuch: Any additional questions?

Mr. Apicella: Are all 129 built or are there still some in the queue?

Ms. Hornung: I believe... I don't know if they're built or not. I know that the permits were submitted prior to that date and I think, with the zoning review, it came up that we had this issue.

Mr. Harvey: Madam Chairman, Commissioner Apicella, permits were issued for all those homes and all those homes, by now, would have had an occupancy permit.

Ms. Vanuch: Is that it? Are you good? Anybody else?

Mr. Randall: I have one other quick question. Just so I'm reading this right, and I'm probably not so maybe you could... This ordinance is to allow those 129 occupants to go from a nonconforming status to a conforming status.

Ms. Hornung: That is correct.

Mr. Randall: Do we know how many other locations or how many other lots would fall under this ordinance if we were to approve it? Or if it was to be recommended approval and the Board approved it?

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Ms. Hornung: Well, if it's approved, it's only those building permits in the PD-2, which is only Embrey Mill, that were submitted prior to June 14<sup>th</sup> of last year.

Mr. Randall: How many... do you have a number?

Ms. Vanuch: One hundred twenty-nine.

Ms. Hornung: I think it's just these 129.

Mr. Randall: Is it just the 129?

Ms. Hornung: Just these 129.

Ms. Vanuch: It's only PD-2 so it can only impact Embrey Mill.

Mr. Randall: Right, I understand that. I wasn't sure if this was... if there were going to be 400 total and 129 and we're looking to do this and allow, you know, 264 more of the same type of thing.

Ms. Vanuch: No.

Ms. Hornung: It's only these.

Mr. Randall: Only this 129, is that correct?

Ms. Hornung: Correct.

Mr. Randall: Alright, thank you.

Ms. Vanuch: Alright, do we have a motion? Oh wait, wait, I think I have to do the public hearing. I'm getting ahead of myself here. Okay, so now I'll go ahead and open up the public hearing. If anybody would like to come down and address the Commission, you have 3 minutes. When the red light comes on, please conclude your comments. Seeing nobody come forward, I'm going to... Mr. Waldowski left so I know he wasn't coming down... I'm going to go ahead and close the public hearing and bring it back to the Commission. Does anybody have any additional questions or anybody want to make a motion?

Mr. English: Madam Chairman, I'll make a motion to approve this amended zoning ordinance.

Ms. Vanuch: Okay, do we have second?

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion by Commissioner English, second by Commissioner Boswell, to approve this new ordinance change. Any comments gentlemen? Anybody else? Alright, go ahead and vote. Tally the vote. Motion carries 6-1 (*Mr. McPherson opposed*). Okay, now items 4, 5, and 6 and public hearings that will be on additional dates for the Planning Commission. Now we're moving on to New Business, item number 7, which is in the Hartwood District, the Wible Waiver. For this we recognize Ms. Miranda Critzer -- did I say that right?

4. RC16151330; Reclassification and Proffer Amendment - Willow Run - A proposed zoning reclassification from the A-1, Agricultural and B-2, Urban Commercial Zoning Districts to the R-2, Urban Residential - Medium Density (148.24 acres) Zoning District; and from the A-1 Zoning District to the B-2 (5.60 acres) Zoning District on Tax Map Parcel Nos. 36-29, 36-37, 36-37A, and a portion of Tax Map Parcel Nos. 44-61 and 44-61A; and a proposal to amend proffered conditions on 7.53 acres zoned B-2 on a portion of Tax Map Parcel Nos. 44-61 and 44-61A, all to allow for the development of up to 444 dwelling units and 90,000 square feet of commercial uses on Tax Map Parcel Nos. 36-29, 36-37, 36-37A, 44-61, and 44-61A (Property). The Property is located on the north side of Warrenton Road, west of the intersection with Village Parkway, and south side of Truslow Road, across from the intersections with Cool Breeze Way and Summer Breeze Lane, within the Hartwood Election District. **(Time Limit: July 5, 2019) (History: March 27, 2019 Public Hearing Continued to May 29, 2019)**

#### UNFINISHED BUSINESS

5. Amendment to the Zoning Ordinance - Proposed Ordinance O19-14 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms;" 28-33, "Districts generally;" 28-34, "Purpose of districts;" 28-35, "Table of uses and standards;" 28-39, "Special regulations;" 28-53, "Planned development districts;" 28-55, "Planned Development-2 District (PD-2) regulations;" 28-56, "Application for planned developments;" and 28-129 "Types permitted in commercial and office districts (B-1, B-2, B-3, RBC, RC, SC and HI)" to rename and redefine the RBC, Recreational Business Campus Zoning District to the PD-3, Planned Development-3 Zoning District, and to modify district requirements and amend other Zoning Ordinance provisions accordingly. Generally, the proposed Ordinance would, as compared to the existing RBC Zoning District, increase the amount of age-restricted residential housing allowed in the PD-3 Zoning District to 35% of the district; establish the PD-3 Zoning District as a mixed-use district with a significant age-restricted housing component; remove certain uses and special regulations for such uses that are incompatible with residential use; amend open space requirements to allow a lower percentage of open space in the district; and clarify open space requirements generally. **(Time Limit: July 15, 2019) (History: Deferred on February 27, 2019) (Deferred on March 27, 2019 to May 15, 2019)**
6. RC17152130; Reclassification - The Villages at Greenbank Proffer Amendment - A proposal to amend proffered conditions on 441.67 acres identified as Tax Map Parcel Nos. 44W-H and 52-1 (Property), zoned RBC, Recreational Business Campus Zoning District, to allow for the development of 1,177 age-restricted dwelling units. The Property is located at the southern terminus of Celebrate Virginia Parkway, within the Hartwood Election District. **(Time Limit: July 27, 2019) (History: December 19, 2018 Public Hearing Continued to February 27, 2019) (February 27, 2019 Public Hearing Continued to March 27, 2019) (Deferred on March 27, 2019 to June 12, 2019)**

#### NEW BUSINESS

7. WAI19152674; Wible Waiver - A waiver request of the Subdivision Ordinance, Stafford County Code, Sec. 22-167(a), "Right-of-way additions," for Tax Map Parcel Nos. 45-111 and 45-111A, zoned A-1, Agricultural Zoning District. The applicants are seeking a waiver of a requirement to dedicate an additional 5 feet of right-of-way to the County pursuant to this section. The property is located on the east side of Truslow Road, approximately 2,000 feet south of Enon Road, in the Hartwood Election District. **(Time Limit: June 9, 2019)**

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Ms. Critzer: Critzer.

Ms. Vanuch: Critzer, okay. And thank you guys for being patient.

Ms. Critzer: Good evening Madam Chairman and Planning Commissioners, Miranda Critzer, Planning. I'm here to present item 7 on the agenda which is a waiver from the Subdivision Ordinance, Section 22-167(a) concerning right-of-way dedication in the Wible subdivision. The site is located on Assessor's Parcel Numbers 45-111 and 45-111A, with a combined acreage of 16.57...

Ms. Vanuch: I think this might be the wrong slide.

Mr. English: You probably got it listed wrong.

Ms. Vanuch: Or is it listed wrong? It just says Potomac Vineyards.

Ms. Critzer: Yeah, it's listed wrong.

Ms. Vanuch: Okay, go ahead.

Ms. Critzer: That's okay. With a combined acreage of 16.5711 acres. It is zoned A-1 within the Hartwood Election District, on the east side of Truslow Road, south of Enon Road. Here is a location map showing the parcels in question located where you see the red hatching. And here is an aerial view of the site that also shows the surround zoning classifications. The property owner is requesting one waiver of the subdivision Ordinance, Section 22-167(a), Right-of-way additions, for Tax Map Parcel Numbers 45-111 and 45-111A. Section 22-167(a) states, "where the comprehensive plan indicates a proposed right-of-way greater than the existing along the boundaries of a subdivision or lot, the additional right-of-way shall be dedicated for public use when the plat is recorded." The applicants are pursuing a subdivision where the dedication of an additional 5 feet of right-of-way to the County is required pursuant to this section. Truslow Road, at this location, is a two-lane collector road. The Comprehensive Plan recommends a typical right-of-way width of 60 feet. The additional 5 feet of right-of-way dedication would result in a total of 30 feet of right-of-way being provided from the centerline of the roadway on the applicant's side of the road. The applicants' request for the waiver is due to a financial burden imposed by their lender in order to dedicate the right-of-way. You can read their entire justification in Attachment 4. The proposed subdivision plat, as you see in Attachment 2, contemplates a boundary line adjustment and subdivision of the property. It currently exists as two lots that front on Truslow Road. The north side lot line and rear lot line of Tax Map Parcel 45-111 would be adjusted to make the parcel larger. A new third lot would be divided from the rear of Tax Map Parcel Number 45-111A which you can see labeled as "lot 1" on the proposed plat. This new lot would be served by a private access easement and therefore would not have any public street frontage. The private access easement would be located on the southern side lot line of Tax Map Parcel 45-111. The applicant formally requests that the Stafford County Planning Commission consider the waiver request from Section 22-167(a), Right-of-way additions. Section 22-241 of the Subdivision Ordinance specifies that criteria must be met in order for a waiver to be granted by the Planning Commission. The applicant must prove that the application of the ordinance requirements would impose an unreasonable burden on the owner, and the waiver would not have any adverse effects on future residents of the subdivision or adjoining property owners. Staff recommends the Planning Commission make findings relative to the criteria for granting waivers. That concludes my presentation. Thank you.

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Ms. Vanuch: Thank you Ms. Critzer. Would the applicant like to come up and speak to the Commission?

Mr. Apicella: Madam Chairman, I have questions for staff.

Ms. Vanuch: Yeah, you have a question for staff? Okay.

Mr. Apicella: I read the justification and it's still a little unclear to me what's driving this request. It sounds like the applicants are, for lack of a better set of terms, getting a runaround from their lender as a result of requiring them to do multiple surveys. Is that sort of what's driving this?

Ms. Critzer: Yeah, and I think that that would be better answered by the applicant. But they have written their full justification in Attachment 4.

Mr. Apicella: So, I had to do a boundary line adjustment and it seems to me that the process is pretty standard. You have to... in my case, I had to hire an attorney, I had to work with a surveyor, I had to work with my bank; I mean, that's part of the course anytime you do a boundary line adjustment and/or do a subdivision. Is there anything different or unique about what's happening here to these folks compared to anybody else doing a boundary...?

Ms. Critzer: No.

Mr. Apicella: Okay. Is there anything about the County's right-of-way dedication requirement that would keep the applicant from utilizing what looks like three different parcels? And I presume one of those parcels currently has a house on it and maybe the other two are going to be sold for houses or used for some purpose. But, in terms of the 5 feet of right-of-way dedication, that's not putting any one of those parcels in jeopardy of not meeting the minimum acreage requirement.

Ms. Critzer: Correct.

Mr. Apicella: Again, this still seems like a private/private matter to me rather than a public/private matter. It's not the County making the issue here; it's a standard requirement that applies to anybody who fits these circumstances. So, with that in mind, what's the purpose of the, what is it, 22-167(a) in terms of requiring the 5-foot right-of-way dedication?

Mr. Harvey: Madam Chairman...

Ms. Vanuch: Mr. Harvey.

Ms. Critzer: Oh, the Comprehensive Plan requests 60 feet for the right-of-way. So, that additional 5 feet would get us to that 60-foot.

Mr. Apicella: Right, but there's a public purpose behind it. It's not there just for the sake of having an ordinance. There's presumably a need that this helps fill in terms of a potential road widening, right, that's why... maybe, Mr. Harvey, you can add to some background about why this is in the code.

Mr. Harvey: Yes. Madam Chairman, Commissioner Apicella, the Comprehensive Plan, as Ms. Critzer has said, suggests that Truslow Road in some future state will be widened to a modern 2-lane standard. And our recommendation in the Comprehensive Plan is that the right-of-way for a modern 2-lane road be 60 feet wide. That could accommodate the two main travel lanes, as well as if needed a left turn lane

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in the center. So, our Subdivision Ordinance helps reserve those areas for future public road improvements when we have identified them as a need in our Comprehensive Plan.

Mr. Apicella: So, we received a briefing about 2 months ago, the Comprehensive Road Evaluation. You probably weren't here; I don't know if you were on the staff at that point in time or not, but do you have any of the details specific to Truslow Road that were in that Road Evaluation presentation?

Ms. Critzer: I do. Do you have specifics that you're looking for?

Mr. Apicella: Well, I'm just curious about the current width, the volume of traffic, accident data, anything you can tell us that cause Truslow Road, that segment of Truslow Road to be identified as a problem road.

Ms. Critzer: Yes. So, currently it's classified as a 2-lane minor collector road. It's approximately 20 feet of pavement but 30 feet perspective right-of-way. Let's see... there have been 25 crashes as of February 2019, and that comes from the Comprehensive Road Evaluation study, and those are all road geometry-related crashes. And, let's see...

Mr. Apicella: And what's the traffic volume? I'm not sure, maybe you said and I missed it.

Ms. Critzer: Twenty-one hundred.

Mr. Apicella: Twenty-one hundred. And so, would... I mean, I use Truslow to get to Route 1; I consider it a cut-through. Does staff kind of think of it as a cut-through road to get to Route 1 or vice versa going in the other direction?

Ms. Critzer: Jeff?

Mr. Bain: From the previous meeting we had about Truslow Road, it's a relief road for Route 17. There's a tremendous amount of traffic that comes off 17.

Ms. Vanuch: I didn't know about that; I'm going to start using it. No.

Mr. Bain: It's terrible.

Mr. Apicella: I'm one of those folks who make it...

Ms. Vanuch: I'll be waving at you.

Mr. Apicella: I am one of the 2,100. So, what I remember from the presentation is that that road, and that particular segment of road, was proposed for a wedge widening, right?

Ms. Critzer: Yes.

Mr. Apicella: So, there is a plan, at least it's on paper; we've identified this road as a problem and there's going to be some potential solution when and if funding is available to increase the width of the road, is that correct?

Ms. Critzer: Yes. A 2-foot shoulder wedge, with overlay.

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Mr. Apicella: And then that's just now. I mean, in the future there could be a need to go even beyond that potentially, depending on the volume that exists say 10, 15, 20 years from now. So, if the County waved this requirement but needs to improve or widen Truslow, what happens?

Ms. Critzer: If approved, the County would have to acquire the right-of-way from future property owners.

Mr. Apicella: Presumably at some cost, right?

Ms. Critzer: Presumably.

Mr. Apicella: So, right now, today, as it stands, there's no cost; that's part of the deal. If you want to make this happen, if you want to do the subdivision, you have to give the County that right-of-way.

Ms. Critzer: Yes.

Mr. Apicella: If we waive that requirement, then we'd have to buy that, and there's a process, it's not automatic. It could even go to potential eminent domain if whoever owned the property at that point in time decides to not want to go forward with selling their property.

Ms. Critzer: Correct.

Mr. Apicella: Okay, thank you.

Ms. Vanuch: Okay, now would the applicant like to come up and perhaps maybe just give Mr. Apicella that 5 feet now.

Mr. Wible: Madam Chair and the Commission, my name's Erv Wible and this is my wife, Ginger. What started all this, and I know the Board probably doesn't care, but for 12 years we took care of our son and spent every dime keeping this child alive. He has passed away. I've spent... I have no more retirement, no more money. I can't hire a lawyer to do this. I have to do it on my own. I have spent almost \$12,000 on surveys because the County keeps coming back and saying I had to have that lot in the back separated. That wasn't my choice, that was the County's deal. That's why I'm going to have 3 lots there. I have a farm there now and we're going to keep it that way. I have no intention on developing it and I'll work with the County. I'll do what the County wants. If you need me to go ahead and write something down, I'd be glad to do that. I've already given them, when we built our property, 50 feet or 55 feet already; titled it and deeded it. Do you have any questions?

Mr. English: Mr. Wible, you would be willing to say in a deed or something that if the County needed that 5 feet back, you would not charge them, you would give it back to them?

Mr. Wible: Correct.

Ms. Vanuch: Can we do that, Ms. Lucian?

Mr. English: As part of the deed or...?

Ms. Lucian: I think that's something we'd have to look into. I have questions about whether we can enforce that, so I don't think I can answer tonight.

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Ms. Vanuch: Are you guys on a time constraint? Do you need... I'm assuming there's lending...

Mr. Wible: Yes.

Mrs. Wible: We want to go from one house to the other.

Ms. Vanuch: Okay, okay.

Mrs. Wible: Our house is a very large financial burden.

Mr. Wible: Burden. And we have a mortgage there...

Ms. Vanuch: Okay, so you have a large...

Mr. Wible: And we have a mortgage there.

Ms. Vanuch: Okay.

Mr. Wible: This house is sold. And next week I go to settlement.

Ms. Vanuch: Oh, your larger house is going to settlement. Okay, okay.

Mr. Apicella: I don't want you to think I'm not sympathetic, because I am...

Mr. Wible: Well, my wife knows you. She taught your kids in first grade.

Mr. Apicella: Oh, well thank you. You did a great job. He's a First Lieutenant in the Marine Corps.

Mrs. Wible: Long time Stafford County Public Schools employee.

Mr. Apicella: Part of our job is to not only look at your situation, but to look at how this affects the County and the taxpayers. And I don't know how much it costs to buy 5 feet of road, in your particular case. And I also worry about, if you've ever seen me here, I worry about precedence, and know we look at each case individually on its own merits. Why wouldn't the next person who has some problem... I'm just throwing it out there as rhetoric but, why would the next person who's got the same set of circumstances say hey, you did it for the Wibles, I have a similar set of circumstances, can you give me relief? And then the next person. So, that's one of the things I worry about when I look at these kinds of things. My understanding is we've not done this before; normally when we have a waiver it's because of lot lines and somebody... or because something's going to happen that's going to preclude a person from being able to utilize their property, which I don't see happening in this case. I greatly appreciate your situation. I'm a little concerned about the timing because it sounds we're up against a wall but, if we had the time, I would ask staff if there's another way that we could take another look at this and think outside the box of helping you without undoing what is I think an important requirement. I don't know that we could enforce what you're... what's suggested, or somebody suggested giving in a deed the 5 feet, because you may not always own this property; somebody else might own the property. I don't even know how that would transfer to the next owners. And we don't know what the timing of road improvements are to Truslow Road; it could be 10 years, it could be 15 years from now. So, again I don't want you to think I'm not sympathetic. I'm concerned about the immediate implications and the long term implications of us doing this having not done it before and not knowing what the potential consequences are.

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Mr. Wible: Well, we did go to our bank, as you can see. I've already spent 1,500 bucks with them that's gone. And everything you with Chase is non-refundable. So, you know, I'm out of options here.

Mr. Apicella: So, again, if the staff can find a way to make this work, I'd certainly be much more amenable.

Ms. Vanuch: I guess to help me sort of understand, what happens if you don't get this?

Mr. Wible: I can't sell my house next week.

Ms. Vanuch: Okay. So you can't sell the larger house. Okay.

Mr. Harvey: Madam Chairman?

Ms. Vanuch: Mr. Harvey.

Mr. Harvey: May I add some additional information. As discussed in the presentation, the property currently exists as two lots.

Ms. Vanuch: Okay.

Mr. Harvey: And they've proposed, as part of the subdivision, it's adjusting the boundaries between the two lots that have road frontage and creating a new lot in the back. So the new lot won't have road frontage. The applicants could accomplish this if they were willing to do a family subdivision on the back parcel without right-of-way dedication being required. But we understand, with their current situation, they're not able to do a family subdivision because it requires you to hold onto the land for a period of 5 years and/or give it to a family member. So, if this was a different situation, they could do the subdivision without dedicating right-of-way.

Mr. Bain: Why was it necessary to create that third lot? Is that because of the width times depth code?

Ms. Campbell: (Inaudible - not at microphone).

Mr. Apicella: So, why couldn't be do that approach?

Ms. Campbell: We were trying to avoid a waiver in the first place...

Mr. Harvey: Eva, would you please come to the microphone so it can be on the record?

Ms. Vanuch: Yeah.

Ms. Campbell: They were initially trying to avoid the waiver process at all, but then this requirement, after going through multiple reviews, was then a subdivision and they weren't required until they were showing a subdivision. So, initially they weren't required to dedicate the right-of-way so they didn't know about that until new reviewers got... the transportation reviewer doesn't get the boundary line adjustments but, as soon as it became a subdivision, she got it and that new requirement came into place, which meant they would have to get a waiver no matter what if it was just a waiver for something else.

Mr. Apicella: Right. But could we not go down that different waiver path than this path?

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Ms. Campbell: Well, I don't know what their justification would be for the other waiver -- if we switched it back to the boundary line adjustment.

Mr. Apicella: Wouldn't it be the same issue, a hardship? It's the same criteria; it doesn't change. The criteria is the criteria.

Ms. Campbell: Well, I don't know what their burden would be at that point. If we switched back to the boundary line adjustment -- to get a waiver for that.

Mr. Apicella: Yeah, it sounds like there's a financial burden.

Ms. Vanuch: I think they definitely, in my opinion and, Mr. Apicella, I don't know if you'll agree with me, because I was very much in your corner when we spoke about this earlier. I thought it set a very dangerous precedent and, you know, it causes issues separating lots. But hearing sort of the story about your bank and how you can't get the money and you need to sell one parcel and you're planning to keep the others, and then the County's requiring you to set up a third lot, I do kind of think it puts you in a different category for setting a precedent and I'm not quite as worried about that I suppose, especially since Mr. Harvey said that had you been able to keep the other house you would have been creating a family subdivision, right, and then not had to dedicate the right-of-way. Is that what you said?

Mr. Harvey: That's correct.

Ms. Vanuch: So, we'd be in the same situation with a family subdivision and not having to dedicate the right-of-way but, because you're selling your house, the current one for financial reasons which are beyond your control, it kind of seems to me that, and I'm saying this for the record so the next person who comes along understands why this case is maybe a little bit different. I don't know if you agree with me, Mr. Apicella, but that's just my... that's how my thought process is going on this.

Mr. Apicella: I'd still prefer, and I don't even know if it's possible because they've already submitted the application for a waiver based on a different set of circumstances, I'd be amendable to that. I'm having a lot of heartburn with going down this path, because I still think regardless that it creates... never done it before, I think it does create a precedence in terms of not requiring somebody to provide a right-of-way when they normally would. And the issue that's driving it is not... it is and it's not the County, it's really their bank that's causing this more so than the County is causing it. And we don't normally try to resolve those kind of issues. That's why I said to me, it's a private/private problem that needs to be resolved, not a public/private problem per se, in my view.

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: Yes, I do understand that there's some questions. We were talking about your willingness to put wording into a deed about those 5 feet and there were some questions about if that's enforceable or not, but you're willing to state in public that you'd be willing to put that language in the deed; whether it's enforceable or not could be a future question. So, do you agree to that?

Ms. Vanuch: Sorry we keep making you get up and down.

Mr. Wible: Yes.

Mrs. Wible: Absolutely.

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Ms. Vanuch: Okay, does anybody else have any more discussion or questions? Mr. Randall, you got anything? Okay, alright. Okay, this is not a public hearing so, Mr. English, this is in your district. What would you like to do?

Mr. English: Yes ma'am, due to circumstances and I hear what Mr. Apicella says and I understand it and I think they're in a bad situation, and just like you said, the bank did cause this I think, but I am recommending approval for WAI19152674, Wible Waiver.

Mr. Boswell: Second.

Ms. Vanuch: Okay, so we have a motion to approve the Wible Waiver and a second by Commissioner Boswell. Any comments Commissioner English, Commissioner Boswell? Anybody else? Alright, go ahead and vote. Okay, motion carries 6 to 1 (*Mr. Apicella opposed*). Now we're moving on to the Planning Director's Report; Mr. Harvey.

PLANNING DIRECTOR'S REPORT

8. 2040 Strategic Plan - Healthy Growth and Downtown Stafford -- Joint Session with Board of Supervisors, May 7, 2019

Mr. Harvey: Thank you Madam Chairman. I'm providing the Commission with an update on the 2040 Strategic Plan. Today the County conducted two roundtable meetings with stakeholders towards the Board of Supervisors Healthy Growth initiative with the Strategic Plan. There will be additional opportunities for public comment on looking at the rural areas and how to influence growth and development that occurs in the rural areas, as well as how to attract development to our Targeted Growth Areas. Those two public information meetings and input meetings will be on April 22<sup>nd</sup> and that one will be at Margaret Brent Elementary School, and then April 23<sup>rd</sup> at the Gayle Middle School. Both of those meetings will start at 7:00 p.m. I have Mr. Geouge here tonight to give you an update on the Bicycle and Pedestrian Facilities Plan.

9. Bicycle and Pedestrian Facilities Plan Update - Ongoing

Mr. Geouge: Good evening again Madam Chairman, members of the Commission. I did produce a new technical memorandum which is distributed to you tonight just providing a status update on this. So, as I reported and we handed out at the last meeting, we have completed a draft of the Plan. We shared that with internal County staff at first, and the beginning of last week we sent it out to all other stakeholders and requested that any comments be submitted by next Friday. So, by the end of the month we're hoping to receive those comments and make any necessary adjustments to the Plan, and come back here on May 15<sup>th</sup> and present the Plan to you formally under New Business. With the goal of having a recommendation by July, hopefully, I will note that the request to extend the time limit will be considered by the Board on April 16<sup>th</sup>. That would extend the time limit out to August 14<sup>th</sup>. If you have any questions, I'll be happy to answer them.

Ms. Vanuch: Any questions? Okay, seeing none, I think we're good. Thank you Mr. Geouge. Mr. Harvey?

10. Legislative Priorities

Mr. Harvey: Madam Chairman, continuing on with my report, this is the time of year where the Board of Supervisors ask to seek input from the various Boards and Commissions in the County for potential

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changes to state code as the Board looks to formalize it's legislative agenda, which you'll speak to our local Delegate and Senate members. So, staff has included the list from last year and we would ask and seek guidance from the Commission for a new set of legislative priorities from the Planning Commission. We need to wrap up the recommendations by the end of May. So I'll defer to the Commission with any comments you have now and/or if you want to defer it to a future meeting as a new business for further discussion.

Ms. Vanuch: I think if you guys want to digest what we had for last year's legislative priorities and then maybe bring it back on May 15<sup>th</sup>, at the May 15<sup>th</sup> meeting and solidify if we have any new legislative priorities that we'd like to refer to the Board. Does that sound good? Mr. Apicella?

Mr. Apicella: Madam Chair, the only thing I would add to that is if my colleagues have any ideas about how to prioritize this list. I personally think impact fees would be probably the most important one to me; I'd put that at the top of the list. But aside from anything in addition to the ones that we have here, I just think we ought to give an indication about what's... whatever list we provide, what's the most important versus not least important, but kind of rank ordered.

Ms. Vanuch: Okay. Sound good to everyone? Okay. I think that's it.

Mr. Harvey: That concludes my report.

**COUNTY ATTORNEY'S REPORT**

Ms. Vanuch: Alright, Ms. Lucian, do you have a County Attorney's?

Ms. Lucian: Madam Chairman, Planning Commission, I have no report.

Ms. Vanuch: Alright, thank you.

Ms. Lucian: Thank you.

**COMMITTEE REPORTS**

11. Cluster Ordinance - Policy Subcommittee  
*Requested additional time*

Ms. Vanuch: Okay, Committee Reports; Cluster Ordinance Policy Subcommittee has requested additional time from the Board. Mr. Randall?

Mr. Randall: I have a question. Is the intent to have some type of a meeting regarding the new proffer ordinance when it's soon to go into... either right before or right after July 1<sup>st</sup>?

Mr. Lucian: We're looking into that. There's nothing currently scheduled, but I will have something to report back on when there will be something on that issue in the future.

Mr. Randall: Okay, thank you.

**CHAIRMAN'S REPORT**

- ◆ Discuss a possible Joint Session with Economic Development Authority

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Ms. Vanuch: Okay, so there's no additional report on the Policy Subcommittee. Under the Chairman's Report, I was having a conversation with Joel Griffin, the Chairman of the Economic Development Authority, and he discussed the need and the desire from the Economic Development Authority to do a joint work session with the Planning Commission. And he has tossed out a summer date of August 14<sup>th</sup> right prior to our Planning Commission meeting, if we could do sort of an early meeting/work session, perhaps at 5:30 p.m. It gives us an hour before the Planning Commission meeting. Does anybody have any conflicts with that date?

Mr. Randall: Are they bringing dinner?

Ms. Vanuch: Well, I'm going to have to talk to Joel about that.

Mr. Randall: Okay. I'm good for that then.

Ms. Vanuch: What do we want for dinner, if he's listening perhaps now. August 14<sup>th</sup>. And does everybody feel like an hour's good enough? We thought we would kind of inform them about the Planning Commission's role; they're going to inform us a little bit about what the Economic Development Authority's gonna... what their role is, and then I would love to be able to get into a conversation of how we can help be a little more business friendly from the Planning Commission side of things while still making sure that we're doing our job as Planning Commissioners, and then looking at any ordinances that they feel sort of stick out that are really causing businesses issues from coming into the County. Does everybody feel like an hour is enough time to do that, or should we do an hour and a half? So the question would be, start at 5:00 or 5:30?

Mr. English: An hour and a half.

Ms. Vanuch: Okay, so maybe start at 5:00 p.m. Mr. Apicella.

Mr. Apicella: I think it's going to be a problem for Mr. Randall as well.

Mr. Randall: Yes.

Ms. Vanuch: He'll just have to take the day off.

Mr. Randall: You know, my suggestion would be that we don't know what we don't know. If they plan to provide us prior to that meeting a list of agenda items, things that we can do some homework on...

Ms. Vanuch: We'll have read-aheads for sure.

Mr. Randall: ... otherwise, I would do the hour as the initial meeting. Maybe take some take-a-ways from the meeting, and then determine if we need to have another follow-on meeting in order to finalize it. But I think for the first meeting of, you know, getting together, figuring out what we don't know, maybe an hour would be sufficient and then maybe follow-up with another one in September that says here, we've done our meeting, we've looked at some things, here are some recommendations. Anyway, I hesitate to think we can do it all in one meeting. That's my concern.

Ms. Vanuch: Well, it should just be one meeting, just like when we have the Board, it should be like an annual thing probably but.

Mr. Randall: I don't disagree, I'm just saying the first time (inaudible).

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Ms. Vanuch: Is 5:30 good with you?

Mr. Apicella: 5:30 is a lot better than 5:00. It is very difficult for me to make a 5 o'clock meeting.

Ms. Vanuch: Yeah, maybe we could get to... we'll have to advertise it at 5:00... no. We'll shoot for the 5:30; we'll do an hour. Alright. Okay, so 5:30 on August 14<sup>th</sup>.

Mr. Apicella: Can I just ask a question then? Is there anything that precludes us from changing the time of our regular meeting?

Ms. Vanuch: I was just thinking that actually.

Mr. Apicella: Why couldn't we move the regular meeting to 7:00.

Ms. Vanuch: If you guys...

Mr. Apicella: I mean, if we advertise it...

Ms. Vanuch: Can we do that, Mr. Harvey and Ms. Lucian? I mean, I know that's not the... we don't like to do that normally, but.

Mr. Harvey: Madam Chairman, it's in the by-laws so the Commission would have to vote to amend the by-laws for that meeting.

Ms. Vanuch: So, do we need to vote that now or later?

Mr. McPherson: Is the joint session with CEDC public?

Ms. Vanuch: Yes.

Mr. McPherson: Couldn't we just dedicate the first half hour of our meeting to finish up the CEDC, then we don't have to move it from 6:30, we just make the first half hour to overrun the CEDC joint session. Could we do that?

Ms. Vanuch: I don't think so. I think because...

Mr. Apicella: We have presentations that last the first half hour before we even go into public presentations.

Ms. Vanuch: I know, but if it's a work session, then we'd have to... I think they'd have to call a special meeting. We'd have to call role and everything separately.

Mr. Apicella: Madam Chairman, I move to waive the by-laws so that we can have a meeting on August 14<sup>th</sup> starting at 5:30 and running through to 7 o'clock, and then starting our regular Planning Commission meeting at 7 o'clock.

Ms. Vanuch: Okay, do we have a second? And I'm hoping the attorney is going to stop me if we can't do this.

Mr. English: I'll second it.

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Ms. Vanuch: Okay. We have a motion on the floor from Commissioner Apicella...

Mr. English: Second it.

Ms. Vanuch: ... and a second by Commissioner English. We can't just vote on it quick. Go ahead.

Ms. Lucian: So, I have the by-laws here, thankfully.

Ms. Vanuch: Okay.

Ms. Lucian: So, you can change a meeting date by a majority vote present at a regular meeting. So, you could do that tonight if you wanted.

Ms. Vanuch: Okay, so we have a motion and a second... Yeah, I think the date and the time is the same...

Ms. Lucian: Well, I mean, that's arguable.

Ms. Vanuch: Let's just try it and if we can't do...

Mr. Apicella: I mean, there's plenty of time. They can go back and research it. If we've messed up and we can fix it (inaudible).

Ms. Lucian: That is a good point.

Ms. Vanuch: Okay, so we're going to do that. We've got a motion on the floor, we got a second, to waive our by-laws for August 14<sup>th</sup> so we can have a joint work session with the Economic Development Authority at 5:30 and then start our regular Planning Commission meeting at 7:00 p.m., on August 14<sup>th</sup>. Go ahead and vote. Tally the vote. Okay, motion carries 7-0. Other Business -- just TRC. There's lots of TRC so take a look. It was for April and May. I need a motion to approve the minutes for February 13<sup>th</sup>... I think we have to do these individually, right Mr. Harvey? They have to be individual.

**OTHER BUSINESS**

12. TRC Information - ***April 24, 2019***
  - \* Stafford Storage - Rock Hill Election District
13. TRC Information - ***May 8, 2019***
  - \* Kendall Hills - Aquia Election District
  - \* Embrey Mill Phase IIA - Garrisonville Election District
  - \* Sullivan Est - Hartwood Election District
  - \* Rivers Bluff - Hartwood Election District
  - \* Sherwood on the River Sec 2 - Hartwood Election District

**APPROVAL OF MINUTES**

February 13, 2019

Mr. Harvey: Yes ma'am.

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Ms. Vanuch: So, Mr. Boswell made a motion to approve minutes; do we have a second?

Mr. Bain: Second.

Ms. Vanuch: Commissioner Bain. Any comment? Alright, go ahead and vote. If Commissioner Randall and Boswell would stop talking, maybe they could vote. Alright, motion carries 7-0. Alright, minutes for February 27<sup>th</sup>?

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Mr. McPherson: Move to approve.

Ms. Vanuch: Alright, we have a motion by McPherson second by Commissioner Boswell. Comments?

Mr. McPherson: Nope.

Ms. Vanuch: Go ahead and vote. Commissioner English, wake up man. Alright, motion carries 7-0. Meeting adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:48 p.m.