

STAFFORD COUNTY PLANNING COMMISSION
January 27, 2021

The meeting of the Stafford County Planning Commission of Wednesday, January 27, 2021, was called to order at 4:30 PM by Chairman Steven Apicella, in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center and at remote locations throughout the County.

MEMBERS PRESENT: Steven Apicella (remote), Darrell English, Barton Randall, Albert Bain, Kristen Barnes, Dexter Cummings (remote), Fillmore McPherson (remote)

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Lauren Lucian, Stacie Stinnette, Trent Funkhouser, Joseph Valotta, Brian Geouge, Kathy Baker (remote), Mike Zuraf (remote)

Mr. Apicella: This is Steven Apicella, Chairman of the Stafford Planning Commission. I call today's Planning Commission meeting to order. Before we get started I have a brief statement to read. Today's meeting will be held using a video conferencing service, even though a quorum of the Planning Commission is present in Board Chambers today. At this time the County closure has been extended through February 5th; however, the County considers the numbers weekly and this date is subject to be updated based on those numbers. Residents can still access all County services by phone, online and in some cases by appointment, during the period of closure. Unfortunately, this means the public currently cannot attend our meetings in person. I want you to know that this situation is something that we do not take lightly. For that reason, we have decided to defer any public hearings that may be deemed as controversial and do not intend to take up those items until in person comments can begin again. Residents can still submit comments online, up to the close of business on the day prior to any of our meetings. I assure you that the Commission reads all these comments and they will be read aloud during the meeting and added to the public record. If you would like to submit comments before the next meeting, please submit them to the email address listed in the Planning Commission's website – PC-publiccomments@staffordcountyva.gov. You may also call the Department of Planning and Zoning with any questions that you may have. Mr. McPherson, Mr. Cummings and I will be participating today from a remote location here in Stafford. I would ask that someone would offer a motion for the Commission to approve our electronic participation.

Ms. Barnes: So moved.

Mr. Bain: Second.

Mr. Apicella: I will just do a voice vote, everybody in favor.

Mr. Randall: Aye.

Ms. Barnes: Aye.

Mr. English: Aye.

Mr. Cummings: Aye.

Mr. McPherson: Aye.

Mr. Bain: Aye.

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Mr. Apicella: Aye. Great thank you. Two more points to make. Voting on motions will be conducted by voice vote that I will do on my end. And if we have any technical issues, Mr. Randall will take over as Chairman. Today's invocation will be provided by Mr. Randall and the Pledge of Allegiance by Ms. Barnes. Thank you, Mr. Randall and Ms. Barnes. Mr. McPherson will you please call the roll?

Mr. McPherson: We have a full quorum.

Mr. Apicella: Thank you Mr. McPherson. Are there any declarations of disqualification on any agenda item? Okay hearing none are there any changes to the agenda? Alright, moving on I will now open the public presentation portion of today's meeting. This is an opportunity for the public to provide comments on any matter except the four public hearing items on today's agenda. Mr. Harvey, did we receive any written comments?

DECLARATIONS OF DISQUALIFICATION

None

PUBLIC PRESENTATIONS

Mr. Harvey: No Mr. Chairman, we did not.

PUBLIC HEARINGS

Mr. Apicella: Thank you Mr. Harvey. Okay, moving on to the next agenda item, Mr. Harvey item number 1, Embrey Mill South Phase 4, Conditional Use Permit.

1. CUP20153496; Conditional Use Permit – Embrey Mill Town Center – South Phase 4 - A request for a conditional use permit (CUP) to allow a maximum of seven (7) drive-through uses and one (1) vehicle fuel sales facility within the PD-2, Planned Development-2 Zoning District on Tax Map Parcel Nos. 29-53B (portion), 29-60C (portion), and 29-70K (portion) (collectively, "Property"). The Property consists of a total of 11.05 acres, located at the northwest corner of the intersection of Courthouse Road and Austin Ridge Drive, within the Garrisonville Election District. **(Time Limit: April 23, 2021) (History: January 13, 2021 Public Hearing Continued to January 27, 2021)**

Mr. Harvey: Mr. Chairman, Mr. Trenton Funkhouser will be making the presentation for staff.

Mr. Funkhouser: There we go. Alright, good evening. There we go, excuse me. Yeah, before you, the first case tonight is a conditional use permit to allow a maximum of seven drive-through uses and one vehicle sales facility in a PD, Planned Development - 2 Zoning District, on the map numbers that you see before you. It is approximately 11 acres in the Garrisonville District. At the time that this picture was taken, the Publix was starting to be constructed; it's a 2019 aerial. The site, for those of you that have visited or drive through there regularly, it has been cleared and rough graded, both this site as well as the area to the north and west. The property is outlined in blue, it's located in the northwest corner of Courthouse Road and Austin Ridge Drive. Property to the north is also zoned PD-2, there are some A-1 property to the south, B-2, Urban Commercial to the west and PD-2 to the east and additional B-2 adjacent to the east. The majority of the Embrey Mill property was zoned PD-2 with proffers in 2001. Portions of this site were also zoned PD-2 in September of 2020. The A-2 portion that you see, there is a note, it has not been updated in our GIS, but there is a note on there that indicates that property is zoned

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PD-2 within the site. This just shows you the site relative to the other portions, Phase 3 and Phase 4 of Embrey Mill. And this is just an enlargement of that site. And then the actual GDP showing the seven buildings that range in size, from approximately 4,000 square feet to a little over 8,000 square feet. It is just the grey area, the other sites... the other building sites are just illustrative only and are not part of this conditional use permit. There was some discussion at last months pre-agenda meeting, my understanding, regarding some traffic circulation issues. As you can see, there is a private access road that is going to provide access to two entrances on the two adjacent public roads, Courthouse and Austin Ridge. There are also some internal circulations points that will connect to Sunflower Drive, once that is completed. These were all shown as part of the previous traffic studies that were submitted for this project, meaning Embrey Mill and this particular phase as a whole, when the property was rezoned in 2020, as well as conceptually in 2000.

Mr. Bain: Mr. Funkhouser, could I interrupt a second?

Mr. Funkhouser: Yes sir.

Mr. Bain: On the left-hand side, I presume that is west. I am assuming north is up.

Mr. Funkhouser: Yes sir.

Mr. Bain: It looks to me like there's another sort of like a major road similar to Sunflower Drive. Am I misinterpreting the drawing?

Mr. Funkhouser: No, that's correct.

Mr. Bain: That is and that will...

Mr. Funkhouser: I believe you are talking about here.

Mr. Bain: That will connect to Courthouse, I presume.

Mr. Funkhouser: Correct. No, no, no, that will not connect to Courthouse to my knowledge.

Mr. English: It's a right in right out right there.

Mr. Funkhouser: It's a major access point internal to Embrey Mill, if I am not mistaken. So, the next entrance would be down towards Publix. So, it is only these two entrances that are shown on Courthouse...

Mr. Bain: Okay, so that's only going to connect to that... the smaller road that will serve the seven sites that we are talking about.

Mr. Funkhouser: Correct, I believe so.

Mr. Bain: Okay, okay. Thank you.

Mr. Funkhouser: Alright, you have a resolution of approval, of course, but the general conditions are typical for what Stafford's been doing for these types of drive throughs. And again, that is the primary reason for the conditional use permit. Require development to be in conformance with the general

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development plan, vehicle access is limited to right in, right out entrances to those two adjacent public roads that I was mentioning earlier. There is no additional access to any of those two public roads. The reason I highlighted this in red is, we had a discussion with the applicant following the January 13th meeting, and realized that that condition could be interpreted to limit the access points that were shown here, they were internal to the development. And that was not the intent of staff, so we just corrected that to allow those other internal access points, but again there will be no other access points to Courthouse or Austin Ridge. Again, the typical conditions regarding loading areas and vehicle stacking, drive through speakers with automatic volume control and then there are numerous pedestrian connections that are shown between the adjacent buildings and the private roads, as well as Courthouse Road and Austin Ridge and there are sidewalks that are already existing along Courthouse and Austin Ridge. The Comprehensive Plan designates this property as mixed-use commercial residential and it is within the Courthouse Planning Area. This area is designated as a targeted growth area as well as an economic development priority focus area. Staff generally finds that the proposed uses are consistent with the comprehensive plan recommendations and policies and would be compatible with existing and future uses in the area, and that is particularly based on some specific language that encourages commercial centers within the three sub-areas of the Courthouse Planning Area and one of those specifically references the Embrey Mill development. In general, the positives are it is consistent with the land use recommendations of the Comprehensive Plan, that I just noted. It's consistent with the established and the development pattern along this portion of Courthouse Road and Austin Ridge Drive. And then again, the conditional use permit conditions that are outlined in the approval resolution would tend to moderate or eliminate any negative impacts. There is one negative, regarding the Courthouse Planning Area, the Targeted Growth Area. The General Development Plan shows a floor area ratio that's .13 at a minimum, and a max overall for this phase of Embrey Mill at 0.5. The Comprehensive Plan has a general minimum of .27 and a maximum of .40, so the .50 doesn't apply. So, I am not trying to confuse you with some numbers, but the point is as generally you are looking for more dense development in these targeted growth areas. But again overall, it's consistent particularly when you take the Embrey Mill phases in this particular part of the development as a whole. But this particular one doesn't really meet the minimum floor area requirements. But that is the only negative that we have determined. So, in conclusion we recommend approval... Staff is recommending approval of the application with conditions that are pursuant to the resolution that is included in your package, Resolution R21-23. And I will try to answer any questions you might have.

Mr. Apicella: Alright, thank you very much. Any questions for staff?

Mr. Bain: Just one quick one. The fuel sale facility that they are talking about, will that be something like a Wawa or is it just going to be pumps.

Mr. Funkhouser: It will be something like a Wawa.

Mr. Bain: Okay.

Mr. Funkhouser: There were actually... in the original impact statement there were some franchisees that were identified and the applicant subsequently revised that impact statement because they weren't really ready to go public with those, because the final leases had not been developed. But it will be your typical fast food franchises and that gas station is likely to be a Wawa or Sheets, that type of thing.

Mr. Bain: Right.

Mr. Funkhouser: And it is intended to be on the corner. The primary building.

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Mr. Bain: Right.

Mr. English: So, out of the seven spots, three are kind of committed already, right.

Mr. Funkhouser: At a minimum of three, I have not talked to them specifically about the franchisees, of course they are trying...

Mr. English: I am not worried about, I am just saying that they have three commitments. That's what I am (inaudible).

Mr. Funkhouser: That's my understanding.

Mr. English: Okay, (inaudible).

Mr. Funkhouser: But they do not wish to name them at this point.

Mr. English: No, I am not asking that.

Mr. Funkhouser: No, you are fine, you are fine. It was just ironic that they actually had them in the original impact statement, but it has been superseded.

Inaudible, microphone not on.

Mr. Funkhouser: Yes sir.

Mr. Randall: One quick question for you. If you can go back to your GDP. Right there. So, if you go to building 14.

Mr. Funkhouser: Yes sir.

Mr. Randall: And if you blow that up a little bit. So, you make a right hand turn off of Courthouse and then am I seeing an immediate right turn into building 14? Or do you have to go all the way down to the main access road.

Mr. Funkhouser: I apologize, I am not familiar with enlarging this here. Can I enlarge this from here? No. I don't know how to enlarge this from here, I apologize.

Mr. Randall: No, no, no, you are fine.

Mr. Bain: Can you use colors?

Mr. Funkhouser: Well...

Mr. Randall: He is trying to see...

Mr. Funkhouser: Twelve, thirteen, fourteen...

Mr. Randall: Right there. So, as you make that right hand turn off of Courthouse, right there. You make a right hand turn off of Courthouse, that's a right in, right down I mean a hundred feet...

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Mr. Funkhouser: It's a right in to Courthouse right there...

Mr. Randall: Right, and then a right into building 14 or do you have to go all the way to the main inter-parcel road?

Mr. Funkhouser: No, that is a right in as well.

Mr. Randall: Okay, so here's my concern with this one specifically. So, you have a drive through there and the drive through backs up. And the drive through backs up around the building, will cars still be able to get in and out at that location if that drive through backs up?

Mr. Funkhouser: The drive throughs are not going to be oriented that way.

Mr. Randall: Aah.

Mr. Funkhouser: And that will be governed at the site plan stage.

Mr. Randall: Okay.

Mr. Funkhouser: And then specifically when VDOT and staff look at that particular site plan.

Mr. Randall: Okay.

Mr. Funkhouser: So, but that was a general discussion that we had at the development review meetings...

Mr. Randall: Sure.

Mr. Funkhouser: ... as well as with the applicant in terms of stacking. And again, that condition is going to...

Mr. Randall: Well, I wanted to make sure...

Mr. Funkhouser: ... so they run into that problem...

Mr. Randall: Yeah, yeah, yeah, because....

Mr. Funkhouser: ... have a problem with compliance.

Mr. Randall: Right, okay.

Mr. Funkhouser: But, you are correct in terms of noting that yeah, we had the same...

Mr. Randall: But especially that one, now if you... it depended on... and again we all know that some do better with drive throughs than others.

Mr. Funkhouser: Correct.

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Mr. Randall: But, we have several instances where you have enough stacking that it stacks up back into the main road.

Mr. Funkhouser: Correct.

Mr. Randall: And that... obviously we don't want that situation...

Mr. Funkhouser: Correct.

Mr. Randall: ... here, especially coming off of Courthouse.

Mr. Funkhouser: That would be an actual violation of the conditions and then again, that is going to be looked at more closely.

Mr. Randall: Okay.

Mr. Funkhouser: But, my understanding is, when we discussed it internally, was those... even though this doesn't illustrate it here, that the drive through windows and the lanes aren't going to allow that to happen. They'll stack up along that private road, if they get out on that private road.

Mr. Randall: So... okay thank you. So, the other question I had was, we are doing a vehicle fuel sale, which we have determined to be building 15, and that leaves six other locations, one, two, three, four, five, six...

Mr. Funkhouser: That is correct.

Mr. Randall: ... seven conditional use permits for drive throughs.

Mr. Funkhouser: Right.

Mr. Randall: Do we expect that they are going to use seven of those on six properties? Why would they ask for seven, if they only have six properties that could ...

Mr. Funkhouser: Because the gas facility might have a restaurant...

Mr. Randall: That's what they are considering...

Mr. Funkhouser: ... that would have a drive through...

Mr. Randall: Okay.

Mr. Funkhouser: Correct.

Mr. Randall: Alright.

Mr. Funkhouser: Yes sir.

Mr. Randall: So, although we don't see it, the potential is that that vehicle sales location could have a drive through aspect to it.

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Mr. Funkhouser: Correct.

Mr. Randall: Okay. Alright, that is what I wanted. Thank you.

Mr. Funkhouser: Yes sir.

Mr. Apicella: Thank you Mr. Randall. Any other questions for staff? Alright, seeing none would the applicant like to make a presentation?

Mr. Leming: Thank you very much Mr. Chairman, members of the Planning Commission. Can you hear me okay?

Mr. Apicella: Yes.

Mr. Leming: Good. Okay. Let me refresh everybody's mind, let me just say with regard to the building number 14 and building 15, yes...

Mr. Bain: Sir, could you identify yourself, please.

Mr. Leming: Oh, okay, sure. I am sorry, I have been doing this for a long time, you would think I would remember that. I am Clark Leming, I am here on behalf of applicant. And also with me is Andy Freeman, he is with the developer. And Andy, I don't if Ed Peet tried to tune in here, but Mr. Peet may be listening as well. And I believe we have our engineer, Mr. John Carty. So, sorry. I was just so focused on the questions and getting to the answers to the questions...

Mr. Randall: No problem. Thank you.

Mr. Leming: ... and all those introductions. Something like a Wawa, something not like gas pumps. And in regard to the number of CUPs, some of the somethings like Wawa's do have drive throughs now. So, all we are doing is keeping options open. I want to point out that this approach, getting a batch of CUPs is something that the County has done a number of times now. I think you saw it just very recently with the Burns Property. The first time it was used, I believe, was with Stafford Market Place. And the front pads at Stafford Market Place were set up in the same fashion, with sort of a mix and match kind of arrangement. This helps tremendously with the marketing of these parcels and moving forward quickly, once tenants, user, purchasers are identified and brought to lease or contract. Otherwise, going through one by one, you've got, not withstanding, inefficiency that we often see with the County. You've got at least a seven or six month... six, seven month lag there getting back through the process. So, this is tremendously helpful and I think some of the details and the concerns, for instance stacking, are correctly at the site plan stage. When you have more specific plans anyway, including the site plans for those particular pads. Now, just a little bit... I know you've got a lot on your agenda and I don't want to (inaudible) as some of you know I can go Ad nauseam, so I'll promise not to do that. Some of you may not realize that the original Embrey Mill development, may have been (inaudible) goes back to the early 90s. That's how long this has been a vision of Mr. Peet's. And then in 2001, we had the PD District and a reconfiguration, we had PD Districts and some new ideas, and I think everybody's (inaudible) how far Embrey Mill has come. And we are now working on Phase 4, which is the commercial area, all area. Publix is a part of that, all that area between Sunflower and 630. And the next big part is Section 3-A, which is the mixed-use portion, much more commercial and there are approved at this time, I think about 250 apartments of different (inaudible) for that area. So, that would be the next phase, that is all the land up... actually up to the townhouses in the Embrey Mill residential

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development. So, that is what's coming and everything is moving very fast now with the new interchange, the improvement... incredible improvement to Route 630. The demand right now for these particular pad sites are for businesses that cater both locally but also to the interstate traffic, including some of those that have been displaced that were located with the new interchange. When I get done if you all have any questions, I am going to defer to Mr. Freeman and see if he wants to say anything else about where we are actually and moving forward with some of the actual users there. Now, the... I also want to point out that Embrey Mill, there was a... Mr. Funkhouser raised a question about the FAR. The original zoning envisions for this land bay (inaudible) we're just talking about Phase 3, envisions 429,000 square feet of commercial. Now, we are not there yet and there may be a phase in the future when it gets a lot more intense. But, this is not nearly as intense as was (inaudible) so that is good from one standpoint, less intensity, less traffic. But, what we have... we have the Publix development, that part of it that turned out to be about 77,000 square feet, and this brings in another 120,000. So, we are not even half way to what the traffic study was based on and what the improvements were based on. So, that is where it stands. There is another up to 600,000 additional square feet of commercial can be built over in Phase3-A. So, there is a lot more that can happen and it's not going to happen overnight, but that is the long-term Embrey Mill vision. The ... I wanted to clarify one... Mr. Funkhouser seemed to suggest that Sunflower was not... was going to be built at some point. It's there now, we do have that. And the access to this commercial bay is as Mr. Funkhouser indicated, right in/right out on Rout 630, the same thing on Austin Drive and a full intersection for this entire commercial bay, not just the seven parcels that are before you on this CUP, but the commercial development generally, there would be a full entrance on Sunflower to the rest of it. So, that's... that's where the development is going, that is where we are now. I know that as soon as this goes through, you will see submission of individual site plans and I think some of these individual pads will develop very, very quickly. So, I don't want to (inaudible) linger anything here. I am happy to answer any questions and if I can't answer then we have the people on here, (inaudible) I think can do so. So, please any questions that you might have about the application.

Mr. Apicella: Thank you Mr. Liming. Any questions for the applicant?

Mr. Bain: I would like to raise one issue about signage. The County has sign regulations regarding the size of the sign and what have you. Does Embrey Mill also have its own sign requirements for conformance? So that... what I don't want to have happen here is seven facilities, each one trying to do a taller or bigger sign, still within County guidelines, but it's going to look like an interchange on 95, where every restaurant or gas station tries to have the bigger sign. Do you have control over those signs?

Mr. Leming: Here is the answer to that and I remember your question from a couple of weeks ago. I think the questions is not so much do we have control, does the County have control. And I think the answer to that and Mr. Harvey or Mr. Funkhouser can speak to that. Yes, we must comply with the Ordinance at this point. You know, the signs aren't there, so we are governed by the ordinance, not withstanding what may have been anticipated some time ago. Now there are additional proffers and designs... design guidelines that were thought of a long time ago, but very conservative and go more to materials than the size, which is going to be controlled by the Ordinance. The intent (inaudible) has been for the signage to be subtle, as subtle as commercial signage can be. And to blend in with the community and not to speak loudly in advertising individual businesses. Andy, have you even gotten to the point of doing a sign package? Or... that's not on the books yet is it?

Mr. Freeman: We have not put together a sign package as of yet.

Mr. Leming: Okay.

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Mr. Freeman: But we fully intend to once we get into building design.

Mr. Leming: Okay. And I think Mr. Harvey or Mr. Funkhouser will confirm that we are governed by the County's sign ordinances.

Mr. Bain: I certainly understand that. I have been to a number of large developments like Embrey Mill and I have been impressed that some of them have developed their own standards that make signage look similar from one facility to another and it blends in with the overall landscaping of the site. And I am just wondering... I would hope that Embrey Mill would strive for something like that.

Mr. Leming: Yes sir, and if I wasn't clear before, that is the case. In fact, the proffers and package that goes with the proffers, the guidelines do envision consistency with materials so that is something that Embrey Mill strives for and I think most of you would agree that that's pretty well been accomplished with what (inaudible) already seen from Embrey Mill.

Mr. Apicella: Other questions?

Mr. Randall: Yes, I have a question. Mr. Leming, I am interested in timing. So, if we approve the conditional use permits tonight or recommend approval and they get to the Board. When are we be able to use one of these facilities? When do you expect that these facilities will be ready for public consumption, so to speak?

Mr. Leming: Okay, well thank you. Thank you for the question. Andy, on that I am going to defer to you. As you move along and you get approval next month from the Board of Supervisors, when can I go to the something like a Wawa?

Mr. Freeman: Well right now we're... we've submitted site plans to the County and we have received comments. Obviously, getting CUP approval is a part of getting a site plan approval. We would hope that we could get site plan approval either end of first quarter this year or sometime in second quarter. We would then have to do site plan, I am sorry site work. It could take anywhere between 7 and 8 months, which would put us somewhere at the end of the year. And then any of these tenants for the pad sites, in particular, they would then have to go and do the site work for that pad site and build their building. So, I would, while it is a relatively long answer to your question, I would suspect that we probably wouldn't see a facility functions on this site until probably the end of 22 or the beginning of 23.

Mr. Randall: Okay, thank you.

Mr. Leming: So, a little way down the road, but the CUP is one of the boxes we've got to check to move to the next one.

Mr. Apicella: Okay, last call for questions of the applicants.

Mr. Leming: Andy, do you want to say anything else about perspective users? I will leave that completely up to you.

Mr. Freeman: Unfortunately, as much as I would like share, there is some confidentially, you know, built into the things that we are doing right now as well as contingencies and so all I can do is promise

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you that we are getting you know, quality people that we are talking to and we are going to have the type of facility and center that you would expect and (inaudible).

Mr. Apicella: Alright, unless I hear some more questions, I am going to open the public hearing on this item. Thank you, Mr. Leming and Mr. Freeman. As always this is an opportunity for the public to comment on this item. Mr. Harvey did we get any written comments?

Mr. Harvey: No Mr. Chairman, we did not get any written comments.

Mr. Apicella: Alright thank you. So, I am going to close the public hearing on this item and bring it back to the Commission. Mr. Randall, this is in your district. How would you like to proceed?

Mr. Randall: I make a motion to approve the Conditional Use Permit 20153498, Embrey Mill Town Center South – Phase 4.

Mr. McPherson: Second.

Mr. Apicella: Is it 98 or 96? I have 96 on mine.

Mr. Randall: Oh, I am sorry 96.

Mr. McPherson: Second.

Mr. Apicella: So, just for clarity there is a motion seconded by Mr. McPherson to recommend approval of CUP20153496. Any further comments Mr. Randall?

Mr. Randall: No thank you.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No thanks.

Mr. Apicella: Anybody else? Alright, we are going to do a roll call vote. Mr. Bain, how do vote on the motion?

Mr. Bain: Yes.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

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Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. Motion carries unanimously. Congratulations. Moving on to item number 2, Mr. Harvey. Actually 2 and 3, I think can be done together, Mr. Harvey?

2. RC20153521; Reclassification – Heritage Commerce Center Royal Farms - A proposal to amend proffered conditions on 1.49 acres zoned B-2, Urban Commercial, to allow vehicle fuel sales and a convenience store, on Tax Map Parcel No. 44N-1-5 (Property). The Property is located on the southwest corner of the intersection of Warrenton Road and Commerce Parkway, within the Hartwood Election District. **(Time Limit: May 7, 2021)**
3. CUP20153522; Conditional Use Permit – Heritage Commerce Center Royal Farms - A request for a conditional use permit (CUP) to allow vehicle fuel sales in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts and a convenience store in the HC, Highway Corridor Overlay Zoning District on Tax Map Parcel No. 44N-1-5 (Property). The Property consists of 1.49 acres, and is located on the southwest corner of the intersection of Warrenton Road and Commerce Parkway, within the Hartwood Election District. **(Time Limit: May 7, 2021)**

Mr. Harvey: Yes please Mr. Chairman and Joseph Valotta will be giving the presentation for staff.

Mr. Valotta: Good afternoon Mr. Chairman, Planning Commissioners, Joe Valotta, Planning and Zoning presenting items two and three for the Heritage Commerce Center Royal Farms projects. Before I begin, is the PowerPoint visible?

Mr. Apicella: Yes.

Mr. Valotta: Okay good. Okay so this project encompasses two requests. First a proffer amendment and then a conditional use permit for vehicle fuel sales all for the total purpose of allowing a convenience store with fuel sales on Tax Map Parcel 44N-1-5. The site is just under an acre and a half located in the Hartwood election district. Steve Klebanoff with Sumner Partners is the applicant and Clark Leming, Leming and Healy is the agent. This is a zoning map of the vicinity of the site is outlined in blue and labeled with the word site. It's located at the southwest corner of Warrenton Road and Commerce Parkway. The site is zoned B-2 with proffers and it's located within the Highway Corridor Overlay district. Speaking quickly to the zoning history, this site was originally zoned M2 – Heavy Industrial and rezoned to B2- Urban Commercial in 2013 to develop a pharmacy with a drive through so part of the proffer amendment being considered tonight would establish a new set of architectural renderings and a new generalized development plan reflecting the proposed use, the Royal Farms gas station. The surrounding zoning districts include B2 to the north and M2 to the southeast and west. The site is currently developed with a heavy equipment rental facility however it's unoccupied. The property is level and does not include any environmentally sensitive resources. Abutting uses include a automobile service center to the south and west, a gas station to the east and then to the north across Warrenton Road some banks and drive through restaurants. Here's the proposed generalized development plan, it shows

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a Royal Farms convenience store approximately 5100 square feet in size. The convenience store would be setback into the property away from Warrenton Road with the fueling station located in between the building and Warrenton Road. The fueling station would include 16 fueling positions and a fuel canopy, in ground fuel tanks would be located immediately to the right of the fueling area in the eastern portion of the lot. Customer parking is proposed along the west, north, and east sides of the building and also along the northern boundary of the development area and this plan incorporates two site entrances. First there's an existing full movement entrance on Commerce Parkway and then a new entrance, a right in only entrance would be established off of Warrenton Road and five foot sidewalk is proposed along the Commerce Parkway frontage, it would connect to the existing sidewalk along Warrenton Road and also landscaping buffers are proposed along the north, west, and east property lines. This is an exhibit from the proposed architectural renderings. The proposed design conforms to many of the architectural guidelines in our Neighborhood Design Standards plan including the use of stone and bricks and subtle earth tone colors, the limiting of bright colors to accent areas, the use of awnings and projected features from the façade and also a well defined customer entrance facing the primary road. Looking at some of the proposed proffer revisions, the new proffer statement would require conformance with the GDP and the architectural renderings from the previous two slides rather than the pharmacy renderings in GDP. New proffers would require construction of sidewalk along Commerce Parkway. They would also require specified transportation improvements including signal timing optimization and a new traffic signal head and would also delete some previously satisfied development standards including a full right turn lane along Warrenton road, sidewalk along the property frontage of Warrenton Road and also Pedestrian Crossing across Commerce Parkway. These three proffered improvements were established in the interim between the Walgreens the, excuse me the pharmacy approval, this new project tonight. Some of the proposed conditions would again require conformance with the GDP, limit the fuel sales to 16 fueling positions, require conformance with the architectural renderings, and also require a sidewalk along Commerce Parkway. The Comp Plan designation for the site, it's designated to be within the Warrenton Road Planning area and Targeted Residential Growth area in the more detailed planning concept for that area recommends highway commercial use for this site. Staff finds that the proposed use is consistent with the Comprehensive Plan recommendations and it would be a compatible use with the future and existing uses in this area. Transportation impact analysis, the TIA has been provided due to the number of projected trips to be generated by the use. The TIA evaluated one intersection, the signalized intersection of Warrenton Road, Commerce Parkway, and Plantation Drive and it found that the proposed use would generate the traffic volumes listed on the screen. That's 2,157 vehicle trips per day with 235 being in the AM peak hour and 193 in the PM peak hour. This table is taken from the TIA, it summarizes impacts to the studied intersection. The left column represents 2,022 no build conditions and the right column represents 2,022 build conditions with the proffered mitigation efforts and the tables show that the intersection will function in the mornings at an LOS, that is a level of service, C with or without this development. There would not be a degradation to the level of service letter grade caused by this use however there would be some delay times to some of the individual movements. Generally speaking in the mornings there would be an increase in delay times along westbound Warrenton Road and southbound Plantation Drive but conversely there would actually be some improvements to delay times along eastbound Warrenton Road and northbound Commerce Parkway and then this table represents the PM peak hours similarly the left hand column is no build conditions and the right had column is build conditions with proffered mitigation and the PM level of service is projected to operate at an LOS D with or without the development. Again, it's a similar situation, no degradation to the level of service however there will be some impacts to delay times for certain movements, also some improvements and in the PM the delay times would be altered such that increases would be along eastbound Warrenton Road rather than westbound like the morning and also to southbound Plantation Drive and then the improvements would be to westbound Warrenton Road and northbound Commerce Parkway. Staff found many positives for the project, it's consistent with the land use recommendations

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in the Comprehensive Plan, consistent with the established development pattern along Warrenton Road, the sidewalk would improve pedestrian connectivity in the area. Proffers and conditions will ensure compliance with the architectural renderings and the Neighborhood Design Standards plan. The project would advance redevelopment of a parcel that includes a vacant commercial building and the proffer amendment would also update some previously satisfied development standards as were discussed in an earlier slide. Staff notes two negatives, this the proposal contributes a slight delay to, it contributes a slight impact to delay times at the impacted intersection however the delay is not great enough to cause the LOS, the level of service to decrease by a letter grade. The level of service letter grade remains the same, a C in the mornings a D in the evenings and as a second negative it's, staff notes that the, the proposed building it does not meet the minimum floor area ratio recommended for a targeted growth area in this situation. The recommended FAR minimum is 0.4 and the GDP shows a convenience store of 0.079 which is under the recommendation however there is a outdoor component to this use, the fuel sales would make it more difficult for the building to achieve the recommendation. And moving on to staff recommendation, staff recommends approval of the reclassification application with proffers pursuant to Ordinance O21-14 and recommends approval of the CUP application with conditions pursuant to Resolution R21-66, subject to approval of the proffer amendment request and that concludes the staff presentation.

Mr. Apicella: Thank you Joe. Any questions for staff?

Mr. Randall: Yeah, Mr. Chairman, I have a quick question for Joe. Could you go back to the site plan for me please.

Mr. Valotta: Um-hum.

Mr. Randall: Right there. So, are we saying that there's no traffic access behind the Royal Farms?

Mr. Valotta: I am sorry, I am having trouble hearing you. Could you repeat the question please?

Mr. Randall: Sure. So, I am looking at the Royal Farms and it looks to me like there's no vehicle access behind Royal Farms. There is no truck delivery access, anything like that. Is that accurate?

Mr. Valotta: It does... there is no travel way behind the building. There is a loading space that is located on the left side of the building. The loading space and dumpster enclosure are located there. I would need to defer to the applicant as to whether that is to where the loading spaces where delivery trucks....

Mr. Randall: No worry, I will ask the applicant. That is fine. Thank you.

Mr. Valotta: Okay.

Mr. Apicella: Other questions? Joe, so this is going to be very much like the Royal Farms that's further west on 17, across from the Walmart?

Mr. Valotta: Correct, yeah.

Mr. Apicella: And do we know if it's going to be a 24/7 operation?

Mr. Valotta: Yes, I spoke with the applicant and the intention is hours of 24/7, seven days a week.

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Mr. Apicella: Okay, great. Any other questions for staff? Alright, seeing none, would the applicant like to make a presentation and answer questions?

Mr. Leming: Mr. Chairman, this is Clark Leming and I have... can you hear me now?

Mr. Bain: We can hear you.

Mr. Leming: Every hear?

Mr. Randall: Yes.

Mr. Bain: Yes.

Mr. McPherson: Yes, we can hear you.

Mr. Randall: We can hear you.

Mr. Apicella: Yeah.

Mr. Leming: Okay, good. I have... I am Clark Leming still, and I have with me, Mr. Steve Klebanoff, he is the developer and did the Royal Farms just down 17, it's approximately two miles away on the opposite side of the road. I also have Justin Troidl here this evening, so he can talk about the engineering, for traffic issues, if you have questions along those lines. And we will come back to the truck access. A couple of things in the way of background and Joe touched on these. This is a vacant site, it's been vacant for about seven years now. There was an effort, as I think most of you know, to establish a pharmacy and drug store on the property, that fell through and did not come to fruition, there were some improvements that were made in conjunction with that. Which is why we have the changes in the proffers, those things are done. So, what this would be, would be very much like, if not almost identical to the Royal Farms just down the... two miles down Route 17. The... I don't believe... I wanted to touch on the two things that Joe indicated were negatives. If they are I am not sure anybody really sees that as an issue. At some point, like other parts of the county, we are going to see more intense issue and higher FAR, but we are not there yet. And this is of course very consistent with the development pattern along 17. If there is any issue here, it would be traffic, and our position is quite simply that the adjustments that are made to the signals and the new parcel signal, that those mitigate completely the impact. Now, there was some discussion about some delays, but if you go to the traffic chart that Joe shared with you, if you look at the intersection number one, if we can go back to that for a moment. If you look the top the AM, just about half of the chart showing the delays, now that's plus or minus, but about half of those show an improvement. Overall, in the AM we are talking about a change of .4 seconds... a delay of .4 seconds based on the traffic study that has been done. Now, if we can go to the PM section for just a moment, can you get to that Joe? Again, there are one, two, three, four, five six, seven of the individual entries here under delay and PM mitigated column, they are actually improvements. Now, all this is very, very inconsequential in terms of actual time. But, that overall increase in delay in the PM peak is 1.9 seconds. So, that's what... that's what we are dealing with here and I hope you agree that that really doesn't constitute anything that would even be noticeable. So, we think we have mitigated the issue and that was, if anything, on Route 17, that's the primary focus is traffic impact. Now, with regard to the truck loading area, Steve do you want to... why don't you address what's in mind... what you have in mind for the truck loading and we've got the site plan here so, we can make reference to the actual truck route.

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Inaudible.

Mr. Leming: I am sorry that is Mr. Troidl talking.

Mr. Klebanoff: Yes, this is Steve Klebanoff with Sumner Partners. With regards to provisioning for the store, the loading space on the left side of the GDP shows that loading space. That is for basically loading the store. With regards to fuel deliveries, they would be utilizing the right in off of Warrenton Road and we have done a truck routing diagram that shows how it all works through the entrance ways. That will be part of the site plan. But those are the two methods and those are the... we have run those truck routing diagrams.

Mr. Leming: Now, does that answer your question a little more completely, with regard to the truck routing?

Mr. Randall: So, then I am correct. If I am looking at it right now, the loading truck will be on the right hand side or the left hand side of the building?

Inaudible

Mr. Randall: He said left hand side, right?

Mr. Klebanoff: For loading the store like with convenience store, they would be utilizing loading space near the trach enclosure, on the western side of the store. And it's the left side as you are looking at the diagram.

Mr. Randall: Alright, perfect. Thank you.

Mr. Klebanoff: Thank you.

Mr. Leming: Okay, now. Let's just say we have been there and done this one before and Mr. Klebanoff has done a number of others in the regions. So, this is he area of expertise if you have any... one of his areas of expertise, if you have any other questions, please let us know and we'll do what we can to respond to them.

Mr. Apicella: Alright, other questions for the applicant? Alright, hearing none, I appreciate it Mr. Leming and your crew for providing the presentation and answering our questions.

Mr. Leming: Thank you.

Mr. Apicella: I will open the public hearing on this item. Again, this is an opportunity for the public to comment on this matter. Mr. Harvey, did we receive any written comments?

Mr. Harvey: Mr. Chairman, we did not receive any written comments. However, I will note that there was a citizen that showed up at the front of the building. He was unaware that the building was closed to the public. I explained the current situation and that they could provide comments on the Planning Commission webpage. He did share with me that he is the owner of the adjacent property, it is used as a business called Truckin Thunder. On the generalized development plan, you can see an access road to his property. His property is a flag lot. His concern was whether or not this proposed Royal Farms would have access off of his roadway. The prior proposal for a Walgreens at that location showed the

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Walgreens utilizing that access. This plan shows that there is no access. The gentleman did not state if he was for or against the application. But was interested in knowing what the proposal was.

Mr. Apicella: So, based on what you just said Mr. Harvey, does that ameliorate his concern that there would be no access, based on this GDP?

Mr. Harvey: That seemed to be the only concern that he expressed to me.

Mr. Apicella: Okay, Mr. Leming would you have any comments on this item or this issue?

Mr. Leming: That's correct, what Mr. Harvey has indicated. There is no access, so far as we know, there had been an effort some years ago, between Walgreen and this gentleman to work out something. It never materialized. And so, we didn't go there... didn't seem (inaudible) something that would be helpful with the application.

Mr. Apicella: Alright, thank you Mr. Leming and Mr. Harvey. Alright, that's it. I am going to close the public hearing on this item and bring it back to the Commission for further deliberations. Mr. English, this is in your... these are in your district. How would you like to proceed? Dealing with each one separately.

Mr. English: I would like to make a motion that we approve the reclassification RC20153521 for Heritage Commons Center Royal Farms.

Mr. Apicella: Is there a second?

Mr. Bain: Second.

Mr. Apicella: Thank you Mr. Bain. Alright, any further comments Mr. English?

Mr. English: No.

Mr. Apicella: Mr. Bain?

Mr. Bain: Only that I'm really glad that I won't have to wait at that stop light for 1.7 more seconds. I mean, just unbelievable.

Mr. Apicella: It's .4 seconds.

Mr. Bain: Oh, well that's in the morning, I would be there in the afternoon. That's all.

Mr. Apicella: Alright, thank you Mr. Bain. Anybody else? Alright, I will do a roll call vote. Mr. Bain how do you vote on the motion to...

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

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Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. That motion carries unanimously. On the other matter Mr. English how would you like to proceed?

Mr. English: I would like to make a motion to approve the conditional use permit, CUP20153522 on the Royal Farms.

Mr. Apicella: Is there a second?

Mr. McPherson: Second.

Mr. Apicella: I think that was Mr. McPherson. Okay, any further comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: No thank you.

Mr. Apicella: Okay, anybody else? Alright, we will do a roll call vote on this motion to approve the CUP for Royal Farms. Mr. Bain, how do you vote?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

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Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: Mr. Apicella votes aye. That motion carries unanimously. Thank you everybody. We will move on to number 4.

Mr. Leming: Have a good evening.

Mr. Apicella: You too.

4. CUP20153405; Conditional Use Permit – McDonald’s Stanstead Road - A request for a conditional use permit (CUP) to allow a drive-through facility within the B-2, Urban Commercial and the HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 45-38C (Property). The Property consists of 1.37 acres and is located on the east side of South Gateway Drive, approximately 800 feet from Warrenton Road, within the George Washington Election District. **(Time Limit: May 7, 2021)**

Mr. Harvey: Mr. Chairman, Mr. Geouge from staff will make the recommendation and presentation for item number 4.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission, Brian Geouge, Planning and Zoning Department. This request is for a conditional use permit to allow a drive-through facility within the B-2, Urban Commercial and Highway Corridor Overlay Zoning Districts on Tax Map Parcel No. 45-38C, consisting of 1.37 acres. This is in the George Washington District. The applicant is Thomas Hughes, with McDonald’s corporation. However, Jonathan Ritchie with Bohler Engineering is representing the applicant at this hearing. Here is a location map of the site. It’s located on the east side of South Gateway Drive, and also east side of Stanstead Road, approximately 800 feet from Warrenton Road. And you can see Interstate 95 interchange there is directly to the east. Here is an aerial view of the McDonald’s. This is an existing facility here, it includes a 5,080 square-foot building, it’s a single-story building, and associated parking and travel-ways. The site is served by two full movement access points, one is located on South Gateway Drive and the other is on Stanstead Road. Here is a street level view of the site. This is looking from the Stanstead Road. As I said the site is zoned B-2 Urban Commercial. It has been zoned that way for quite a while, there are no proffers applicable to the Property. At the time the existing drive-through use was established, there was no CUP requirement for the drive-through use. The applicant is now wanting to expand this establishment, which triggers a need for the CUP. And as I indicated the site is also located within the Highway Corridor Overlay District, which is shown as the purple line. Adjacent B-2 uses include restaurants and retail businesses to the north and west, and a truck wash to the east. The GDP submitted by the Applicant illustrates the proposed layout of the expanded area. Generally, the expansion is focused on the northeast end of the site. Currently, there is one stacking drive-through lane including one lane for both ordering and for pickup, that is shown in green. You can see the stacking starts all the way back at the western corner of the building here. As proposed an additional order lane would be added, directly adjacent to the existing

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order point, and that is shown in red. The current site entrances would remain as is. And here is another view, this is just a comparison of the current configuration shown on the left and the proposed configuration. So, the existing single-lane stacking area along the west and south side of the building would remain as-is. However, the lane would split near the order point, right here. And then after the order points, which are located where I am circling here, they would converge back to a single pickup lane for the pickup window. In order to provide room for the additional order point, the applicant proposes to convert the two-way travel lane, shown here, to a one-way travel lane, which would continue a counter clockwise circulation around the building. The applicant is also proposing the change these perpendicular parking spaces here to angled parking spaces., which provides a little more space for the travel way. You can also see that some of these islands around the pickup location are being modified. This one in particular is being shifted and narrowed to allow space for the additional order point. The revision on the parking spaces would result in three fewer parking spaces at the site. However, the total number of parking spaces still meets our minimum Ordinance requirements. And I do note that proposed conditions would require conformance with the GDP. And one other thing I wanted to point out is that they are proposing additional striping to indicate that vehicles should not be entering here, when they come in off of South Gateway Drive. There is a do not enter bar there and another one here. The Comprehensive Plan states that commercial activities should be located where there are adequate transportation facilities to accommodate the use. Staff believes that is the case here. This is the comp plan land use map shown on this slide. This is within the Warrenton Road planning area and targeted residential growth area. The more specific land use concept plan for this area calls for commercial retail and office in this location. As far as transportation, the application notes that in total the use generates 2,356 vehicle trips per day. The Trip generation as per the ITE manual is based on building square footage. Since no building expansion is proposed with this, it was determined that a TIA was not required. Staff does not anticipate any significant impacts on trip generation from this additional pickup... excuse me, order location. We do note that for convenience, customers who typically park and go into the building may instead choose to utilize the drive-through lane, especially with the current situation with the pandemic. The additional drive-through lane capacity may also reduce the likelihood of vehicles stacking out onto Stanstead Road. We are proposing several conditions with this. Proposed conditional would require conformance with the GDP, as I noted. The conditional would limit the drive-through facility to a single pick-up lane and two order points. They would limit access to the property to the single entrance on South Gateway and a single entrance on Stanstead Road, as currently exists. It would also require the pavement markings and signage generally as shown on the GDP. And finally, it would require that the dumpster enclosure consist of masonry materials, with type and color similar to the primary building, which is the case now, they do have a masonry dumpster enclosure, so that would be more for if they were ever to change that, it would have to conform to the condition. Staff notes that the positives are, that this is consistent with the land use recommendations in the Comp Plan, the established and proposed uses are consistent with the development pattern in the vicinity of the property. Proposed conditions will help mitigate impacts on adjacent roadways. And issuance of a CUP will also allow the site to comply with current zoning requirements. And we do not note any negative aspects to this. Finally, we are recommending approval of the application with conditions pursuant to Resolution R21-41. And that concludes my presentation.

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

Mr. Randall: Yeah, I have a quick question for staff. I noticed on the site plan that it looks like the second drive-through is smaller than the first drive-through. Is that the indication... is that the same thing that you get from.

Mr. Geouge: Yes, it does look like it is 10-feet instead of 11.

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Mr. Randall: So, as a driver of a truck, the question is have is, is that a... where do we limit the size? Do we wait until a truck gets in there and realized that they can't make that turn before we... you know, I understand huge trucks with huge trailers, but that follow on, you know that's seems like it a little... it's a pretty tight corner. And I don't know if they've made any conditions that says those aren't going to be... you know if you go, I guess north and south of the pickup point, is that going to be wide enough or is that going to be a pretty tight corner, is that going to be wide enough where you are going to have plenty of room. It seems like that's like a concrete... a concrete divider. Do you see where I am looking?

Mr. Geouge: Uhm.

Mr. Randall: Yeah, right there where you just had your... right...

Mr. Geouge: Right here?

Mr. Randall: Yep, that one and the one on the corner... the one on the other side.

Mr. Geouge: Right here?

Mr. Randall: Well.

Mr. Geouge: Oh.

Mr. Randall: Right down there.

Mr. Geouge: This one?

Mr. Randall: Nope, as you are coming into the drive-through. Right there.

Mr. Geouge: Right there.

Mr. Geouge: You know if those are big concrete, you get no flexibility, versus if you have them all the way on the outside and it's a single... and you get plenty of room again on the other side, you know, then to that point, you know, if's its only 10 feet, is there going to be a boarder on the outside of that drive-through or is that going to be open, where you can make a wide turn?

Mr. Geouge: I believe the section here is just pavement striping.

Mr. Randall: Okay.

Mr. Geouge: There is no physical barrier.

Mr. Randall: Okay, well that would help, but again, I think a 10-foot... a 10-foot there and a 10-foot both in and out, with those big barriers definitely will restrict the amount of ... number of cars and... yeah if I know already, I will take the truck through the first one. But if I don't know and I get in there and I get stuck, you know, that's going to be a problem.

Mr. Bain: Do they have to be concrete curbs or can they just be...

Mr. Randall: And that's the other thing I don't know if...

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Mr. Bain: ... pavement stripes.

Mr. Randall: I guess I can talk to the applicant more about what their thoughts are about that. But I do think that being that it's 10-feet and not 11-feet and at least a foot shorter that there should be some consideration for, you know, maybe that's ... I don't know, to the point that Mr. Bain made, maybe that's something that, you know, if you... if it's a small curb and you have to go over it then you have to go over it. But, you know, people with trucks don't care to that end. But you put us... you put a concrete boarder in there and it makes that pretty difficult to maneuver.

Mr. Geouge: And there may at a minimum be an opportunity to narrow those down a little bit to provide...

Mr. Randall: Well, that's what I was thinking. At the very minimum is to reduce them so that maybe it's only 10-feet from the striping, but if I can narrow it down on the in and out, and it's only striped on the back, they I can go outside that, still order and still have plenty of room to make that corner.

Mr. Geouge: Right.

Mr. Randall: So, anyway. Just, just... I did not know if you had looked at that or whether... we can talk to the applicant. The applicant can talk to it when it's his turn. Thank you.

Mr. Apicella: Thanks Mr. Randall. Any other questions for staff? Alright, hearing none, would the applicant like to provide a presentation and answer questions?

Mr. Ritchie: Yes. Good evening Commissioners, this is Jonathan Ritchie with Bohler Engineering. Can everyone hear me okay?

Mr. Apicella: Yes, but you are a little low.

Mr. Randall: Yes, you are a little low.

Mr. Ritchie: I apologize, I am calling in. Can you guys hear me a little better now?

Mr. Randall: Yes, we can. Thank you.

Mr. Ritchie: Okay. So, I don't have a prepared presentation. I think the staff did a great job with kind of summarizing what's happening. It's a pretty limited amount of work, it's limited in to the northeast corner of the site. And idea that staff mentioned is to provide a second order point to help with A) stacking of the site and also just general service to get customers in and out faster. What I can do, if you would like, I can speak to the width of the drive-through lanes a that was just previously discussed. So, those are the typical McDonalds lane widths. I can tell you that McDonalds uses the standard throughout the United States. So, the curb radius, the lane width, the island width, things of that nature have been all vetted out through McDonalds. It's been reviewed and approved through what they call their brand review and it has met their requirements for ingress and egress of these areas. They also meet the general engineering practices, the radius are 20 plus feet, both in and out. A 10-lane width is typical, you will see a lot of times in the drive-through. The 11 feet is on the inside. Without being able to show you, driving a truck through there or something like that on paper, I can assure you that the geometric had been vetted through the channels and they do meet the brand standards for trucks to come in and out. Not delivery trucks, but for a pickup truck or something of that nature. So, hopefully that answers the

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question and also if a truck were to go... you are correct, that one area is just striping. Let's say if a large vehicle or a truck were to kind of swing out, that drive isle, that we converted from two to one way is 20-feet wide. So, even if a vehicle were to go a foot or two out there, there's still plenty of room for any cars to get by on the outside. The 20-feet was added at the request of staff to facilitate any fire truck movement. So, it's a pretty wide one-way drive isle. Those are really the only things I wanted to point out. What I will do is open it up and if you've got more questions, I can certainly help answer them or if you have any further discussion on the geometrics of the drive-through as well.

Mr. Apicella: Thank you, sir. Any other questions for the applicant?

Mr. Bain: I had two things that concern me. I have been to that McDonalds when there was stacking for the ordering. And, quite honestly, the stacking wasn't caused by the people taking the order not working fast enough, it was because it was stacking to the pickup window, because the kitchen wasn't sending out food quickly enough. If we are now going to have two lanes of order, is it really going to help anything? Are you making any changes in the kitchen or staffing to try to speed up food production and delivery to where a second order lane would actually help with through put?

Mr. Ritchie: Yes. I know you had two questions. Do you want me to answer that question before you move to the second?

Mr. Bain: Yes, if you don't mind.

Mr. Ritchie: I can't speak to the staffing, you know, obviously I don't have control over the hiring practices there. But I do know, one thing to point out is this is actually the second phase of what McDonalds calls their MRP program, their Major Remodeling Program. So, what has already happened at this site is, there's been external and internal improvements to the site that were actually submitted to the County and reviewed under a minor site plan and approved and completed, that provided ADA upgrades, sod upgrades, kitchen upgrades, order inside upgrades. So, the inside infrastructure has been upgraded to facilitate some of these... the additional drive-through lane.

Mr. Bain: Okay, well I hope it's going to help. My second questions, I am just wondering will the store be closed during the construction or will you try and continue operation with construction going on?

Mr. Ritchie: I would... that is a very good question. Because this is a little bit... usually they do this all at one time, where they do all the kitchen upgrades and the drive-through upgrades and they do generally close the store down. They found it's just faster to get in and get out. Since the kitchen upgrades and all the other upgrades have been completed, I would suspect that the restaurant would stay open, but there might be some closing time to time or periodic closing of the drive-through while they are doing the expansion. So, I think the drive-through might be closed for a certain period, but the restaurant itself should remain open.

Mr. Bain: Okay. Thank you.

Mr. Apicella: Other questions? I will ask one real quick. Is it going to be a 24/7 operation or will it have somewhat limited hours?

Mr. Ritchie: I don't know, I apologize. I actually don't know if this is a 24 operation. I know that the... I can tell you there are no changes in proposed operation hours that I know of. So, I don't know if this

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is a 24 hour, I do apologize I don't have that answer, but I do know that there's no proposed changes to those hours as part of this proposal.

Mr. English: Steven, it is a 24-hour McDonalds.

Mr. Apicella: Okay, just wanted to be sure about it one way or another. Thanks. Alright, last call for questions of the applicant.

Mr. Randall: Yes, I am sorry, I can't let it go. This is Mr. Randall again. So, you are saying that you guys, as a local group, you have no say in how that second lane is built and constructed. Is that what you are telling us?

Mr. Ritchie: No, we do. We work... in this case we actually worked with County staff to make changes and then we actually worked with the McDonalds brand to make sure that it meets their standards for ingress and egress. And then we also check it, so just to make sure that it meets general engineering practices. So, certainly we have some say and there was a lot of iterations to get where we are at today for sure.

Mr. Randall: No, I understand that. I just am not sure I understand that the barrier to drive in and the barrier to drive out are so large, based on what I am looking at on the plans. And so, rather than have a, you know, a twelve-inch barrier, it looks like it's a four- or five-foot barrier and it completely restricts that turn out of that... well the turns in and the turn out, you know, and that will be a problem. You will have... as we do in many places you will drive by there and there will be car paint... there will be paint all over that as people try to make that corner.

Mr. Ritchie: The reason for that is when we do get to the actual site plan part of this, we will need to meet, effectively green area/stormwater management requirements. So, those areas are there to meet other requirements that will be required of the development.

Mr. Apicella: I think what Mr. Randall is saying is when you get to the point of site plan, will you continue to work with staff and revisit this issue of the size and width of those, I will call them in barriers, to see if there is any accommodation that you can make for larger trucks. I know you can't commit to it at this point in time. But I think that is pretty much what he is asking for.

Mr. Randall: Yes, yes.

Mr. Ritchie: Absolutely. We can certainly take a look and if we can widen them a foot or two, then we will certainly do that.

Mr. Apicella: Well I think he means lessen them, not widen them.

Mr. Randall: Widen the open area.

Mr. Ritchie: Yes, I mean shorten them. Sorry about that. I was thinking drive isle, widen the drive isle.

Mr. Randall: We were saying the same thing. Gotcha, thank you.

Mr. Ritchie: We are on the same page, sure.

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Mr. Apicella: Okay, no further question to the applicant, I am going to open the public hearing on this matter. Again, as before, it's an opportunity for the public to comment on this particular item. Mr. Harvey did we receive any written comments?

Mr. Harvey: No sir, we did not.

Mr. Apicella: Okay, thank you. So, I am going to close the public hearing and bring it back to the Commission for further discussion and deliberation. Mr. Bain, this is in your district, how would you like to proceed?

Mr. Bain: Yes, I would like to make a motion to approve conditional use permit, CUP20153405.

Mr. Apicella: Thank you Mr. Bain. Is there a second?

Ms. Barnes: Second.

Mr. Apicella: Thank you Ms. Barnes. Any further comments Mr. Bain?

Mr. Bain: No.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: No.

Mr. Apicella: Anybody else? There is a motion to recommend approval of CUP20153405. Mr. Bain, how do you vote?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Yes.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

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Mr. Apicella: Mr. Apicella votes aye, motion carries unanimously. Thank you everybody. Moving on I believe items number 5 through 10 are deferred to the February 10 meeting, Mr. Harvey. So, I think we are on to item number 11.

5. COM20153256; Comprehensive Plan Compliance Review - Telecom Tower Brent Marsh - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a telecommunications facility, consisting of a telecommunications monopole, including ancillary equipment, on Tax Map Parcel No. 23-6, located on the south side of Brent Point Road and east side of the intersection with Arkendale Road and CSX Railroad crossing, within the Griffis-Widewater Election District. CitySwitch II-A, LLC is the applicant. **(Time Limit: March 14, 2021) (History: January 13, 2021 Public Hearing Continued to February 10, 2021)**
6. CUP20153255; Conditional Use Permit - Telecom Tower Brent Marsh - A request for a conditional use permit (CUP) to allow a communication facility (“Facility”) within the A-1, Agricultural Zoning District on Tax Map Parcel No. 23-6 (Property). The Facility consists of a 195-foot tall telecommunications monopole with ancillary equipment. The Property consists of 341 acres, located on the south side of Brent Point Road and east side of the intersection with Arkendale Road and CSX Railroad crossing, within the Griffis-Widewater Election District. CitySwitch II-A, LLC is the applicant. **(Time Limit: April 23, 2021) (History: January 13, 2021 Public Hearing Continued to February 10, 2021)**
7. RC20153242; Reclassification – Courthouse Tracts Proffer Amendment - A proposal to amend proffered conditions on 4.08 acres zoned B-2, Urban Commercial, to allow a restaurant with drive-through and a convenience store with vehicle fuel sales, on Tax Map Parcel Nos. 39-3 and 39-3A (Property). The Property is subject to two concurrent conditional use permit requests. The Property is located on the southwest corner of the intersection of Jefferson Davis Highway and Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: March 19, 2021) (History: December 9, 2020 Public Hearing Continued to January 13, 2021) (January 13, 2021 Public Hearing Continued to February 10, 2021)**
8. CUP20153243; Conditional Use Permit – Courthouse Tracts Taco Bell - A request for a conditional use permit (CUP) to allow a drive-through facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on Tax Map Parcel Nos. 39-3 and 39-3A (Property). The Property consists of 4.05 acres, and is located on the southwest corner of the intersection of Jefferson Davis Highway and Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: March 19, 2021) (History: December 9, 2020 Public Hearing Continued to January 13, 2021) (January 13, 2021 Public Hearing Continued to February 10, 2021)**
9. CUP20153244; Conditional Use Permit – Courthouse Tracts 7-Eleven - A request for a conditional use permit (CUP) to allow vehicle fuel sales in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts and a convenience store in the HC, Highway Corridor Overlay Zoning District on Tax Map Parcel Nos. 39-3 and 39-3A (Property). The Property consists of 4.05 acres, and is located on the southwest corner of the intersection of Jefferson Davis Highway and Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: March 19, 2021) (History: December 9, 2020 Public Hearing Continued to January 13, 2021) (January 13, 2021 Public Hearing Continued to February 10, 2021)**

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10. RC19152902; Reclassification – Tree Haven Rezoning - A proposed zoning reclassification from the B-1, Convenience Commercial Zoning District to the A-2, Rural Residential Zoning District on Tax Map Parcel No. 18-78, consisting of 3.67 acres (Property), to allow for the development of 3 single-family dwellings. The Property is located at the southwest intersection of Mountain View Road and Tree Haven Lane, within the Rock Hill Election District. **(Time Limit: February 26, 2021) (History: November 18, 2020 Public Hearing Continued to February 10, 2021)**

UNFINISHED BUSINESS

11. Downtown Stafford - Authorize public hearings for a Comprehensive Plan Amendment and a Zoning Ordinance Text amendment regarding the UD-5, Urban Development, Zoning District, and a zoning reclassification application for approximately 29 acres to the UD-5 Zoning District, in the Courthouse Planning Area. **(Time Limit: March 29, 2021) (History: PC Work Session December 2, 2020) (Deferred to January 13, 2021) (Deferred to January 27, 2021)**

Mr. Harvey: Mr. Geouge will make the presentation for Downtown Stafford. We also have other staff available to assist as necessary.

Mr. Geouge: Good evening again Mr. Chairman, members of the Commission. This is a continuation of discussion on three items. Really, two have been discussed thus far in detail, Comprehensive Plan Amendment and Zoning Ordinance Amendment for the Downtown Stafford initiative. Also a Reclassification of County and JPI owned land to Urban Development-5, but that last one will be covered in a separate presentation tonight. I'm going to focus on the Comp Plan Amendment and Zoning Ordinance Amendment. So, these issues were discussed at the December 2nd Work Session of the Planning Commission, also at Planning Commissions December 9th and January 13th meetings. Here's a summary of comments and the latest comments that were made. There was a desire to increase sidewalk widths for outdoor dining areas associated with restaurants made at the last meeting. Staff's response to that is that we believe sidewalk widths, as specified in the Ordinance, are appropriate and allow for variations in sidewalk widths as they are minimums. Staff does note that the Ordinance includes specifications for forecourt which could serve as an open space or plaza or outdoor dining area. Staff is proposing additional design guidance in the Comp Plan that recommends outdoor dining areas be incorporated into the design of sidewalks and planning strips in commercial areas. There was also a general comment about increasing sidewalk widths in residential areas. Staff notes that due to the compact nature of the Urban Development areas and desire to minimize impervious areas and meet Ches Bay requirements, we are not recommending additional changes to the Ordinance for sidewalk widths. We do note that there is a minimum of 6-foot specified in the Ordinance currently, which is above VDOT's minimum width of 5 feet. We also note that the appropriate location of bicycle facilities can be evaluated on a case by case basis with each rezoning request that comes in for the UD District. And we'll better be able to plan that cohesively with what may be existing or planned in the vicinity of the development. There was a comment regarding street tree requirements and the desire to have more frequent street trees along these commercial areas particularly. Staff is proposing an additional amendment to the Ordinance that states that trees will be provided at a maximum of 50 feet. Previously, it was 100 feet spacing for street trees. Another concern was that not having a maximum Floor Area Ratio specified may reduce or eliminate incentives for using Transfer of Development Rights for additional commercial square-footage. And staff had previously, or with the package you received, we had proposed additional amendments to Table 3.1 to state that the height of multi-family, commercial, and mixed-use in civic buildings can be increased by one story with TDR as staff believed this was a more effective and appropriate way to address the TDR incentives since FAR is effectively limited by

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building height. Based on additional input from the Commission, staff has prepared an alternate version of the Ordinance, which you should have received as a handout. This alternate version would establish a maximum FAR for commercial buildings. With this option, staff is proposing a maximum 3.0 FAR by-right or 3.5 FAR with TDR. The basis for this is that the General Development Plan or concept plan for Downtown Stafford shows FARs of up to 2.8 for individual blocks. So, that by-right of 3.0 would allow that concept plan come to fruition without necessarily having to rely on TDR to make that happen. An alternate version of the Comp Plan Amendment corresponds with this change. That clarifies that the maximum FAR 3.0 would specifically apply to the Downtown Stafford Area, not other Targeted Growth Areas. The alternate Comp Plan Amendments also clarify that high residential densities are recommended specifically for Downtown Stafford and not the other TGAs.

Mr. Apicella: Brian, before you move on, can you go back to that previous slide. I'm trying to understand, based on what's written here, how would the... how would the Comp Plan Amendment and the Ordinance interplay with respect to the other TGAs? What would be their maximum FAR based on the Ordinance?

Mr. Geouge: Based on the Ordinance it would be 3.0 for commercial developments. But the Comp Plan would have further recommendations on where that maximum would be appropriate, which is specifically Downtown Stafford. So, if we received a rezoning request for let's say Warrenton Road Targeted Growth Area and they were proposing FAR 3.0, that then would not be consistent with the Comp Plan recommendations; however, it would be consistent with the Ordinance. So, that's something that would have to be evaluated and we would have to note that with any requests that are trying to achieve that high FAR outside of Downtown Stafford.

Mr. Apicella: And what... based on what you've seen so far with respect to the JPI property, what is the FAR that's being proposed there?

Mr. Geouge: I don't recall exactly. I think it's more like a 2.0. I'd have to go back and verify that. It was in the previous presentation I believe. It's also on the GDP. I can try to find... *inaudible, being talked over.*

Mr. Apicella: I'm just trying to wrap my head around what is a 3.0 FAR versus something greater than or less than 3.0. Without an example, I can't really... I don't really have context. I'm not saying I... I mean, I appreciate the change, I think it's a good change, I just don't understand it in the context of how it really would look on a given site. What would a 3.0 FAR look like.

Mr. Geouge: Yeah, my next slide I was going to try to address that point with providing an example. Shown here is Rockville Town Center. This example was provided at one of the previous meetings. But the area highlighted in yellow here is approximately 6 acres and encompasses different types of building with different heights of three to five stories, and also structured parking. And in the center here you can see that there's an open space plaza so that effectively helps reduce the FAR here. But, in total, we estimate that this was about 700,000 square-foot of building area and estimated the FAR to be 2.7, if you looked at it over this large area. Again, you have a road that bisects it here and the open space here, as well as some open spaces within some of these buildings that help reduce that FAR. But, moving on to a more specific example here, if you were to focus in on one quadrant of this development, let's say that the area in yellow was coming in for a rezoning or interested in development, they would perhaps be a little more restricted in terms of how much they could build because it's not spread out over a larger area that incorporates open spaces and streets. So, the area here shown in yellow is about 1½ acre or encompasses about 230,000 square-foot of building area. This is a 5-story building and we estimate that

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that would be a FAR of 3.6. So, another street level view here. Just trying to give you an idea of what that might look like if someone were to come in with TDR and develop up to a 3.5. Again, it's going to be based on what that project area is. If it's a smaller parcel and they're able to utilize that entire parcel and build a relatively tall building, then that's going to be... they're going to be more restricted by that FAR as opposed to likely someone who comes in with larger development, they're going to have a little more flexibility.

Mr. Apicella: Okay, thank you.

Mr. Bain: Mr. Geouge, before we go on from that, in all of the work that I've been involved with concerning TDRs, it's always been regarding residential development. But it sounded like you were implying that the TDR could be applied to the commercial development portion of the property. Does it have to be from a commercial originating site? Or if it's... let's say it's an area that's zoned R-1, can they say well I've got TDR here. I can build more commercial space just because it's a TDR?

Mr. Geouge: The exchange is... well, for residential it's the same way. So, you exchange a residential development right from a sending area to, in this case, a commercial development right. So, Jeff, correct me if I'm wrong but I think it's one dwelling unit equates to 3,000 square feet of...

Mr. Harvey: That is correct.

Mr. Bain: That's what I was starting to get at.

Mr. Harvey: That's also predicated on getting back to Commissioner Bain's question. It's predicated on what the underlying zoning of that property is. So, if it's a residential zoned property, they cannot use commercial square-footage option for TDR on that residential zoned property. However, if the property was zoned commercial, they could use that additional square-footage through TDR.

Mr. Bain: The residential square-footage then could apply to commercial.

Mr. Harvey: The commercial square-footage. So, the sending property has the option when you buy those development rights to either use it as a dwelling unit or up to 3,000 square feet of commercial building area.

Mr. Bain: Okay, and...

Mr. Apicella: Could I just chime in, Mr. Bain, because I worked on that and it was a provision in the State Code that allowed us to substitute residential density for commercial. So, we thought it was advantageous to reduce the total number of residential units by encouraging a developer to use that what otherwise would be a development, or residential development, for a commercial use instead. Again, reducing the total number of lots that could be built with homes on them.

Mr. Bain: Okay. Thank you. I had just never heard of TDR applying to commercial, because I've always... since I've been on the Planning Commission, it's always been associated with residential development so. Thank you.

Mr. Geouge: Alright, moving on, another comment made by the Commission was that they'd like to see a requirement for mixing uses to make sure that housing developments also have commercial areas nearby. Staff does believe this is best addressed in the Comp Plan. Additional criteria has been added

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to recommend that 100 square feet of commercial area be provided per one dwelling unit. Also, the commercial uses would be within walking distance not impeded by natural physical barriers and phased with the residential development. And those are criteria that have been added to the draft Comp Plan update. And we do not that any proposal for rezoning to UD District in the downtown area will be evaluated for consistency, or lack thereof, with the Land Use Concept Plan which specifies the recommended location type and amount of development on a block by block basis. There are also...

Mr. McPherson: Brian, one quick question. What's the official requirement for walking distance?

Mr. Geouge: Well, in the design criteria for the UD District with developing a master plan. They have to demonstrate that their pedestrian shed or their residential uses are within one quarter of a mile from a central commercial use. So, with each rezoning that comes in, that's something that would be evaluated to make sure that there are commercial uses integrated throughout the overall development such that any residential area achieves that one quarter of a mile proximity.

Mr. McPherson: So, theoretically somebody could build a quarter mile square of just housing units and just have a commercial building nearby.

Mr. Geouge: I supposed it's possible from a pedestrian shed standpoint. However, again, in this case, we are guided by the Land Use Concept Plan for Downtown Stafford, which indicates... it does indicate some areas which are specifically residential and others that are a mixture; you know, maybe they have ground floor retail and restaurants. And the pedestrian shed is approximately to a central civic use I believe. So, if there's a community gathering area where some kind of community use, it could be used to achieve that proximity as well.

Mr. McPherson: Okay, thank you.

Mr. Apicella: Brian, before you move on, again, context is important to me. So, if you could put that slide back up.

Mr. Geouge: This slide?

Mr. Apicella: Yes. So, just using, again, the JPI property as an example, I think there's about 309 units that are being proposed on their site, so they would be required to do, what, a little under 30,000 square feet of commercial if this were in play?

Mr. Geouge: It would be... yes, that's correct.

Mr. Apicella: Okay. And do we know how much they're actually doing on their site?

Mr. Geouge: I would need to check the GDP to confirm that.

Mr. Apicella: So, I think this is a, you know, this is a concern that I raised and you all have come up with I think a good way of trying to deal with trying to get developers to do both commercial and residential. The only concern that I still have, and I know we can't get there fully because it's a pretty big number, we're proposing around 5,400 units in the Downtown Stafford area and over 5,000,000 square feet of commercial. So, based on this approach, it would only give us about 10% of what we're looking for. So, I'm just throwing that out there. I'm not saying it needs to change. But I just think it's important for folks to understand that we're only about 10% of the way there with this approach.

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Mr. Randall: Right. And to that point, you know, I'm looking at... and then to that point then, is this broken up into sections? So, if I build... okay. Make sure that I'm clear on this. So, if I build a hundred units, then I need to have 10,000 square feet of commercial somewhere within a quarter mile of those hundred units. Is that what you're saying?

Mr. Geouge: That's... yes. That's my understanding how it would be evaluated.

Mr. Randall: Okay. And if I don't, are there options for me? Or am I going then to have to work with a partner or have to have that land available or do it on the same property that I'm building the residential?

Mr. Geouge: Again, these are Comp Plan recommendations, so it would have to be something that we just report as a deficiency if they choose to go ahead and move forward without meeting that criteria as in the Comp Plan.

Mr. Randall: Okay.

Mr. English: *Inaudible, microphone not on.*

Mr. Randall: Right. So, let me ask another question then, to Steven's point. Is there some move afoot to ensure that the number... the square-foot of commercial per dwelling will get us to the numbers that we have as final numbers in this Comp Plan? You know, for example, if we're doing the complete building of downtown and I'm looking for everybody's... I'm looking on page 19 of 31, Attachment 1... so, if I look at the complete build-out of downtown, I'm looking at 2,500 roughly dwelling units. And so, if I'm looking at 2,500 dwelling units, that really only gets me 250,000 square feet of commercial. But I want 9,500... I want 950,000 square feet. And so, 250,000 to 950,000, I've got to figure that out so that it's not 100,000 units per commercial... or it's not 100 square feet per one, it's maybe... it would probably be in the neighborhood of 300 square feet or 400 square feet. So, probably 400 square feet... I mean, are we interested in putting those numbers together like that so that we get what we want at the end? Or is there another way that we're looking at encouraging more commercial down the road?

Mr. Zuraf: Mr. Chairman, if I could butt in.

Mr. Apicella: Please, go ahead.

Mr. Zuraf: To help Brian out here. Since I helped to kind of work on that, those criteria. We did not link those criteria up with full build-out. I think that criteria of 100 square feet per one unit is more so maybe to ensure like as this is initially developing, you just don't have all residential happening and no commercial. We still have the overall Land Use Concept Plan that identifies all of this commercial and, you know, that's going to draw out probably the ultimate build-out. And that criteria of 100 square feet per one unit, that's not the only factor.

Mr. Randall: Okay, but again...

Mr. Apicella: The reason I bring it up is because we just had Embrey Mill in front of us and I don't remember what the total number of units is in Embrey Mill. I think it's what, 2,500 maybe thereabouts? And Mr. Leming was talking about only a portion of it deriving a million or so square feet. And the whole... the whole purpose behind it is to get the commercial to offset the impacts of the residential.

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And so, if we... and don't take this the wrong way... if we lowball the amount of commercial that we're looking for tied to the residential, then we're not going to get that offset. That's what's concerning to me. And I don't expect it's going to be a one for one. I don't expect that we're going to have to require, you know, a thousand square feet for every unit, I'm just wondering whether a hundred is the starting point and maybe we need to rethink it, maybe it needs to be a little bit bigger; I don't know. I don't want to have so much of a chilling effect either. I just don't want to end up in a situation where we're not getting the commercial that we really need to help pay for the cost of all those residential units. That's what I driving to. We're getting closer. I mean, the whole construct is now different than it was before, which is I think a much better place than we were just a week ago, or two weeks ago. So, I appreciate the effort. I'm just wondering whether the number is maybe too low.

Mr. Harvey: And Mr. Chairman, when I had this discussion with Mr. Zuraf about the ratio that we're discussing, there used to be a rule of thumb that typically you would need a thousand units to support a grocery store anchored shopping center. And grocery store anchored shopping centers vary in size, but 100,000 square feet is not out of the norm for that. So, we were looking at it from the standpoint of what type of community services would be needed to support that population. And that was the basis behind the number we came up with, 100 square feet per dwelling unit. So 1,000 dwelling units would get 100,000 square feet. That was the rationale, not necessarily any relation to what was on the plan itself or the concept plan for Downtown Stafford, but more what's needed to serve the immediate community. Also, back to the question of the JPI property. On the concept plan, there is a calculation of the building square-footage. And for JPI, they have close to 98,000 square feet of office space and close to 5,000 square feet of retail space with their project. They have a few buildings that are strictly office.

Mr. Apicella: Right, but that's still considered commercial, right, so that still helps... *inaudible*.

Mr. Harvey: Yes sir.

Mr. Apicella: I mean, the JPI situation might be a better indicator of where that floor should be set, maybe, I don't know. I appreciate the grocery store serving the needs of the community. I'm looking at it from a different vantage point of that commercial offsetting the impacts of all those residential units. So, that's where I'm coming from. Maybe we can strike a balance by revisiting what that floor should be. Again, a hundred is better than where we were; I'm just asking if we can take another look at it before we put this to a public hearing.

Mr. Cummings: Can I, uh, and Steven, I'll blame you for this for bring up...

Mr. Apicella: Please, go ahead.

Mr. Cummings: ... this calculation and the ratio and for Jeff for getting me a grocery store example. So, there are other impacts, right, and other considerations and I know that there... you know, for me it always seems like it's a bit disjointed, right. And so, I'm trying to get to... so, I understand the goal of trying to limit the amount of residential compared to getting residential... having the residential being done at first or having a certain ratio, and that's the driver, to make sure we get the residential we want and not just, I'll call it the profit taking, right, with the commercial but we do a certain amount of commercial. We also need some other considerations accounted for to ensure that we're balancing the eco system, I'll use that word, for the environment. I know there's some other green stuff tucked into this plan, but I think that, you know, and I don't know the answer. I could try to... I've been toying with it but, you know, I'd like to see if we could have a little bit more of a, I don't want to say complex, but a little bit more detail around all of the potential impacts and to try and see how they interplay with this.

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And that might be one statement in the Comprehensive Plan that we add that allows us to then say that we're going to attempt to do this or to drive towards this. I'm not trying to make it hard and fast, but it would give us at least something to tie it back to, Steven, that would give us not teeth but just something to say that we're driving towards it to make sure that all the impacts are being taken care of in a way... and it's metric based I think is the way to do it. So, I'll leave that to staff and I'm open to have a further discussion about it if you guys want to.

Mr. Apicella: Yeah, just to, again, use the word context, wherever we go from here, we literally only have two weeks before this turns into a pumpkin, meaning that we have to advertise... we have to agree to advertise the language that we're going to put to a public hearing at our next meeting, which is February 10th. So, Brian, I didn't mean to cut you off there, I just, again, I just wanted to you know have a discussion about whether a hundred square feet of commercial is sufficient to offset the, you know, cost impacts associated with the residential. So, that's it. You can proceed on unless anybody else has anything to offer regarding that. This is a thick issue.

Mr. Cummings: Yeah, let me do this. I'm going to try and shoot some language to you. And maybe you can consider that.

Mr. Geouge: Alright, thank you Mr. Chairman. Moving on, there was another concern about parking space dimension within parking garages. This was actually a concern from JPI who noted that the typical parking garage spaces are smaller than our 9 x 20 dimension required by County Ordinance. The Planning Commission then asked for typical parking garage space dimensions. So, we did reach out to the City of Fredericksburg and note that they're garage has 8.5 x 18 spaces with smaller sizes for compact car for... that one's 8 x 16, and motorcycles. And another comment was made about who will be...

Mr. Randall: Brian, go back to that. So, what are staff thoughts about that? We have our Ordinance of 9 x 20. We have one indication that there are parking spaces that are less than that. I'm in full agreement about motorcycle parking, that there should be some amount of motorcycle parking designated separate from regular car parking. But what is your thought based on what information you've been giving us to what we should do for our parking garage?

Mr. Geouge: I think we need a little more information on that before making an informed decision. We did ask representatives from JPI to provide some data for their own. I'm not sure if that was ever received. Mr. Harvey, do you know?

Mr. Harvey: Not to this date.

Mr. Geouge: Okay.

Mr. Apicella: I think the other issue would be that this issue is outside the scope of what we're dealing with here, because it deals with a completely different Ordinance. And the Board didn't ask us to look at any other Ordinance; they just asked us to look at the UD related Ordinance. So, at best, all we can do is make a recommendation for some future change; it's not something we can deal with herein. Counsel can certainly chime in if I'm wrong on that.

Ms. Lucian: I know this Ordinance is pretty extensive so I'd have to look at it to give you an answer on that. I don't know off the top of my head.

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Mr. Apicella: We're dealing with the County's parking Ordinance, the County's... this 9 x 20 dimension is in the County's parking Ordinances. It's not in the UD Ordinance. This requirement that's expressed here is based on what's in the parking Ordinance. That's my point. We can't fix it here; we can only fix it by changing the parking Ordinance.

Mr. Randall: So, without making changes then, every parking garage spot would be a 9 x 20 spot, is that correct?

Mr. Geouge: Correct.

Mr. Randall: Okay, thank you.

Mr. Geouge: And I will note, and Ms. Lucian can research this more, but in other portions of this Ordinance we have essentially modified other aspects of the Ordinance through this section. For instance, with the DCSL we're saying in certain sections that it will conform to the DCSL except that these other variations will be allowed. So, maybe that's an avenue for the parking space size; I'm not positive. Another comment was, who will be responsible for the provision of public amenities and open space areas. Economic Development and Tourism is exploring financing tools for public infrastructure. This includes establishment of CDA's which have been used in Stafford in the past, as well as tax increment financing. Also, the Stafford Economic Development Authority may provide some additional avenues for financing of public facilities. And Economic Development is also looking into incentives for commercial businesses that are specifically geared towards tourism that could potentially leverage state authorized tourism zones and local enterprise zones. The Comp Plan Amendments adds a recommendation that new developments should make pro rata contributions towards necessary community recreational amenities where it's infeasible to construct those amenities.

Mr. Apicella: Brian, before you move on, so, I like that last bullet. There seems to be something missing though. Who decides it's infeasible?

Mr. Geouge: The Planning Commission.

Mr. Zuraf: Mr. Chairman?

Mr. Apicella: Yes.

Mr. Zuraf: That I think would have to just really be a case by case basis if the project or the... if the area of the portion of Downtown Stafford that's being developed doesn't necessarily fall within one of the recommended parks. And, you know, it would be on a property that... maybe on land that the developer does not control, you know, as being the recommended location... *inaudible*... then I think in that case we would want a pro rata payment. But, if there's a recommended park right in the middle of their property, then I think that would be something where we would be requesting that they help to construct that park.

Mr. Apicella: I hear you, and don't disagree with you; I just think you need to take a closer look at that language just so there's nobody coming back after this gets squared away and approved and somebody says, well, you didn't define who determines whether it's infeasible. I'm a developer; I determine it's infeasible therefore I'm not going to do it, and I'll give you my pro rata share – which may be less than what we're looking for. So, I would just ask you to take a closer look at the language just to make sure it's pretty tight.

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Mr. Zuraf: Okay.

Mr. Geouge: Okay. Staff notes that we've also included some additional design criteria in the Comp Plan to help address some of the issues raised by the Commission. One of those is including language on festival streets. Staff has added a standard that would recommend one or more festival streets that would be closed off during special events. We do note that the Downtown Stafford GDP does show this kind of scenario. Around the central plaza, there's a festival street specified which essentially just has a... not flush curbing so that there's no physical barrier there between the actual plaza and the street.

Mr. Randall: Brian, do have the GDP that you can show us what street you're talking about? Is it around the plaza... all the way around the plaza? Or is it just one side of the plaza?

Mr. Geouge: It's... I have some slides later. I can show you...

Mr. Randall: Yeah, yeah, right there, for example.

Mr. Geouge: ... just skipping forward real quick. I think it's specifically...

Mr. Randall: Could it be that whole...

Mr. Geouge: ... this section here.

Mr. Randall: Okay. We wouldn't want to do that whole... that whole block?

Mr. Geouge: I suppose it's a possibility it could be the whole block.

Mr. Randall: Okay.

Mr. Geouge: I'm not sure if there'd be any design reason why that couldn't happen.

Ms. Baker: Brian, I just want to note that that, to the right of that... this is Kathy Baker... that's one of your main street connectors. So, that's I believe why it was limited just to the west side and the south side of that plaza area.

Mr. Geouge: It's due to increased traffic I suppose.

Ms. Baker: Yes.

Mr. Randall: Okay, so because that's a parking garage?

Mr. Geouge: I think what Kathy is saying is because this is one of the major thoroughfares through downtown, that there's likely going to be more traffic or the need to keep that open potentially. But, you know, maybe traffic could be detoured to another street.

Mr. Randall: And if you're having a festival, you're having a festival. Detour the traffic. That's the whole purpose of a festival street. Anyway.

Mr. Geouge: Another recommendation out of the Comp Plan is in regards to bicycle accommodations. There's some concerns about how bike accommodations are being handled. We did identify specific

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bike routes that could be located through this area. We noted that these may include designated bike lanes or shared-use paths, depending on the scenario. To address other areas of downtown, the Comp Plan recommends that complete streets guidelines be considered and planning for bicycle accommodations. And those guidelines are just intended to address all sorts of modes of transportation essentially working together. And the methods can vary based on the classification of street. Another addition was in regards to building design and environmental considerations, there was discussion about the idea of design accounting for environmental considerations like green roofs and other environmentally friendly design. So, we've incorporated some guidelines that recommend that lead certification be used to I guess the greatest extent possible in these areas. And hopefully that'll help reduce the urban heat island effect and provide some alternative means to address stormwater management. And finally, we note that the next steps here are to authorize a hearing for the Comp Plan Amendment and Zoning Text Amendment. The deadline is March 29th for Planning Commission action. And also to conduct a public hearing on the zoning reclassification which will be discussed next. And I'll be happy to take any questions.

Mr. Bain: Mr. Geouge?

Mr. Apicella: Questions for staff?

Mr. Bain: Okay, I have one... or maybe two. First, I'm wondering about traffic impacts for this. I guess my overall question is, will each developer, as they come in to develop a block or several blocks, be required to do a traffic impact analysis for their development? Or will there be an overall one done by the County? I know you've talked to VDOT some about this development. What provisions are being done for that?

Mr. Geouge: There's just been some general estimates provided by the consultant as far as traffic volumes for the overall development. There's also been some estimates specific to the rezoning property which we'll get into with the next presentation. Beyond that, it would have to be evaluated for each development that comes in. Assuming that development generates more than a thousand vehicles per day, they would have to conduct a traffic study and you'd look to have them implement any recommendations that come out of that.

Mr. Bain: And... well, okay, I won't pursue that. The other concern I have is not really for Downtown Stafford, but for the issue that the UD District is going to be applicable anywhere in the Targeted Growth Areas. We've been talking about incorporating a number of criteria that are particular to Downtown Stafford that actually allows it to be at a higher density than was originally envisioned, I think. What's going to happen when a developer comes in and they've obtained development rights to 1,100 acres somewhere and want to do a UD at densities greater than 10 residential units per acre? I can just envision all sorts of problems down the road with inadequate roads, possibly inadequate utilities. Are we giving any thought to that kind of impact for this type of zoning?

Mr. Geouge: Really, this just kind of sets the stage to potentially permit that kind of zoning, but ultimately the evaluation as to the specific impacts on roads, utilities, schools, etcetera, would just like any other rezoning have to be evaluated when that comes in. And we'd have to make a recommendation based on that, whether or not they're fully mitigating the impacts.

Mr. Bain: Okay, well that sort of gets back to my first question then. Where is that being done for Downtown Stafford? If it's going to be done incrementally, you know, do we really have a control here for the cumulative impacts of all these potential segments that could be developed? Even though each

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developer would be doing their own TIA, it just doesn't seem to me that we're looking at this broadly enough and giving enough thought to the real potential consequences. Because I can envision developers saying man, I can do a Downtown Stafford at the end of 610 in the Targeted Growth Area and get 15 units per acre and make a bundle of money. And, you know, what will the County really be able to do to ward... well, to avoid those significant impacts? It's just a... I guess there's no answer, but I'm just very concerned that this could open a faucet for developers to just go crazy.

Mr. Zuraf: Mr. Chairman?

Mr. Chairman: Go ahead Mr. Zuraf.

Mr. Zuraf: Yeah, I may have an answer. We did, in the adjustments to the Comp Plan Amendment, in the kind of intro of the Targeted Growth Areas we still maintain the lower density recommendations and added in kind of a statement that the higher densities that area being basically, you know, proposed under this UD Ordinance, that those specifically are recommended in the downtown section of the Courthouse Targeted Growth Area. So, in effect, any of the other Targeted Growth Areas, if somebody came in at that higher density with a rezoning request, the Comp Plan would not support it.

Mr. Bain: Okay, that's good, but it makes me think that the Targeted Growth Area for the Courthouse Area is a lot larger than just Downtown Stafford. So, this level of density could still be applied to the remainder of that Targeted Growth Area? Am I right?

Mr. Zuraf: It's still just applies... it states that it's only for the Downtown Stafford portion of the Courthouse Targeted Growth Area.

Mr. Bain: Oh. Okay, I missed that I guess.

Mr. Cummings: Hey Mike, I think that Mr. Bain's question was more towards the impacts and trying to make sure that as it grows, right, that we're calibrating it properly. And I think, you know, while the density issue or statement in the Comp Plan does control that, it doesn't necessarily provide a calculus if you will for assessing I want to say true impact, that it will potentially... *inaudible*. And I think that there is, Mr. Bain, I think there is a solution. It's not comfortable, it's not easy to get to. I think it's not as hard as we think it is and I wish I had a presentation to show you guys of stuff I've been looking at with respect to the form based code and some other GIS based information. And I hope to be able to share that with you guys shortly. But the... but I think it is possible, especially within the context of us in a smart city, and I am mindful, Chairman Apicella, about the timing of it and I know it may not be possible for us to get it all. But I do think we have an opportunity to... *inaudible*... it into the Comp Plan. And that might also give us... and the language might read something like, you know, the coordination around various agencies. Go ahead Mike, I can see you... *inaudible*. And it might lead us to results or at least to have something that we can lean on in the Comp Plan and to point us in that direction going forward. And, so, I'll just leave it there and try to come back to you with some specific language, alright?

Mr. Apicella: Are there questions or comments?

Mr. Randall: Yeah, Mr. Chairman, this is Bart. So, you probably don't have the staff report in front of you, do you Brian?

Mr. Geouge: I do.

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Mr. Randall: Alright, on page 17 of 31, Attachment 1...

Mr. Geouge: Mm-hmm.

Mr. Randall: ... it talks about a 2015 Economic Development Strategic Action Plan identifying the Courthouse Area, so on and so forth, right, and it talks about the courthouse, downtown courthouse. And about halfway down, it talks about the area has been discussed as a future location for a tourist/visitor center and open air market and town square. So, based on what we have... I know this was 2015, this was our... this is our vision in 2015, so based on what we're developing right now, do you think we have met the open air market and town square construct that we had envisioned in 2015?

Mr. Geouge: Well, the... just to note, on the tourist/visitor center, that is envisioned over kind of on the west end of the... *inaudible, being talked over.*

Mr. Randall: Yep, we had talked about that before.

Mr. Geouge: But, the town square, of course, is envisioned as this area here.

Mr. Randall: Sure.

Mr. Geouge: As far as an open air market, I'm not sure whether or not that space would accommodate something like that. Maybe some of the other green areas could be used for that; I'm not certain.

Mr. Randall: Okay. So, do we think that there's something we can do with our portion? You know, I've always had an issue with the size of number 9 because I think it's too small. I think to make it an open air market, as was envisioned in 2015, that we would need to increase the size of that, maybe double it. You know, you said it was what, .5 acres?

Mr. Geouge: Correct.

Mr. Randall: Right. I think an open air market would be an acre for sure at a minimum. So, I think there are some, based on our 2015 what we envisioned there, I definitely think that that would be a good spot for an open air market, but I don't think that what we have there currently meets that requirement. And so, I think to follow the guidelines that we put for ourselves in 2015, there may be some thought about increasing the size of that into truly what an open air market would be so that, periodically through the year, we can close down, we can have an open air market, we can bring in a hundred vendors, they can open up and put all of their wares around the plaza, and we can have what we would consider an open air market. I think that the only way we make that happen is with an increase in size of number 9. So, I'd like to look at maybe doubling that in order to envision the open air market construct that we talked about.

Mr. Geouge: Okay.

Mr. Randall: Okay? Okay, I have... at the beginning of this, we talked about outdoor dining, and your answer to the outdoor dining concern that I had brought up was to call it... tell me again?

Mr. Geouge: Forecourt?

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Mr. Randall: Forecourt. And then we said that it would be... it's referenced on page 20 and 21 of the Downtown... of that ordinance about the forecourt. And so, I looked on page 20 and 21 and it wasn't clear to me how a forecourt would be identified; how it would be called out; is it strictly on the developer to determine a forecourt? So, if the first hundred developers who build this even... who build this decide they don't want any outdoor dining, then we're stuck with no outdoor dining for the next 50 years. Is that... is that a fair way to put that?

Mr. Geouge: Yeah, unless it can be accommodated somewhat on the sidewalk... *inaudible, being talked over.*

Mr. Randall: Unless we can fit it in a 6-foot area along the planting area, right?

Mr. Geouge: *Inaudible, being talked over.*

Mr. Randall: And then we become Downtown Fredericksburg and they try to fit 3 tables in that 6-foot area and you're walking in between the tables and the restaurant, right. I appreciate the fact that we give it up to the developers to decide, but I'll tell you, the developers aren't going to decide the way the County needs them to decide. That's just a flat out fact. There will be some that will say, uh, I love outdoor dining, that's a great idea. And there will be some that'll say uh, that's a horrible idea, we don't ever want to do that. And I hesitate to put something in place that holds us to a permanency forever. There's no way to change that. And that's why my thought of expanding the sidewalk out and making that area available, you know, if it's 20 feet from the street, if somebody doesn't want to have an outdoor dining and they want people to walk an extra 10 or 15 feet into their building, so be it. But it gives everybody the opportunity at the time they build, at the time they buy, to have outdoor dining, and then they put up a 3-foot barrier, they put up a little moveable barrier and they put 3 or 4 tables out there and voila, they have outdoor dining. But I think to leave it in the hands of the developers does not help Stafford County in the long run. So, I like the construct, I like the idea, but I think we need to find some way to, um, especially around that market area, you know. Maybe out a little, you know, a quarter of a mile out maybe we don't worry about it. But I think around that open air market, around that plaza area, I think we mandate it. I think there's a way, that's our property, we say around that area you're going to have 25-foot sidewalks and we're going to have 10-foot open sidewalks and we're going to give all, every business along that line, there's going to be 15 feet of room where they can put tables, they can put chairs, they can have somebody... whatever. Again, I'm not sure if we leave it in the developers' hands that they're going to do what's best for Stafford. It sometimes happens, but it doesn't normally happen. And so, I think there's got to be some way of, especially doing that small area like I said to mandate that. And I think the only way to do it is to have a larger sidewalk area, a larger setback from the road to the building and so that that's an option and available for those commercial and restaurants that will be there obviously.

Mr. Bain: Would it be possible to have in the ordinance that if a restaurant is incorporated into the structure, that the sidewalk has to be setback at that restaurant location so that it demands a forecourt be incorporated into the building design. I don't know if you can do that or not. But that way, rather than saying the entire sidewalk for the full length of the block has to be set, has to be 25 feet...

Ms. Barnes: Can I ask a question about that? What's the downside to that? I mean, we've been talking about this for a while. What's the resistance? What's the downside to having those wide sidewalks available at least on a couple of the streets? It seems there's some resistance to there. Is there a downside to the developers or they not like that? Is that something that is going to affect their bottom line?

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Mr. Geouge: Well, I think a couple things; one, we're trying to keep this urban in feeling and, as you increase those widths, you start spreading things out and really implementing this plan becomes less realistic. We did originally have 8-foot sidewalks plus 6-foot planting areas, so 14 feet. We did bump that up to 10 and 6. So, it would be 16 feet in total width. That is considerably more than what you'd have in like a Downtown Fredericksburg setting I believe. They were closer to 8 to 10 total in that kind of setting.

Mr. English: What if the, as far as the areas and stuff like that, they want restaurants kind of all through this whole thing, right, or is that just a certain area?

Mr. Geouge: I guess that really depends. I mean, you may have certain buildings that are all just retail...

Mr. English: Right.

Mr. Geouge: ... and they may not even know what's going to go in there when they come in for...

Mr. English: I was just thinking maybe if you took a section of that and say okay, this is kind of like a restaurant alley or whatever and this is... huh? A restaurant row or something like that that we could do that, then it doesn't... you know, if you're going to have a nice outdoor restaurant then you know you can go in this area. But maybe further in a part of that section you just might have like an ice cream shop and you don't want to have... you don't need that big street for an ice cream shop but maybe have like a restaurant row or something like that as a thought. I mean, that way we could get the streets wide in that area and you're not tearing it all up to do that. So, maybe that's something we can look at.

Mr. Randall: Again, I'm the driver of this. I don't know if anybody would care, but I absolutely think that one of the draws of bringing people into this place from outside is the ability to go and spend some time, walk the market, and then be able to sit and walk your dog, take your dog, walk your dog, and be able to put your dog outside with you while you eat and have the dog laying at your feet. You know, it happens all the time in the summer in all these outdoor areas, and what you're saying is you can bring your dog, but there's no place outdoor for you to sit and eat, you have to take your dog home and you're not going to eat here... oh, I'm not going to eat here then, I'll go eat somewhere else, right. It's the idea for them to be here and it is a plaza, it's the town square, it's an open market, open air market. I think it's imperative that at least around that area, those two or three blocks right around that area, you know, if we think that's going to be a hinderance to the developers coming in and that restaurants aren't going to want to build something that's got a 20-foot sidewalk because that's going to hinder their business, let me go to Shirlington. I'll show you... let me go to National Harbor. Nobody's being affected by there when they've got a 30-foot side, or 30-foot setback from the street to their restaurant. Nobody's being affected there.

Mr. English: What about... you're talking about bringing your dogs and stuff like that, I don't know that even... would that be a Health Department issue as far as bringing your dog to a restaurant, so I don't know that that could be...

Ms. Barnes: I think that as long as they're outside.

Mr. English: That's what I'm asking. I don't know, I've never seen them do that.

Mr. Randall: We're in Arlington, Virginia, all the time. In Arlington, Virginia, they... Shirlington, they walk their dog up and down those streets and then they sit those dogs right next to them. They have

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bowls of water for them that they bring out while they're eating dinner. They have them sitting right there at their feet.

Ms. Barnes: They do that in Fredericksburg, too. I mean, you see as many dogs as you do people. And I particularly like that, yes.

Mr. Randall: So, anyway, I think we need to do something. And I appreciate the fact that we've got this forecourt; I just think that if we leave it in the developers' hands as we have seen numerous times, it may not be in the best interest. It may not end up being in the best interest of the County in the long run, and that we have to put some forcing function into the process in the beginning to get what we want. So, anyway. I have one more question, I'll get off of that, one more question then we can move on. How many, in this whole Downtown Stafford area, we're doing the rezoning for the JPI properties, correct?

Mr. Geouge: Correct.

Mr. Randall: Alright, and every other property that will come in front of us will have to go through a rezoning, is that correct?

Mr. Geouge: Correct.

Mr. Randall: Alright, so, for the JPI properties being that we're doing the rezoning for them, those how many residential units do we see in there? It's about a thousand, correct?

Mr. Geouge: Is it that high? I don't think it's a thousand.

Mr. Apicella: Yes, it's 309 I think.

Mr. Randall: 309. Okay, so, how are we dealing with proffers associated with those to schools and the fire and rescue and all of those things. Are we... is the County making up those proffers to those specific locations to mitigate, you know, the three or four hundred kids that would be going to mitigate what would be happening to fire and rescue? How is that deficit being made up to the County?

Mr. Geouge: I'd have to refer to the MOU between JPI and the County, but I'm not sure that schools are specifically addressed necessarily. However, they are providing improvements for the County in exchange for the land swap and the rezoning. For instance, the County office space, in construction some of the infrastructure here.

Mr. Randall: Okay. So, there should be some... so, moving forward, there should be some idea that the schools needs to be somewhat – taken care of is the wrong word. They need to be compensated for those four or five hundred kids that could potentially be in these 300 different residential units.

Mr. Apicella: Mr. Randall, when the County does a rezoning, it cannot... I don't know if it's require or accept monetary proffers. So, those are kind of off the table. The County made a decision that it was going to work in partnership with JPI on this specific part of Downtown Stafford and it was going to forego proffers...

Mr. Randall: Yep, totally aware of that.

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Mr. Apicella: *Inaudible, audio breaking up...* other things that it wanted and needed. So, they made a trade-off decision and it's really not for us to, in my opinion, it's not for us to second guess that. That was their decision to do it. On future projects, as Mr. Geouge replied to your question, anybody else would have to go through a rezoning process and potentially proffers would be part of the equation.

Mr. Randall: Yep, I'm well aware of that. My concern was that we still have... the schools are still going to have a deficit for those people there and the County needs to be aware of that and the County needs to accept that as something that they need to fit into their equation when the school funding is required, and that when it comes up. I'm not asking for JPI to do anything; we've already made that MOU, we understand that. My only point was that there is some effort that the schools are going to have to make for those individuals and those children and the County just needs to remember that moving forward. That's all.

Mr. Apicella: Roger that.

Ms. Barnes: Chairman Apicella, can I jump in there with that one? I think that we're... is this being covered under number 14, the Reclassification, specifically, I think there was even mentioned that there's going to a calculated 302 new students to Winding Creek simply from that JPI development alone? That's 302 kids to a school that's bursting at the seams. That is a consideration regardless of... you know.

Mr. Harvey: Mr. Chairman and Commissioner Barnes, yes to your question; some of that will be discussed in the presentation on the rezoning application which will be forthcoming.

Ms. Barnes: Then let me backtrack a little bit and get to a bigger question that I have. Dealing with the numbers, the density that we've added specifically for this one, it looks like originally we were going to have 1,500 multi-family housings... or 1,500 I think it's multi-family and we've jacked that up to 3,190. And the total for the entire courthouse is up to 5,440. We've increased density from 11 to 14... for the UD-5, from 11 to 14 per acre to 30 to 50. That is just an enormous increase. You may have covered this before what the reasoning behind that is, but what is the reasoning behind increasing those numbers so drastically?

Mr. Geouge: I think a big part of it is just supporting this form of development. So, what we've heard from developers is that those kinds of densities are really needed to justify this kind of vertical development and what is otherwise a pretty typical suburban development pattern. And also, parking garages are pretty expensive compared to surface lots. So, having that increased density just goes into being able to provide those kind of amenities and keep it economically feasible to do so. As far as offsetting the impacts, in some regards this is less impactful than having those same number of dwelling units but spread across a larger area. It is concentrating them and theoretically reducing the number of... amount of public improvements required to serve those as far as fire and rescue, etcetera.

Ms. Barnes: That's that classic argument; if we let them build here, then they won't build there.

Mr. Geouge: Right.

Ms. Barnes: But, what we usually end up is getting building everywhere. That's what we usually end up getting on that. So, what you're basically saying is that this kind of intensity is an enticement and you don't think that if we have that kind of urban intensity that we're not going to have anybody coming in and interested in developing this.

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Mr. Geouge: Well, I think absolutely we will and, you know, we'd have to see if there's a... you know, when the RFP goes out for this initial development area, what kind of deals are made at that point. But, as far as future development and future rezonings, again, those will be treated just like any rezonings regardless of how many units, how many school children they're going to generate; we would look to have those impacts mitigated and in some fashion, whether it would be, you know, in kind construction contributions for school or cash contributions.

Ms. Barnes: Okay, so maybe I'm not understanding this. So, if this, like I think that Al was saying down there, that if somebody in another area comes and says hey, I want to do the same thing, we can say no but would that be considered arbitrary because we let them do it here but we won't let them do it there.

Mr. Geouge: No. I mean, it would need to be based on recommendations of the Comp Plan. And if they're not mitigating impacts to public facilities as recommended in the Comp Plan, then that would be a potential reason to not support it.

Ms. Barnes: Thank you.

Mr. Apicella: Alright, other questions or comments? So, I think where we are, Mr. Geouge, is you've heard a lot of questions and comments, some thoughts about additional things to consider or specific tweaks. I don't think we're ready to go at this meeting to decide the specific language to put forward for public hearing. And also, what I'd like to know, and I think we'd all like to know, since this is married up with the actual rezoning application jointly provided by the County and JPI, do we expect to get that at the next meeting or is it still on a separate track?

Mr. Geouge: Well, the zoning reclassification is going to be presented tonight.

Mr. Apicella: No, I don't think it's... that's not the... that's information only; that is not the rezoning package.

Mr. Harvey: Mr. Chairman, the rezoning application will be scheduled for a public hearing when the application is complete. We have yet to determine whether it's... we still have yet to get all the information to make it a complete application.

Mr. Apicella: So, again, it's possible that we would have to decide if it's... *inaudible*... to a public hearing at our next meeting, which is the deadline for doing so to meet the overall time requirement and that rezoning package could follow along sometime later. That's what you're saying, right?

Mr. Harvey: Yes, Mr. Chairman, it could follow after consideration of the Ordinance amendment and the Comp Plan change.

Mr. Apicella: Okay. So, that's where I think we are. I don't know that we have to take a vote, Ms. Lucian. Did we give you all enough comments and questions to move forward to get us something at the next meeting, Mr. Geouge, Mr. Harvey?

Mr. Geouge: Yes sir, I believe you have.

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Mr. Apicella: Okay. So, going to move onto the next agenda item. Thank you everybody. I know we've spent a lot of time on that over this meeting and the last several meetings. Item number 13, Mr. Harvey.

12. Amendments to the Comprehensive Plan and the Zoning Ordinance - Discuss proposed Resolution R20-81 and proposed Ordinance O20-20 to amend the Comprehensive Plan and Zoning Ordinance for the Implementation of the Board of Supervisors Healthy Growth Strategic Plan Priority. **(History: PC Work Session October 7, 2020) (BOS-PC Joint Public Hearing October 29, 2020)**

NEW BUSINESS

13. Amendments to the Zoning Ordinance - Amend Stafford County Code Sec. 28-25, "Definitions of specific terms," Sec. 28-35, "Table of uses and standards," and Sec. 28-39, "Special regulations" in regards to cluster development regulations. **(Time Limit: March 15, 2021)**
(Authorize for Public Hearing by: February 10, 2021)
(Potential Public Hearing Date: March 10, 2021)

Mr. Harvey: Mr. Chairman, I'll give a quick summary. The committee was ready to report out their recommendations to the full Commission. However, staff, earlier this week, advised the Chairman and Vice Chairman about some issues related to the Code Amendment and advised that it's necessary to request additional time from the Board of Supervisors. Staff has worked to put an agenda item on the Board of Supervisors' meeting schedule for February 2nd to allow for a time extension.

Mr. Apicella: So, if someone were to make a motion, what's the time lag that we would be asking for to defer this till?

Mr. Harvey: Mr. Chairman, in the draft report that's being considered to be put on the Board's agenda, staff is recommending April 30th.

Ms. Lucian: Mr. Harvey, it's been updated to May.

Mr. Harvey: Oh, thank you Ms. Lucian.

Ms. Lucian: So, they have additional time pursuant to the proposed Resolution; it's May 30th right now.

Mr. Apicella: So, if we were to defer this say for a month or 45 days, would that put us back on track to know and deal with the issues that came up? I'm just trying to get a motion that gets us where we need to be.

Ms. Lucian: Yes, if you have a motion to request additional time to at least May 30th, I think that'll cover you.

Mr. Apicella: I thought that was already in place? I'm just saying, so we have an item in front of us, although it is... it's New Business... do we need to actually make a motion on this? Help me understand what we need to do here.

Ms. Lucian: I would make a motion to request that the Board consider giving you additional time. It's already on their agenda, but you still need to make a formal motion.

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Mr. Randall: Alright, so, I'm going to... because this is our... as the Chairman of the Subcommittee, I make a motion that we ask the Board to extend our timeframe on this effort until the 30th of May.

Mr. English: Second.

Mr. McPherson: Second.

Mr. Apicella: Okay, was it the 30th of May? I thought it was earlier in May? Maybe I missed it; I didn't hear it quite right, Ms. Lucian.

Ms. Lucian: It's currently listed as May 30th.

Mr. Apicella: Okay, great. Alright, so I heard a motion made by Mr. Randall. I think it was seconded by Mr. English. Any further comments Mr. Randall?

Mr. Randall: No. We'll talk about it... no, I think we're good.

Mr. Apicella: Mr. English?

Mr. English: No.

Mr. Apicella: Anybody else? Okay, motion to ask the Board to give us additional time until May 30th. Mr. Bain, how do you vote?

Mr. Bain: Aye.

Mr. Apicella: Ms. Barnes?

Ms. Barnes: Aye.

Mr. Apicella: Mr. Cummings?

Mr. Cummings: Yes.

Mr. Apicella: Mr. English?

Mr. English: Yes.

Mr. Apicella: Mr. McPherson?

Mr. McPherson: Yes.

Mr. Apicella: Mr. Randall?

Mr. Randall: Yes.

Mr. Apicella: And Mr. Apicella votes aye. I apologize... the motion carries unanimously. Mr. Harvey, I apologize; is there anything you wanted to say about item 12?

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Mr. Harvey: Mr. Chairman, for informational purposes, the Board has postponed action on item number 12 until after the building is open to the public. We don't know when that will be scheduled for a future meeting. Currently, the building is closed to the public through February 5th.

Mr. Apicella: And does the Board itself have a deadline? Or can they just keep moving the ball down the road?

Mr. Harvey: Mr. Chairman, under State Code, the Board has a time limitation on their ability to act on the Comprehensive Plan Amendment. So, that will be a recommendation that the staff gives the Board is to consider action on that item within the specified timeframe. If the Board does not take action, then the public hearing for the Comprehensive Plan Amendment would have to be reheld with the Commission and Board.

Mr. Apicella: Do we know what that deadline is?

Ms. Lucian: I'm going off of memory; I believe it's March 28th, but don't quote me on that. It should be around that day.

Mr. Apicella: Okay. Just so everybody understands what's... where we're at. Alright, thank you Mr. Harvey. So, onto item number 14.

14. RC21153698; Reclassification – Stafford County Board of Supervisors, Courthouse Road Property - A proposed zoning reclassification from the B-2, Urban Commercial Zoning District to the UD-5, Urban Development 5 Zoning District on Tax Map Parcel Nos. 30-43, 30-43A, 30-43B, 30-43C, 30-43D, 30-43E, 30-43F, 30-43G, 30-44, 30-45, and 30-46, consisting of approximately 16.11 acres; and from B-3, Office, to UD-5, Urban Development 5 on Tax Map Parcel Nos. 30-50 and 30-53, consisting of approximately 13.08 acres, in the Hartwood Election District. **(Time Limit: March 29, 2021)**

Mr. Harvey: Mr. Chairman, Mr. Funkhouser will give the briefing on item 14.

Mr. Apicella: Mr. Randall, can you Chair this until... I need to get off for a second and can you Chair this for the moment?

Mr. Randall: Yes, I'll take care of it.

Mr. Apicella: Thanks.

Mr. Randall: Mr. Funkhouser?

Mr. Funkhouser: Hello again. Yes, so all the questions are supposed to be answered at this point from what I understand, right?

Mr. Harvey: Computer please.

Having technical difficulties with the presentation.

Mr. Funkhouser: This is the proposed reclassification draft application as Mr. Harvey and Mr. Geouge was speaking of earlier. It does involve the MOU and the Board of Supervisors will be the applicant

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based on that MOU. So, as we've kind of discussed previously as well as part of Mr. Geouge's presentation, you've got 16 acres and 13 acres, respectively, for about approximately 29 acres. As you can see, the map numbers affected going from B-2 to UD-5, and then from B-3 to UD-5. And again, the County will be acting as applicant in this matter. So again, this is just background information at this point. We need to complete the application and get it to you so you can authorize a public hearing. So, of course, it is a proposed mixed-use development as noted on the slide here. It is part of the overall Downtown Stafford initiative. And again, the Comprehensive Plan Amendment will help set the stage for this, as well as the associated Zoning Ordinance Amendment that Mr. Geouge was speaking about. So, this highlights the specific properties that are involved at the intersection of Courthouse Road and Jefferson Davis Highway. The property is at the southwest intersection. The blue parcels are County-owned and the yellow parcels are owned by JPI Fountain Park, LLC. Again, this just shows the surrounding zoning and the subject area's zoning is outlined in red. Again, this shows the existing Comprehensive Plan outline; that's not necessarily going to change but, of course, the underlying language will change to accommodate the densities and other activities that we've been talking about. So, it's located with the Courthouse Urban Development Area that was completed in 2011. Again, as I said earlier, this is a Targeted Growth Area, as well as a priority focused area for the Economic Development and Tourism Office. These areas are intended to support a more intense pedestrian and transit orient form of development in close proximity to primary roads and transportation hubs. So, the development criteria for the commercial retail office designation includes locating these commercial activities where there's adequate transportation facilities and, of course, there have been some improvements and there are also planned improvements to Courthouse and Jefferson Davis Highway. Incorporating shared access points and inter-parcel access is what you are shown when we get to a later point in the presentation by the GDP that's been prepared to date by JPI. Providing sidewalks along street frontages; adequate lighting for those streets and sidewalks and other areas; coordinating things like sign design; and then encouraging infill development of vacant and underutilized land. And of course, we're all familiar I believe with that intersection and how it is underutilized. This is just another representation of the Courthouse Planning Area. Again, mixed-use, commercial-residential, and then you can see the commercial retail office designation to the west. This was the concept plan that was originally prepared for the three sub-areas within this Courthouse Area. Again, the historic court village adjacent to the courthouse, which is the area that we're talking about, as well as the new downtown between the courthouse and the hospital, and then the south courthouse commons area. And this will be revised accordingly based on the Comprehensive Plan Amendment. The existing conditions here; it's primarily wooded. There are some retail office and residential uses to the northeast along Courthouse and Route 1. Of course, we have the courthouse and the County government buildings that are adjacent; the Public Safety building to the north; and the fire and rescue station that's farther west. There have been some recent demolitions that I think we're familiar with, and there's some vacant property in those areas to the east. There are also some single-family residential and a manufactured home park to the south of the property. This just shows a different view from Route 1/Courthouse Road looking west. There's some miscellaneous office and retail development. The Aquia Realty building, the 2-story building that's located to the west in this picture if you will, is not part of the rezoning area. This is just a different view of the Courthouse Road area. I believe that this is referred to as the former Lewis building; that is part of the rezoning. Some similar underutilized or vacant commercial properties along that same corridor on Route 1. And then it's just a different perspective that shows some of the existing property that has not been developed, Courthouse Road looking south. Again, some other street level views from Courthouse Road looking, near Route 1 looking south. And most of those buildings are vacant I believe. And then the next picture below that, the street level view from Courthouse Road near Jason Mooney Drive looking east. Then again, that's near the fire and rescue station. So, this is the overall Downtown Stafford Concept Plan that's been discussed. And again, it'll be subject primarily with the Comprehensive Plan Amendment, as well as the UD-5 to support this type of development, and

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the JPI property is located in the northeast corner there. This is an enlargement of that area, and it shows some of the different land bays with the different uses proposed within those bays with regard to residential and mixed-use office and the existing commuter lot and proposed lots. This is an enlargement of the JPI and County properties based on their GDP, and it shows the perspective or planned mixes of the different types of uses that would occur within those properties. It shows the grid patterns that's proposed to be developed for entrances on Courthouse Road, one entrance on Route 1. There's an additional street connection on Route 1 that's offsite in this picture. And again, mixed-use with the building areas in the table. And as we kind of discussed earlier, there's varying street types and widths that I guess will be agreed and determined in the near future. This is another version of this with specific uses that are proposed by JPI on this slide and the next slide, and again, it references some of the densities based on the proposed building heights that they feel and the County feels are necessary to support the type of development, both residential and commercial, and the parking decks and etcetera that'll be necessary to support this project overall. This is another version of the GDP that shows the details on the specific buildings that are proposed in Fountain Park. And then this is some architectural renderings of that same quadrant, and again, illustrating the building heights, the floor area ratios, and the densities that they believe are necessary and the County does as well.

Mr. Randall: Mr. Funkhouser, I'm sorry, could you go...

Mr. Funkhouser: Yes sir?

Mr. Randall: ... could you go back one slide? So, the 5-story residential, number 7, 5-story office/residential with parking below, so is parking below, is that part of the 5-story or is it 5-stories with an additional parking level below?

Mr. Funkhouser: It's my understanding that it's inclusive.

Mr. Randall: Okay. So, it's five stories including the parking area.

Mr. Funkhouser: Correct.

Mr. Randall: Okay, alright, thank you.

Mr. Funkhouser: I'm just going to move through these relatively quickly, but they're illustrations of the different types of what we were talking about, the festival streets and the main streets and the different grid streets... oh, excuse me, the different streets that form the grid pattern. And then you can see the conceptual renderings about different widths for the different types of uses.

Mr. English: I'm sorry, can you back up just one? I'm sorry.

Mr. Funkhouser: Sure.

Mr. English: Right there in the middle that you see, there's the two green top buildings. See the two green top buildings?

Mr. Funkhouser: Yes sir.

Mr. English: Alright, behind that, that's our parking lot, right?

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Mr. Funkhouser: It is shown as parking, yes.

Mr. English: That's what it'll be and then behind it, all that's parking lot, too, right?

Mr. Funkhouser: Correct.

Mr. English: Okay.

Mr. Funkhouser: There's miscellaneous...

Mr. English: That's all I wanted, thank you.

Mr. Funkhouser: There's parking areas interspersed as well as...

Mr. English: Okay, thank you.

Mr. Funkhouser: Again, the different street sections and the illustrations that go with that.

Mr. Randall: So, how set in stone are these that we're looking at?

Mr. Funkhouser: Not at this point. Um, I mean, again, they're based on both the current UD regulations, as well as the proposed UD regulations. A certain amount of that is going to be I guess negotiable based on the ultimate site plans that are developed and what the Planning Commission and the Board ultimately decide in terms of the UD-5 regulations.

Mr. Randall: Right. So, those will be negotiations... that's not a JPI property, right? That's something that Stafford at this point in time has complete control over as far as the GDP is concerned, correct?

Mr. Funkhouser: I won't use the term complete control because I'm not in charge of the contractual obligations, but I understand what you're referring to.

Mr. Harvey: Commissioner Randall?

Mr. Randall: Please.

Mr. Harvey: Yes. The JPI property again as discussed earlier is committed to the MOU and their overall development design. The remainder of the County property is up to the decision of the Board of Supervisors, was referenced in the presentation. We have the current concept plan for this area of Downtown Stafford, and that current concept plan shows government office buildings here. So, at some point in time, we've shifted away and proposed a courthouse on the other side of the Government Center complex to be interior to the Government Center complex rather than across the street. If that philosophy changes in the future, this concept plan will end up changing, too. And since it's part of a rezoning initiated by the Board, it's not proffered, it's not locked into stone. So...

Mr. Randall: But as far as the streetscapes are concerned, as far as all of the details that we were talking about today, those are still open for discussion, correct?

Mr. Harvey: Yes.

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Mr. Randall: Okay, thank you.

Mr. Funkhouser: Alright, there were some references to transportation impacts. As point out, and included in your draft staff report if you will, there were some... a transportation impact assessment. There aren't any particular recommendations other than generally illustrated by the GDP. VDOT has not provided any comments on that. It's basically a turning movement analysis based on hypothetical uses that were indicated earlier. So, a formal analysis along with formal recommendations has not been prepared at this point. But, again, we are awaiting comments on VDOT because we have been talking with them I guess over the past several years regarding this project, and I, myself, have had some specific conversations with them relative to both the Comp Plan Amendment and this particular rezoning application. But they haven't provided formal comments to date. And, of course, the Route 1 and the Courthouse Road projects have already been approved and those are scheduled and funded for construction. This just shows some of the intersection improvements that are proposed either as part of the Route 1 projects and the Courthouse projects, or as a result of the respective responsibilities under the MOU. And again, you've got a copy of the MOU in your draft staff report. We were talking about schools earlier, and I understand this. The school system has provided some preliminary numbers based on the housing figures that we have provided them. And, of course, those are subject to modification depending on what ultimately gets developed. Right now, you just have the raw numbers. You pointed out some capacity issues they did as well. These are the numbers we're working with right now.

Mr. Apicella: Trent?

Mr. Funkhouser: Yes sir.

Mr. Apicella: Before you move on, can you move back. Because I think maybe we're talking about apples and elephants here. What's in front of us... okay, that's just for the JPI parcel? Because I can't imagine the 309 units drives this many students.

Mr. Funkhouser: This is JPI and the County.

Mr. Apicella: Where in the County... how is the County parcel providing or driving the need for students?

Mr. Funkhouser: There's an overall concept plan that shows, and I should have that number...

Mr. Harvey: Yes, Mr. Chairman, the GDP depicts multi-family housing on the County's property, a little over 600 units if I recall correctly. So, it'd be a total of over 900 dwelling units, all multi-family, and these numbers were based on the School Board's projections of number of students generated by multi-family units. As part of the JPI MOU, the Board was concerned about school impacts, so the MOU speaks to limiting the number of bedrooms in the units and what types of units can be provided for multi-family housing.

Mr. Funkhouser: Yeah, I apologize, I don't have those figures handy. But both the school system and the Economic Development Office have prepared... well, they've prepared school generation figures which of course the schools have verified and are still fluid based on the fact that we don't know the ultimate number of multi-family dwelling units, 1 and 2 and 3. And, of course, that makes a difference in the fact... the school generation factors. Once we prepare a formal impact statement, you'll have more of that information. And again, I apologize, but the Economic Development Office, when we were talking about proffers, it's not an impact fee area for roads. But, in terms of the projected development

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and assessed value for residential and non-residential. You know, it shows net positives at this point, but we'll have to have a more detailed discussion about that when we present that information to you.

Mr. Apicella: Well, I've got to tell you, this is all a big surprise to me. I don't know about other Commissioners. I thought we were just dealing with the 309 units at JPI; I didn't know that we were also potentially going to get another 600+ units on the County property. So, how does that work? So, is the County... I mean, the County's obviously not going to start building residential units. So, how does that unfold downstream?

Mr. Harvey: Mr. Chairman, again, staff in trying to prepare the Planning Commission for this is basing impact assessments off of what's shown on the Generalized Development Plan. As I mentioned earlier, that's going to be up to the Board of Supervisors as to what they ultimately do on the County's property. This GDP concept was discussed with the Board as a means to help facilitate creation of a downtown, and to create a downtown you roughly need a thousand dwelling units within a quick walking distance. That's the guidance that we've gotten from Stantec and their work that they do nationally developing urban downtowns. So, this gets us close to the thousand dwelling units, just with these two projects, to help make a sustainable downtown where you can have shops that can survive. But ultimately, this could be an overestimate, because there could end up being zero units on the County's property depending upon what the Board's future decision would be.

Mr. Apicella: So, a couple of points and I'm sorry to belabor my issues here. I'm going to kind of springboard off of what Mr. Randall said. It's one thing to have 309 apartment units; it's another to have a thousand units. And with 646 potential students, and the approach that is being taken is that the Board is doing a rezoning which means we get zero proffers for these almost 650 students. That's correct, right, if this is the way it unfolds.

Mr. Harvey: Mr. Chairman, it would be up to the Board of Supervisors to negotiate another MOU for the County property and what considerations would be in that MOU as far as how impacts are being offset. In the current MOU, some of those impacts are being offset in different ways by providing other facilities for the County's services.

Mr. Apicella: Right, but again, to the extent that they're apartments or townhomes or whatever, if the County is the applicant, then we cannot accept proffers, right? It's the County rezoning the parcel, or parcels.

Mr. Harvey: Mr. Chairman, that is correct. The County cannot impose proffers on a property that's being rezoned on the County's behalf. Again, that's where... that's where with the JPI property, an MOU is negotiated and similarly we suspect that's what would happen on the County's property if the County moved forward with a master developer which has been discussed.

Mr. Apicella: So, the MOU speaks only to a deadline for the JPI parcel and getting all the ducks in a row; the rezoning, the ordinance change, and the Comp Plan amendment. Help me understand why it's necessary to do, as part of this rezoning, both the JPI property at this point in time and the County property, not knowing what's going to actually happen on the County property.

Mr. Harvey: Well, Mr. Chairman, there was a number of driving factors that started this process several years ago. And the significant one was construction of a new courthouse and the limitation we have as far as parking in the Government Center complex. The Generalized Development Plan does show a temporary surface parking lot which is part of the MOU agreement with JPI that they will do the land

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clearing and grading for that surface parking lot. The surface parking lot will be needed when the next courthouse is built. And also, the Generalized Development Plan and concept plan shows ultimately construction of a parking garage that would serve the Government Center, as well as other businesses in the nearby area and the JPI project. So, those... that critical infrastructure was what started the overall process to my knowledge. Also, there's been other goals of the County that we want to have a museum and cultural center and/or visitor's center in this area, and we'd like to have a town square or plaza that could be an essential guiding point for our community. And part of the thought process was that through rezoning of the County's property to incentivize a developer to come here to help us build Downtown Stafford, they could also help us build some of those government features.

Mr. Apicella: I get all that, but I'm still trying to understand why we couldn't have done this in two separate rezoning packages, the JPI property; and so you have the MOU, they're responsible for doing the grading. Why couldn't the County piece be a separate rezoning? And even then, it sounds like there's more than one County piece that's part of the equation. So, only part of the County's piece or owned property is going to be part of this rezoning; some other pieces may not.

Mr. Harvey: Mr. Chairman, this area that's owned by the County is its entirety of the land that we control off of Courthouse Road. There is one piece of property that is being conveyed to JPI that's County-owned currently and that's located across from the entrance to our Government Center facility.

Ms. Baker: Jeff, that's already been conveyed to JPI.

Mr. Harvey: Oh, thank you for the clarification Ms. Baker. I'm a little bit behind the times on certain things. But, ultimately it's up to the Board of Supervisors whether they want to bifurcate the approval of the zoning or not. For convenience purposes, it's all being lumped into one application. Initially, the County was moving forward with this process but JPI came to light with the County and our negotiations with the road improvements, and they've come on board to help us reach the vision of creating Downtown Stafford. They'll essentially be taking on the risk for the first phase of it.

Mr. Apicella: Is there not some way for us, in the interim, to ask the Board if it's really necessary to do both parts now, and maybe just consider doing the JPI portion with the follow-on for the County's piece downstream when we have a better sense of what we want to do or what might happen on the County's property? I'm just looking at the art of the possible here. It looks like we're tackling a big piece of Downtown Stafford, although not all of Downtown Stafford, without really knowing what's going to happen on the County's property. But we do know what's going to happen on the... we are more likely to know what's going to happen on the JPI property because they've sort of locked themselves in via the MOU.

Mr. Harvey: Mr. Chairman, Mr. Holden is here from the Economic Development Department and he can assist with some of your question and query with regard to the processing of the rezoning concurrent with the JPI property.

Mr. Holden: Yes, John Holden, Economic Development and Tourism. There was a number of questions flying around, and the first I went to is I, based on some analysis I did based on school data of recent development, the figures on the last slide as Trent mentioned are early estimates. I would say quite frankly quite high. The kind of developments being proposed here will not generate, in my opinion, the number of students that was suggested on that last slide. And I'll refer you to the economic assessment I did in a package I think that was a couple weeks ago. But the most important thing to remember, and I think Commissioner Randall mentioned this or Mr. Harvey mentioned it, is the County property is the

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County property. So, we will develop it with a developer as the way we want to. And the we includes input from many people, including everyone on this Commission. So, if we think that the, for example, the central park area should be an acre as opposed to half an acre, we will tell developers that are interested in developing that property that very thing. What we need to do to pursue the development though is quite frankly build on the momentum that is being built by the JPI project and the things you're considering about the larger vision of the area beyond the 30 some acres we're talking about initially. So, to get back to your direct question, Mr. Chairman, the reason these are, I'll use the word tied together, is for that very thing, so that we can then move with the JPI project and immediately on that momentum seek out a developer. So, you think of the Marketplace, like we're going to do this, JPI is doing this; we want you to help us to the next 28 acres that will blend and work with this. It's generally just how, in my world, how we'll pursue a market development and entice developers by saying, first of all, you're not the first; second of all, we're doing it right at the same time. So, the fact that we would have all the pieces in place, the three pieces on your agenda, the Comp Plan change, the code, and the GDP or the, um, what's this one called?

Mr. Harvey: Rezoning.

Mr. Holden: Yeah, there we go, reclassification, will entice us to seek... to find the developers and I'm taking the charge on that process in terms of RFP or whatever we call it. If we have all that together, we'll be much... we'll get much higher quality developers interested and, at the end of the day, we'll be able to negotiate with them on what we want to do on the property and, by the way, any kind of exchange of revenue that may replace if you will a proffer. So, we may say, well, we're going to sell it to you for a higher price because we think, you know, I don't but schools are impacted this way or that way. So, that's the intent of bringing this all together at one time. And I'll stop there.

Mr. English: I've got a question. Since you're involved in this, my question with everything that's going on with COVID and people are working from home and all that, I see that these government buildings that are built now are going to be going vacant because they're having everybody work from home. So, what kind of impact do you think this is going to have on this fountain park because I did hear that they want to put some government buildings in there, are they going to come back and say well, with the way the... *inaudible*... is and you know we're working from home now, we're going to have to put apartments in here. Is that... who would... would the County still have control on whether they could do that?

Mr. Holden: Yes, we will still have control on our 28 acres on that mix, if you will.

Mr. English: Okay.

Mr. Holden: The research I've been seeing, particularly in government institutions, is work from home isn't going to happen... isn't going to stay.

Mr. English: Well, we think that about the box stores, too, but they look like they're going out because of Amazon.

Mr. Holden: Yep. Retail spaces will get smaller in general going forward. You may have more different types of retail of different size, but, again, this area isn't designed for the big boxes even though they're going away. So, all those things are part of the mix of how this might develop, and that's why I encourage working with Planning staff as much flexibility in your... in the Comp Plan piece so that we

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can adjust as that market adjusts. But again, on the 28 acres that the County has, we will have again, the big we will have I won't use the word complete, control over how we think that should be developed.

Mr. Apicella: Right, but when you say control, this is actually what I call a generalized rezoning to the Urban Development-5 District. So, once the parcel is rezoned, then a developer in some way if they purchase the property or have some agreement with the County, the Planning Commission, I'm not sure how we would even be involved after that because it's then by-right. So, Jeff, help me understand what our role would be downstream if all roughly 30 acres were rezoned to Urban Development-5.

Mr. Harvey: Well, Mr. Chairman, as you stated, if the property is rezoned, then the Planning Commission wouldn't have any direct role in what happens after that for the property. The Commission may be involved if there were some other issues associated with the property that caused say other changes to the Comprehensive Plan, if the Board went in a different direction for Downtown Stafford and went back to the concept of putting courthouse space on this side of the highway that may cause need for a change there. But, once the zoning is in place, it as you said it's by-right development. Beyond what the Board of Supervisors works out in a sale agreement, their participation in how the property's developed is set then.

Mr. Holden: If I may just add as well, as part of RF... whatever we're going to call it, proposals or information and negotiations, I am strongly encouraging, and there's no reason to think this won't get into a final version of that, a developer, landscape architects, smart city technologists that come together as a group, I am going to be more favorable to the proposals that include additional community... *inaudible*... for the kind of things that some of you have commented on on parks and sidewalks and streetscapes. So, that's not direct Planning Commission role, but certainly a citizens' way to provide input to that.

Mr. Apicella: Just one more thing and I'm sorry, and then others can chime in. The picture of what we see for JPI, help me again understand that that's what ultimately is going to happen there, or do they have some flexibility since they are not proffering the GDP to do something completely different? So, the Memorandum of Understanding allows them to do up to certain things, and it may require them to do certain things like provide office space for the County. But wouldn't they still have flexibility to do other things that are not part of the agreement that still fall within the Urban Development-5 District? And the reason I say that is because we may have a vision of what we want there and they may have a vision of what they want there. But down the road, unless it's, you know, unless it's part of the contract, as long as that property and they own it is rezoned to Urban District-5, they have a lot of their own flexibility to do something different that's not binding to them in that contract – which may lead to some sub-optimization of what ultimately happens there.

Mr. Harvey: Mr. Chairman, the MOU does speak to the number of... maximum number of housing units that they can provide and the minimum amount of square-footage of café space that they will have in one of the buildings. It also stipulates how much office square-footage that they'll have to build with the project...

Mr. Holden: Open space.

Mr. Harvey: Pardon me?

Mr. Apicella: How much they must do or how much they could do?

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Mr. Holden: Must.

Mr. Harvey: Yes.

Mr. Holden: Including open space.

Mr. Harvey: The MOU addresses architecture, too. So, we tried to address a lot of the features that normally the Board and Planning Commission would ask for, for proffers, and much of that has been rolled into the MOU.

Mr. Apicella: Right, I get it. All I'm trying to say is we may not ultimately get that picture that we see, for better or worse.

Mr. Holden: The MOU is quite clear on the square-footage by type, as well as the timing of square-footage by type, and I don't have it in front of me in terms of when residential can go in as well.

Mr. Apicella: Yeah, I thought all they were bound to was 30,000 square-foot of commercial, and that's it. And then... *inaudible*... if they want to do apartments. But it looks like there's a lot more there than 30,000 square feet.

Mr. Holden: I don't have it in front of me, sir, but there is a specification on open space as well. Again, I don't have it in front of me.

Mr. Apicella: Well, hopefully, when this comes back, we can take another look at it and see how much flexibility they have and how likely or how unlikely we might not get what we think we're going to get there. So, anyhow, I'm sorry to... *inaudible*. Feel free, others, to ask Mr. Holden any questions you have.

Mr. Randall: Yeah, I have one more question and I don't know, John, if this is for you or for Trent. So, is the intent then when we, outside the JPI properties and within the Stafford County properties, is the intent then to do an MOU with each developer to the level of detail that we've done with JPI to ensure that we get what we want? I mean, do we... can we write it that we think we're going to keep developers from coming into the area if we become too specific on streetscapes and sidewalks and setbacks and... How do we mitigate getting what we need – need now, not want – getting what we need for a proper downtown and a Stafford Square and a marketplace and an open air plaza versus what we're going to get from a developer?

Mr. Holden: I'm sorry, I didn't hear the... I wanted to clarify the first part of your question. But again, on the County's property, we will be able to... we will negotiate an agreement with the developer to say here's what you will do or will not do.

Mr. Randall: Okay. And we think we can do that and not... and not curtail the developers who will want to come into Stafford and do that?

Mr. Holden: On the County's property?

Mr. Randall: On the County's property.

Mr. Holden: Yes, yes.

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Mr. Randall: Okay.

Mr. Funkhouser: So, we kind of covered transportation a little bit. And again, these are all based on either preliminary comments or internal staff discussions, internal comments... or excuse me, review comments from other County staff members. For example, again, the schools we talked about and then Parks and Recreation, and discussions for the impact statement preparation. This is what we have thus far. Of course, we've talked about festivals and different urban style open space par... you know, areas. The Parks and Recreation staff had recommended one or more central gathering spaces for events; that could be 3 to 4 acres of parkland. I know you had made some previous comments about the size of these types of areas and how usable they would be, again, in concert with festival streets and other flex space for lack of a better term. But in any event, the Parks and Recreation Department is noting that, you know, a total of 5 acres appears to be appropriate for this portion of the Downtown Stafford and that the GDP has eight parks ranging in size from a quarter of an acre to 2 acres, and a little bit over 6 acres... a little bit under 7 acres I should say... at this time. And again, that could be plus or minus by the time we get down to actual site plans. There was also in the MOU, some of you might have noted that there is a commitment to provide indoor recreational space in some of these office and mixed-use buildings that will also facilitate recreational purposes. This is just a conceptual rendering of what some of those spaces might look like in and amongst these buildings.

Mr. Bain: That's one of the things I thought was a little comical. Getting back with what Bart had mentioned about the size, this is the square and if you count the people there, there might be 30 or 35 people and it's getting crowded. I mean, that's the square and you can't handle more than say 50 people without imposing limits? That is pretty sad.

Mr. Funkhouser: I understand your...

Mr. Bain: It's just a comment, just a comment.

Mr. Funkhouser: I understand your observation. Town square versus festival space, which is I think what you were kind of bringing up at the last meeting. So, something we'll keep in mind. And then there's some of the other impacts that have been discussed in terms of staff comments in preparation for the impact statement thus far. You know, again, as this development is phased over time, there could be you know the need to either increase an existing station or build an additional station. Thankfully, in terms of utilities, we believe given the topography and the existing infrastructure and the planned infrastructure, there's no need for new sewage pump stations. The water service should be adequate for the projected development and, of course, people are going to be responsible for their respective service lines. But there will be a need to increase some sewage lines along Courthouse and behind the courthouse building here. Again, this is all illustrated on some master plan information that the Public Works Department has provided and we'll in turn provide to the Planning Commission and the Board of Supervisors. But, seem to be in pretty good shape for utilities. But, of course, that can get pricey, particularly with sewer. And then again, respectively, we don't have any floodplains but there might be unmapped flood areas. There's also some culvert issues under Courthouse Road; it remains to be seen when those improvements are made. How much that's going to address some of the existing stormwater issues, and then again, individual site impact assessments will be required for non-tidal wetlands as well as Resource Protection Area features. Again, the fiscal impacts that we kind of referenced earlier and again I neglected to mention and Mr. Holden reminded me, and the Commission, that you had received... that previously, you will receive it again, that's just a summary of some of the highlights that were projected with that office prepared. So, these are some bullet points that summarize the MOU. Again, that will be an ongoing conversation based on some of the comments tonight, as well as in preparation

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for more formal summary to be provided to the Planning Commission. So, I'm not going to read through each of these, but it does outline the responsibilities for the respective parties. We talked about the densities that we feel are necessary for the parking garages and that type of thing. We are obligated to process, meaning the County, a Comprehensive Plan Amendment to accommodate the zoning. There are respective responsibilities for certain entrances and certain streets. There are some very specific language about the temporary parking lot in preparation for the future permanent parking lot. And again, very specific language and timing about the rezoning and Comprehensive Plan applications that have to be prepared by staff in cooperation with JPI. We kind of talked about the mix of development, what's required and what's open-ended. Of that, there'll obviously be an ongoing conversation that we'll... when we provide the final application to you. Again, the timing, architectural guidelines, there is some very specific language about cooperation between the County, particularly the Economic Development office and the IT office, along with the Planning and Zoning Department regarding, you know, smart buildings, smart streets, smart cities. Alright, that outlines... in terms of the next steps that we've been talking about, in terms of the Comprehensive Plan Amendment and zoning text, when we are expected to conduct the public hearing on the zoning reclassification, and how those items may or may not be handled in concert.

Mr. Apicella: Other questions for staff?

Mr. Funkhouser: I didn't close with the usual we'll be happy to answer any questions because we know there is.

Mr. Randall: Your parking garage – what's the main traffic pattern that you think people would use to get to the parking garage?

Mr. Funkhouser: That I could not tell you off the top of my head.

Mr. Randall: Okay. The reason I ask is because... *inaudible*... expect it. Obviously, people coming east on Hospital Center Boulevard from 95 are going to have to make that left at Burns Corner and then make that right onto Courthouse Road. So, do we know if there's going to be... and that's going to be most of the traffic coming east. They're probably not going to go all the way to Hospital Boulevard, make a left and come down that way into the parking garage.

Mr. Funkhouser: Right.

Mr. Randall: They may, they may not. Do we have any intention of making any improvements to Courthouse Road proper from the fire station all the way to those entrances as far as widening, as far as making that a no stop turn, no stop right-hand turn?

Mr. Funkhouser: Right. You don't see me taking notes but, of course, you know how we normally operate; we're going to review all the questions through the tape and then we'll have to reconcile what is already planned for Courthouse and Route 1. And then the turning movements that were just gross projections based on the conceptual GDP. And then look at specifically what has been constructed thus far. Of course, we have several traffic impact analysis based on some adjacent development between Burns Corner and Embrey Mill, and just looking at those types of things and how they've changed with the construction improvements up at Hospital.

Mr. Randall: Gotcha. Alright, thank you.

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Mr. Funkhouser: So, we know we've got some internal work to do, but again, we'll make note of all that because different perspectives on different intersections and how we kind of think people operate and how we know that they operate and we'll just have to reconcile all that based on whatever we're talking about tonight and at the next meeting.

Ms. Barnes: Chairman Apicella, I just have one quick question. I may have misunderstood this, but the courthouse, I thought that that was a definite? That's definitely going... I think I'm pointing in the right direction... right over here as opposed to... Did you say it could move or did I misunderstand that?

Mr. Harvey: Commissioner Barnes, at one point in time there was concept plans for two courthouses to be built on the south side of Courthouse Road. The current concept is that it's going to be built on the north side of our parking lot in the Government Center.

Ms. Barnes: Thank you.

Mr. Funkhouser: I've got that slide up if y'all need to reference any of that type of stuff in the greater area and it can be switched back whenever you need it. Otherwise, we'll just...

Mr. Apicella: Can you put that last slide up about the schedule? So, we're looking at the end in mind. The deadline is March 29th, so we would have to make a decision about the rezoning at the March 24 meeting, which means it would have to be advertised by the February 24th meeting. So, that would give us two meetings potentially to, if it's done by March 10th and ready for us to see...

Ms. Baker: The deadline of March 24th is for... or 29th is for the rezoning and Comp Plan Amendment. So, that's why there's a different track for the rezoning application. We have a contractual agreement that the rezoning be complete by July 9th. So, it doesn't necessarily have to be advertised for the meeting on March 24th. It can follow; it can have an April. We do want to keep on track so that it gets to the Board and, you know, is ready for approval before July 9th. But, we have a little bit of wiggle room there as opposed to the Comp Plan and zoning text amendment.

Mr. Apicella: Okay, I'm just looking at the date that was on the slide and the date that's here in the summary in our package that says March 29th. So, you're saying that that's not really the deadline for the rezoning to be decided on by this Board, by this Commission, that's correct?

Ms. Baker: That's correct. It says it's subject to the deadline for... that we typically have for a rezoning application, which is 90 from the time that the public hearing is held – that's 100 days. But, our goal is to meet that contractual deadline of July 9th for action on the reclassification, including action by the Board of Supervisors.

Mr. Apicella: Okay, so the next time this comes up, I would just like clarity on the schedule and what our outside date is for holding our last meeting to make a decision on the rezoning, just so we're all on the same page, and then we can sort of look from there. And I think I said it, but I would appreciate having a better clarity on the JPI property and what they must do versus what they can do on their parcel, both in concert with the MOU and if we were to revise the Urban Development policy to do what's currently proposed. Is that doable Jeff?

Mr. Harvey: I'm sorry, Mr. Chairman, I was writing notes on what happened just a few minutes ago. Could you repeat your statement please?

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Mr. Apicella: Right. So, I think I said it before, but I'd like some greater clarity when I read the MOU what I see are things that the applicant... not the applicant... what JPI must do versus what they may do, okay, and how all that ties into Urban Development and what their flexibilities are to do things other than what's required. If that makes any sense. I'm just trying to see, again, going back to what Bart said and some others said, need versus want. What... I know we need some things on that parcel or in concert with the County-owned property; what can they do outside of that on their own parcel that may look different than what we see in that picture? I'm not saying I oppose it; I'm just trying to understand how it might... how much it might differ from that.

Mr. Harvey: Yes, Mr. Chairman, we can provide a summary of the MOU and what's required, what's optional.

Mr. Funkhouser: We'll clarify what's in the draft staff report already.

Mr. Apicella: Okay, any other questions or comments? Alright, thank you sir. Appreciate it. Mr. Harvey, onto the next agenda item, I guess that's Planning Director's Report?

PLANNING DIRECTOR'S REPORT

15. Joint Public Hearing – Project Mover

Mr. Harvey: Yes sir, thank you. As you recall, the Planning Commission has agreed to participate in a joint public hearing on the Project Mover project. We have currently sche... tentatively scheduled it for February 16th; however, some additional issues have come up with regard to programming of the business and the need for a traffic study. So, staff is making you aware that that public hearing date may be subject to change and we may be targeting an alternate date of March 16th. So, I wanted to poll the Commission if the Commission would be available for March 16th for the joint hearing if it gets delayed to that point.

Mr. Apicella: Any issues with occurrence with the 16th date?

Mr. McPherson: Works for me.

Ms. Barnes: Is there a possibility that we can participate remotely if we might be out of town?

Mr. Harvey: Commissioner Barnes, I don't know the answer to that question, because if the County is fully open at that point in time, we may be in person meetings.

Mr. Apicella: Well, I'm hoping that if we're still going through a pandemic in the middle of March that we still have the option of participating virtually. So, if I can't, then I probably won't be able to participate. Again, assuming we're still under a pandemic. Anybody else have any issues or concerns with the March 16th date?

Mr. Randall: None for me.

Mr. Apicella: Right, so, Mr. Harvey, advise the Board that we should be good to go and the only issue might be whether or not some of us can participate virtually.

16. Comprehensive Plan 5-Year Update

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Mr. Harvey: Thank you, that's very helpful. The next item I had under the Planning Director's Report was to talk about the Comprehensive Plan 5-Year Update. The Board of Supervisors, at their last meeting, passed a resolution kicking off that process and directing the Planning Commission to take the lead. And I'll yield the rest of my time to Mike Zuraf so he can give the Commission more of an update.

Mr. Zuraf: Yes, so Mr. Chairman, so I sent everybody an email today with some additional information regarding this. I apologize for the late delivery on it, but I just wanted to get together some kind of comprehensive information to help kick off the effort and kind of read ahead the implementation. I did provide the Commission the... *inaudible, audio breaking up*... some other information included, just kind of some initial kind of overall themes and goals, potential schedule, public engagement options. So, with the overall themes, it's kind of some general kind of concepts and kind of ideas for what the Planning Commission may want to focus on to kind of help guide the effort. We have a potential schedule that we provided with tentative kind of meeting dates that run us through the whole process and kind of identifies how the Planning Commission can complete the entire effort with the idea of completing everything with full adoption by early October. So, the schedule makes a lot of assumptions, you know, and it assumes that everything kind of would run smoothly. It identifies several of the Planning Commission committee meetings identified happening every two weeks. The schedule shows it on Thursdays but, of course, that day can change, the frequency can change as we get into it. The schedule works in updates; that can be provided to the Planning Commission and Board along the way. And it does kind of assume that the draft update work will be complete by May 12th. Also, I provided you a list of public input options. Of course, public input and reaching out to the community is an important part of any effort to update the Comprehensive Plan. So, the list kind of provides a wide range of possible public input methods, you know, from the very basic to more involved. Of course, given the current pandemic, we do now have several options to seek online input and share all of our work online. Of course, in person community meetings, those are very valuable and, you know, a valuable way to seek input and get out to the community. But, of course, we'll need to evaluate how best to accomplish that method, if it's desired. So, also, the ultimate meetings and a level of public input may depend on the ultimate scope of the overall amendments. If we're deciding to do, you know, only minor changes, then maybe that may not be needed or as much may be needed. But, if we're doing a lot of changes, there could be some more new community... *inaudible*. So, provide some recommendations within that, suggesting we definitely have kind of a specific Comprehensive Plan update website and maybe in the initial phases pursue some online input methods and then maybe, as we get into the process and have some more specific changes, we can reach out to the community with some in-person meetings. But, those are just staff's suggestions. We also provided you a list of questions that we originally shared with the Board of Supervisors just to assist you in what elements of the Comp Plan you think maybe need to be focused on or reviewed or given an extra look at. So, you may just want to look over that as well. And the last thing we provided was more kind of for reference; information from the last 5-year update that occurred back in 2016. And that was a lengthy effort, so we included kind of a summary of along the way, you know. There were points where the Planning Commission provided input so the Planning Commission and the Board responded with well, we think you should focus on this, this, and that. And then also we included the kind of a final summary of all the changes that went into that update. The kind of timeframe of the information I gave you still involved approximately a year and a half process, even though... and actually some of the effort began before then. So, the process can be very involved depending on how much... *inaudible*... goes into it, so that's just kind of for reference. And that changed... back in 2016, a lot of that was focused around adjusting the Targeted Growth Areas and defining those. It was previously known as Urban Development Areas, and we reworked the prior Urban Development Areas into the Targeted Growth Areas. So, that's the information I provided and I'll turn it back to you, Mr. Chairman, for any questions.

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Mr. Apicella: Okay, I just want to kind of preface the conversation with I watched the Board meeting last Tuesday, or Tuesday of last week, and the Board, they did not provide any specific direction but they did provide a very hard deadline, which is around August, to fully bake this cake. As Mike said, the last effort took a year and a half. A lot of time was spent on looking at the Urban Services Area boundaries and the Targeted Growth Areas and kind of reshaping those from what they were previously into this TGA construct. I think in order to meet the deadline, we'd have to hold a public hearing early in September so that they could hold their own, the Board could hold their own public hearing no later than early October. And so, what that really means for us, again, given this hard deadline, is that means for our piece of this we really have limited time which means having limited scope and scale in terms of our effort compared to previous efforts. So, we need to be realistic about what we can do and stay focused along the way. Mike's provided a tentative schedule with seven subcommittee meetings. Even if that doubled, that's 14 at most, 14 subcommittee meetings during that timeframe to get something pretty well squared away by May. So that really means minor changes, not monumental ones, and updating the data. I looked at the information that Mike provided under overall theme and goals; I think those are some key taskers that we would have to take that a subcommittee would have to undertake. But the reality is, we don't have the luxury of time as we've had in the past to really make big changes to meet their deadline. So, with that said, any other thoughts or comments that folks want to chime in on?

Mr. Randall: Mr. Chairman, I'm looking at the resolution by the Board. Resolution 21-08 attached to our staff report. And the very last line says, requested to forward its review and recommended proposed amendments, if any, to the Board by August 17, 2021. It won't be September. It looks like it's going to be August 17th which means with our only meeting in August being August 11th, if I believe if I'm right... are we the front or the back? Anyway, we could be doing our Planning Commission, our public hearing on the 11th of August; we would have to do it that early. We wouldn't even have the time to get into September.

Mr. Apicella: I hear ya and I don't disagree. I'm just saying under the best of circumstances, if the Board were to grant us additional time in order to meet their overall requirements, and part of those requirements are that they can't vote on any land use matters around election time and sometime thereafter which, again, backing everything up, under the best of circumstances, if they gave us more time, which they may or may not give us, they would have to have a fully ready to go version for a public hearing where they could make a final decision by early October. So, that's under the best of circumstances. But you're right; it really means that for us we have even less time unless and until they give us a very small extension.

Mr. Randall: Right, okay, thank you.

Mr. McPherson: Mr. Chairman, I have one comment as well. Just, in my opinion, give that the Comp Plan is so large, I don't know if that's a subcommittee more than just a working sessions with the entire Planning Commission. Do you agree?

Mr. Apicella: I can tell you that this is my third Comp Plan and doing it as a working session, other than maybe one or two times during this overall timeframe, you would find untenable. I don't think we could get there. Mike can chime in but I've been in a room with, you know, 7, 12, 15 people and it just, uh, it goes off the rails and you really... the better way to do this, based on the last time that it was done, is to focus the effort through a subcommittee with everybody wanting to participate, hopefully everybody willing to participate, but still keeping it to a small subcommittee in my opinion is really the only way that we're going to get there from here.

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Mr. McPherson: Okay, gotcha, thanks.

Mr. Zuraf: Yeah, and the other Planning Commissioners who are not on the subcommittee can definitely kind of sit in and... would sit in and be involved that way.

Mr. Apicella: Yeah, not just listen, actively participate. So, the only difference is, you know, as we've done with other subcommittees with say three members, you have three voting members and anybody and everybody else on the Planning Commission can chime in, their thoughts are considered. In my opinion that's the best way to tackle this given the constraints that we're working under. So, with that in mind, again, I think Mike's provided some really good information. I'm sure everybody wants to be on the subcommittee; maybe me, I don't want to be on the subcommittee. But I thought long and hard about the best way to tackle this. I tried to, you know, find somebody who was new, somebody who represented a rural district, somebody who represented an urban district, and somebody who represented a mixed district. Also, with a sense of based on other communications, folks that I thought would be able to provide the necessary time to devote to this because it is a monumental task, and some of those meetings may go on for longer than 2 hours at a time. And I really hope that the three members can be there as much as possible during each meeting. So, with those considerations in mind, I'd like to appoint a subcommittee including Mr. Bain, Ms. Barnes, and Mr. Randall as Chair, again, with the hope and desire that everybody on the Planning Commission will participate every single time there's a meeting. So, with that said, Mr. Randall, I would ask you to please move forward expeditiously, work with Mike and your team, and get your first meeting scheduled as soon as possible.

Mr. Randall: Roger that. If I could make one quick comment before we pack up. And I only want to reiterate what was said by the Chair. This is going to be a quick moving train. Hopefully everybody needs to be on board one way or the other, whether you are there at the meetings, whether you are reviewing what's going on. I would really not prefer that we stay out of the process until we have a working session and then you try to jump on the moving train not being a part of it up till point in time. So, get on board, be a part of the moving train, see what we're doing, follow what we're doing, be a part of what we're doing, as much as possible so that when we all come together in a working session or whether we come together as we decide what we want to brief the Board on, that although you may not be a part of the subcommittee, you have been a part of the action so to speak and can make... and can go through the process of reviewing what we want to present fairly quickly. So, anyway, thank you Chair.

Mr. Apicella: Any other comments before we move on? Alright, I thank everybody. Moving onto the next item, Mr. Harvey?

Mr. Harvey: Mr. Chairman, I believe that's the County Attorney's Report.

COUNTY ATTORNEY'S REPORT

Ms. Lucian: There's no report. You can continue to skip me, thank you.

COMMITTEE REPORTS

Mr. Apicella: Okay, Committee Reports – Healthy Growth, nothing new on that one. Land Conservation Subcommittee – we had a meeting two weeks ago. We're having another meeting tomorrow virtually. Again, everybody's invited to participate and, if it hasn't already gone out to everybody, I'll ask staff to send out the calendar invite for the virtual meeting to all the Commissioners. A-2 Zoning Uses

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Subcommittee – I don't see a meeting... a next meeting scheduled. Mr. Cummings, do you have anything to say on that?

17. Healthy Growth Subcommittee
Next Meeting – TBD
18. Land Conservation Subcommittee
Next Meeting – January 28, 2021 @ 3:00 PM, Virtual
19. Review Uses in A-2 Zoning
Next Meeting - TBD

Mr. Cummings: Yeah, there's a meeting scheduled for the 3rd, first meeting.

Mr. Apicella: Great, okay. And is that going to be held virtually as well with the calendar invite to anybody and everybody who wants to participate?

Mr. Cummings: Yes, I believe a calendar invite went out, but I'll try and see if it went out to everybody.

CHAIRMAN'S REPORT

Mr. Apicella: Okay, thank you Mr. Cummings. Alright, Chairman's Report – pursuant to our By-laws, I hereby authorize the Vice Chairman to sign any documents in my absence. Also, a reminder to all the Commissioners – please submit your ethics paperwork to the County before the deadline, which I think is fact approaching. I have nothing else under Chairman's Report. Other Business – looks like there's TRCs for the Hartwood and Rock Hill District. I hope and suspect everybody's gotten their material for that or will get it soon. Approval of Minutes – is there a motion to approve the December 9, 2020 minutes?

OTHER BUSINESS

20. New TRC Submissions
 - * 21153687 Telecom Tower Dunbar Drive Verizon - Hartwood Election District
 - * 21153694 All Muslim Association Of America - Rock Hill Election District

APPROVAL OF MINUTES

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Mr. English: So moved.

Ms. Barnes: Second.

Mr. Apicella: Thank you. Okay, just do an overall voice vote. All those in favor, say aye.

All Commissioners: Aye.

Mr. Apicella: Opposed? Ayes have it; minutes approved. And with no further business before the Commission, we are hereby adjourned. Thank you everybody.

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ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:14 PM.