

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**February 10, 2016**

The meeting of the Stafford County Planning Commission of Wednesday, February 10, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any Declarations of Disqualifications on any agenda item? Okay, hearing none, are there any changes to the agenda? No changes to the agenda. Okay, I will open up the Public Presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except for any Public Hearing item, for which we have none today. Please address your comments to the Planning Commission as a whole, not any specific member. Start by identifying your name and address. When the green light comes on you have 3 minutes to speak. When the yellow light comes on you have 1 minute left. And when the red light comes on it means you have to wrap up your comments. So, if anyone would like to speak, please come forward. Seeing no one, I'm going to close the public comment portion of the meeting and move on to item number 1. Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

NONE

UNFINISHED BUSINESS

1. RC15150498; Reclassification - Stafford Commons Retail Center - A request for a reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a commercial complex including a bank, restaurant, and retail building on Tax Map Parcel No. 39-13. The property consists of 0.50 acres, located on the west side of Jefferson Davis Highway, approximately 1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: January 13, 2016) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015, 2015 to November 18, 2015) (Deferred on November 18, 2015 to January 13, 2016) (Deferred on January 13, 2016 to January 27, 2016) (Deferred on January 27, 2016 to February 10, 2016)**
  
2. CUP15150499; Conditional Use Permit - Stafford Commons Retail Center - A request for a Conditional Use Permit (CUP) to permit up to three drive-through facilities within the HC, Highway Corridor Overlay Zoning District. The drive-through facilities are proposed for a bank, restaurant, and retail building. The site is on Tax Map Parcel Nos. 39-12 and 39-14, which are zoned B-2, Urban Commercial, and Tax Map Parcel No. 39-13, which is the subject of a concurrent rezoning request from the A-1, Agricultural to the B-2 Zoning District. The site consists of 10.45 acres, located on the west side of Jefferson Davis Highway, approximately

*Planning Commission Minutes*  
*February 10, 2016*

1,100 feet south of Hospital Center Boulevard, within the Hartwood Election District. **(Time Limit: January 13, 2016) (History: Deferred on June 10, 2015 to July 22, 2015) (Deferred on July 22, 2015 to August 26, 2015) (Deferred on August 26, 2015, 2015 to November 18, 2015) (Deferred on November 18, 2015 to January 13, 2016) (Deferred on January 13, 2016 to January 27, 2016) (Deferred on January 27, 2016 to February 10, 2016)**

Mr. Harvey: Thank you Mr. Chairman. If you'll please recognize Erica Ehly for the discussion of both items 1 and 2; they are intrinsically related.

Ms. Ehly: Good evening Mr. Chair and members of the Planning Commission. Just waiting for the PowerPoint to open up. Okay. Sorry about that. As you may recall, the applicant is requesting a reclassification of Tax Map Parcel 39-13, which is approximately one-half acre in area, from the A-1 Zoning District to the B-2 Zoning District -- this area shown in red. And also a Conditional Use Permit on parcels 39-12, 13, and 14, which is the area identified in yellow, to allow one drive-through facility with a proposed commercial... within a proposed commercial retail center. The drive-through facility has been identified for a fast food restaurant and a Conditional Use Permit is required in the Highway Corridor Overlay District which is where this property is located. The Planning Commission will also recall that the original proposal was for three drive-through facilities; however, to mitigate for the impacts to the surrounding transportation network, the drive-through facilities related to the bank and to the pharmacy have been removed. The applicant is Leming and Healy and the property owner is Mr. Kamel Tabarra. A public hearing was conducted on June 10, 2015. The applications have been deferred several times since then while multiple revisions have been made to the application materials in accordance with ongoing reviews and discussions between the applicant, staff, VDOT representatives, and Commissioner English regarding traffic projections, internal circulation, and site access. The Planning Commission has received all updated materials during the interim. And as a reminder, the subject property consists of approximately 10½ acres, and is located on the west side of Jefferson Davis Highway, approximately 1,100 feet south of the Hospital Center Boulevard intersection, and it is within the Hartwood Election District. The property is primarily undeveloped and wooded with rolling topography and steep slopes located in several areas. The surrounding property is zoned A-1 to the north, B-3 to the west and south, A-1 and B-2 to the east. The parcel has a Suburban future land use designation with RPA and is surrounded by the same. The boundary of the Courthouse UDA is on the eastern side of Route 1. There is currently a single-family home on Tax Map Parcel No. 39-13 and shaded in red. And a perennial stream with wetlands, protected by a 100-foot Critical Resource Protection Area buffer, is located in the southwestern portion of the site. The original proposal was for a more intense development, which included five commercial buildings totaling 40,098 square feet, with three drive-through facilities. The intensity was reduced in order to mitigate for the impacts to the transportation network in the area. Also, the proffer statement limits the trips that can be potentially generated by this site to this proposal which is less than what could be potentially generated by by-right development. The latest revision of the GDP depicts the proposed design of the site to include two 16,500 square-foot specialty retail buildings, and one 2,750 square-foot fast food restaurant, totaling 35,750 square feet of development. The GDP shows two access points to the proposed development on Route 1. The first submittal of the Transportation Impact Analysis recommended one signalized access point. However, VDOT spacing requirements between signals prohibited this option. The GDP reflects the latest VDOT comments. The southern access consists of a right-in, right-out, and left-out design. Concrete medians have been clarified on the plan to channel vehicles exiting to the left. The left-out movement was included in the design is to mitigate the potential for U-turns generated by a solely right-in/right-out design. The median does not appear to be wide enough to account for a vehicle exiting left if it can't make it fully into the travel lanes prior to the arrival of oncoming traffic. The applicant has stated that the median is a standard size and is not intended to provide "shelter" for a vehicle pausing

*Planning Commission Minutes*  
*February 10, 2016*

midpoint in turn. The design goal is to ensure that the vehicles turning left have adequate site distance so that the turn is not commenced if the car can't get all the way across and into the travel lane.

Mr. Apicella: Ms. Ehly?

Ms. Ehly: Yes.

Mr. Apicella: Do we have any other circumstances or medians... I don't know what you would call this. I call it a cut-through median; that's probably the right terminology. Do we have anything like that in Stafford elsewhere?

Ms. Ehly: Mr. Chair, I am not aware of any... I'm not sure if Mr. Harvey would be or we can certainly look into that.

Mr. Apicella: Alright, thank you.

Ms. Ehly: The... sorry about that... the northern access consists of a left-in only. A previous access to the drive-through lane from the entrance drive has been closed. So now they are completely separated. The GDP is not being proffered, although some elements of it are, including access design -- the two access points; the construction of one southbound right-turn lane with standard storage on Jefferson Davis Highway located between the property's northern and southern entrances; one dedicated northbound left-turn lane with 250 feet of storage serving the property's northern-most entrance; the provision of an area on the property where the FRED bus or other local transportation provider is able to pick-up and drop-off passengers; and a parking restriction within the first 200 feet of the travelway entering the property from the southernmost entrance on Route 1, except for bus parking. There were... you may have noticed, as you were going through the staff report and the table that staff provided, that there were conditions that were missing from the Resolution. There were five conditions that were removed from the Resolution during final review of the staff report. The reason is, there was not a rational nexus between the Conditional Use Permit for a fast food restaurant drive-through and these conditions. And so staff is recommending that they are more appropriately... would be more appropriate in the proffer statement. So, those conditions are related to the disturbance of the 25% slopes... slopes greater than 25%; that credit for existing vegetation within buffer areas shall not include invasive species; a tree survey shall be completed in order to receive credit for existing vegetation in buffer areas. The condition that the applicant shall provide 10% more plant units than the total required -- that actually is proffered, so that one kind of was a double condition. And then the final one is the Phase 1 Cultural Resource Study shall be completed if evidence of historical resources is found during site development. So, these were removed from the conditions and staff recommends that they are more appropriate in the proffer statement. These conditions... and the reason why I'm bringing this up is the Planning Commission saw these conditions before in previous versions of the Resolution. And that's why they are not there.

Mr. Apicella: Has the applicant taken a position on those additional proffer suggestions?

Ms. Ehly: I believe the... the applicant is here this evening and they will speak to that. This was something recently that came to light, and so they have had to contemplate their response to each one of those and whether they want to include it in the proffer statement or not. I do have slides of the table. I'm not sure if the Commission would like to go through all of the issues. Generally, all of the issues that staff had at the first public hearing, June 2015, have been resolved during this interim period. There's been multiple revisions, meetings, discussions to resolve the issues. And the primary result is that the proposal is less intense than by-right development would be. And there's also some design

*Planning Commission Minutes  
February 10, 2016*

elements to the proposal that may not occur during a by-right site plan review. So, should we just pass up on these? This was included in the (inaudible).

Mr. Apicella: Unless the Commissioners would like to ask specific questions, I think we could probably move on.

Ms. Ehly: Okay. Ah, there's a bunch there. So, because of the revisions and the improvement in the proposal and the issues that have been addressed, staff is recommending approval with the recommendation that those removed conditions be considered for inclusion in the proffer statement; they are more appropriate there. And the Ordinance O16-16 would approve the reclassification. Resolution R16-47 would approve the Conditional Use Permit with conditions. And the time limit, as it stands today, is today's meeting for Planning Commission action.

Mr. Apicella: Any questions for staff? Okay, I have a few questions. In the absence of a proffered GDP, what limits the project from growing beyond what we see here?

Ms. Ehly: Mr. Chairman, the primary... the primary limitation that's placed upon the proposal or the development of the site would be the limit on trips, the vehicle trips. So, the uses may change and the square footage... the footprints, the location of buildings, things like that on site may change except for those parts of the GDP that are proffered. But the intensity of the development wouldn't be able to increase.

Mr. Apicella: Okay, thank you. Can we go back to the slides that show this, again I'll call it a median cut-through. Obviously there's a traffic signal north of this project. Where would the nearest traffic signal be to the south?

Ms. Ehly: Mr. Chairman, the... there is a proposed traffic signal to be at Jumping Branch and Route 1, where Jumping Branch is now. It's connected to the proffers with Abberly, the Abberly development. So that would be in the future.

Mr. Apicella: About how far away roughly would that be?

Ms. Ehly: Eight hundred feet? I can check for the exact... is it 800? Yeah, I think it's about 800 feet.

Mr. Apicella: Is there a reason why U-turns at that, I'll call it intersection, wouldn't work in lieu of this cut-through?

Ms. Ehly: Mr. Chair, I think... I think the primary reason is that the timeline for that light, or that signal, is unknown. So during that time we could have an unsafe situation going on.

Mr. Apicella: But there is another light further south, right? I don't know how far away it is; half a mile, a mile.

Ms. Ehly: There is.

Mr. Apicella: This is not so much a question as a concern. What I see... I mean, I drive into Stafford to take the VRE and we have trucks that are pretty big. They go beyond the limits of the parking space, both the front and the back of a large truck. And what I see here is a potential concern that I think a normal person might, despite what is intended here, think they can stop at that median cut-through waiting for traffic to continue to move so that they can enter the travelway. And a vehicle that's

*Planning Commission Minutes  
February 10, 2016*

potentially larger, a driver who may not have pulled up all the way or pulled up too far, is either going to have their nose or their back-end sticking out into oncoming traffic. I think that creates a potential for traffic accidents and, in my view, potential for domino accidents if a car hits a vehicle standing there. Again, I'm trying to understand why this is the preferred option. I know that VDOT has signed off on it, but looking at what reality is in terms of peoples' driving habits and, again, a normal person might think they can stop there.

Ms. Ehly: Mr. Chairman, the design for the entrance points underwent several iterations and, you know, this was a right-in/right-out and then the left out was added to mitigate for the possibility of U-turns, and then the channelization was recommended by VDOT to kind of direct the cars to the left so that they couldn't come out and go to the right. But as far as the width, it's standard width. And so VDOT doesn't have an issue with it. It would be the same in any other VDOT maintained roadway.

Mr. Apicella: But the problem is, again, from somebody who lives in Stafford and I asked the question earlier, do we have anything like this in our County and we don't. So, again, I have to go to what drivers' habits are normally and what their experience here is in Stafford. I can't even think of anything in Spotsy or Fredericksburg that looks like this. Again, it's just a concern; I don't have a solution. I'm just wondering from a staff perspective if you all have any issues or concerns with it.

Ms. Ehly: Mr. Chair, I guess weighing the positives and negatives for development in this location and the issues with the transportation network, which is failing on Route 1 in this area, this is really an improvement over other options. Yeah. It was really kind of a difficult situation. And also, if you remove... I'm sure that in Stafford County we have maybe a left out... I guess I shouldn't say I'm sure, but I've seen a left-out without a median. It would be the same situation where people would pull up...

Mr. Apicella: You're not stopping there; that's the difference. If you had just a lined, again, a striped line, people would just go all the way across waiting for traffic to subside so that they could go across. I think this promotes somebody... in my view, it promotes somebody stopping there waiting for traffic. And that's my concern. I mean, I have an intersection where I live and I stop in the middle of that intersection waiting for traffic to come, but I obviously have enough room to be able to sit there. In this case, I'm not quite sure that's going to be...

Mr. English: The median that they're going to put in, VDOT's putting that in or is the developer putting that in?

Ms. Ehly: I believe it's the applicant is doing that.

Mr. English: The applicant's putting it in? Is it Ryan... I guess maybe...

Ms. Ehly: Yes, Ryan probably can come... Ryan Foroughi is the engineer with the proposal and he can come up probably and speak more clearly about the options for this (inaudible).

Mr. English: I've got a question for him then.

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

Mr. Coen: Just one quick question. I noticed on the map it has connection roads to other parcels. So would... and we don't know what those parcels are going to have in them, but would the entrances that are here thereby limit what would be on those other parcels because of the amount of traffic that they could handle and/or, I mean, I'm thinking if you're going north on Route 1 and you're going to make

*Planning Commission Minutes  
February 10, 2016*

that left-hand turn and you were going to go to that parcel in the back, that rectangle at the top of the screen, then it would obviously limit to what could go up there because obviously the back-up onto Route 1 would be rather prohibitive. So, I'm just wondering, would those entrances prohibit future use of the other parcels?

Ms. Ehly: Mr. Chair, Mr. Coen, I believe that the issue isn't necessarily the entrance design for this particular proposal, but the issue is the transportation network surrounding. That's what would prohibit additional trips to come out onto Route 1. But if that's by-right development, it will come out onto Route 1 and that's why the widening of Route 1 is so important in that area.

Mr. Coen: And this is basically already, with that widening of Route 1, already in consideration?

Mr. Harvey: Mr. Chairman and Mr. Coen, this design shows additional turn lanes along the frontage of the property. That's the extent of the widening being proposed here, in addition to the median on Route 1. So, in essence, yes there is a widening of Route 1 but it's more or less a spot rather than an entire corridor. Also, too, for consideration of this design for that left turn out, discussions with VDOT was that they did not want to encourage left turns in at that entrance due to other safety considerations. That's why it has sort of a slotted median look to that design. So people would not be able to make a left turn into that entrance. Also, for the Commission's acknowledge and consideration is that this section of Route 1, currently today, has no median. So this would give more of a focus point for the left turns out. Because of the U-turn condition without a median, people could be prone to make a U-turn anywhere within the highway. We'd prefer them to do it at intersections.

Mr. Apicella: So, again, with that in mind, if it was a full median strip rather than having a cut-through, that would also encourage people to take a U-turn at an intersection rather than... well, obviously they couldn't make a left turn at that spot.

Mr. Harvey: Yes.

Mr. Apicella: I'm just trying to evaluate the two... to me what are the two options to allow somebody to go north if they're in this parcel. Obviously, if they're at the southern entrance, they have to go south anyhow, right, to make a U-turn. This one entrance is the one that allows them to make a left turn northbound. And, again, I'm not quite sure, based on what I'm seeing, if it's going to be helpful. I understand what Mr. English was trying to promote, which is U-turns in close proximity to this site, I'm just concerned that by trying to solve one problem have we potentially created another problem.

Mr. English: I'm hoping when Ryan gets up here I think maybe we can maybe help this out a little bit.

Mr. Apicella: Okay. Applicant?

Mr. English: It's on you Ryan.

Ms. Karnes: Mr. Chairman, members of the Commission, and staff, my name is Debrarae Karnes. I'm an attorney and land use planner representing the applicant, Kamel Tabarra. We're here today to fully present an application for a Conditional Use Permit on some 10 acres and a concurrent rezoning on a small half-acre portion of the 10 acres. I'd like to thank staff for their presentation. And Mr. Chairman, I have a question. There were some questions concerning the turn design. The short answer to those questions is that this design was the one preferred by VDOT for safety, and there are other examples of this type of design in the County, along Route 17 and in from of the VDOT office on Deacon Road. But

*Planning Commission Minutes  
February 10, 2016*

my question to you is, would you like to talk to the engineer at this point in time in the presentation, or would you rather hear the start of the overall presentation first?

Mr. Apicella: Let's hear the overall presentation.

Ms. Karnes: Okay.

Mr. Apicella: Thanks.

Ms. Karnes: In short, this application provides a commercial development that is consistent with the development in the area and consistent with the Comprehensive Plan. It also provides needed transportation improvements, as you heard Mr. Harvey say, along Route 1, the median, the turn lanes; in addition, it proposes a \$50,000 contribution toward regional improvements, as well as a \$15,000 contribution to mitigate any adverse impacts on Fire and Rescue. In addition, there is a limit on the maximum development linked to trips to show the importance of transportation in this... for this project. This proffer limiting total trips is similar to the proffer the Planning Commission approved a year or two ago on Route 17 for the Starbucks proposal. It is a very innovative proposal and you're getting a lot of improvements for a parcel that could be developed, for the most part, by-right except for the .5-acre portion. I think you heard staff itemize the transportation improvements including the construction of the left and right turn lane, the dedication of right-of-way, and construction of the two inter-parcel access points. In addition, as staff indicated, the significant components of this GDP are proffered, including the location of the access points, many things having to do with the internal access. What is not proffered is simply the building locations because the applicant has not obtained a user for all of the square footage. I will share with you that the fast food restaurant with a drive-through of the applicant has obtained a contract purchaser for that use who intends to start developing immediately if this is approved. Let's talk about what has happened in the last year as we have worked with the Planning Commission, staff, and VDOT to try to create the most effective transportation arrangement. Route 1 is scheduled to be expanded to six lanes but it's not funded and it's not going to happen within the next few years. We first proposed the signal; VDOT didn't... couldn't approve that. We then went through several more iterations and VDOT determined and recommended that the current proposal of the split non-signalized access with the southern access being right-in, left-out, and... I'm sorry... right-in, right-out, and left-in.

Mr. English: No, left-out.

Ms. Karnes: No. Okay, let's get this straight. It is right-in and left-out, with the left-in being located on the northernmost entrance. It was considered the safest arrangement splitting the entrances and the arrangement that would most likely prevent U-turns. So, we have heard Chairman Apicella ask specific questions about the design of the northernmost entrance. And I'd like to bring the engineer up, Ryan Foroughi, to answer more detailed questions about that.

Mr. Foroughi: Good evening ladies and gentlemen of the Commission, Ryan Foroughi, Civil Engineer for Stafford Retail Commons, here to answer any questions. Would you like me to give a brief little background or just want me to start fielding questions?

Mr. Apicella: I think if you could help us understand why or how this works.

Mr. Foroughi: Sure. So, just a little bit of history, we've had a tremendous number of iterations with this project with staff and with VDOT pertaining to this project. And one key thing that needs to be noted is the applicant originally brought forward a signalized intersection for his entrance. That was his

*Planning Commission Minutes  
February 10, 2016*

preference. We submitted that application, our TIA was presented that way; it drastically improved some of the conditions that were... existing conditions that were on Route 1 and some of the queueing and delay that would have been experienced with the development of this site. We submitted that TIA and within very short order, VDOT said absolutely no; no signal would be permitted there. They wanted a signal at Jumping Branch due to several factors -- the spacing with the existing intersection at Hospital Boulevard and some grade and some configuration issues with Cavalier Skating across the street. So, with that being struck down, we went through several other iterations; right-in, right-out, one full access entrance without any signalized intersection. And we couldn't get any of the results that made any sense, so we decided to bring forward a little bit of a progressive design which is what you see here -- a split entrance for splitting basically the left-in and the left-outs which creates for a significantly safer configuration and set of movements for a project of this density. So, that's kind of how we've gotten to this situation, and so any other questions that you have... The reason that we have landed partly on this configuration too, I know there's been a lot of discussion about the median and the slotted rescue area, if you will, is that Commissioner English had specific concerns about U-turns and we wanted to make sure that the drivers coming out of this site and through this corridor, it was very clear what movements could be made and what movements could not be made. So we didn't want to promote any sort of confusion and hence increase the possibility for any sort of incidents. So, I'd be glad to answer any questions.

Mr. English: Ryan, in reference to the meeting that you had here, that you just came up with, is it possible, as that car's coming out going southbound, that you could shave that median off a little bit more that would give a safe... to get that whole vehicle in there that it would not leave any rear-end of it sitting out on the southbound side of Route 1? You see what I'm saying? If you can shave it just enough that it would get a car in there, it would be in a safe zone more or less, it wouldn't be hit; it's rear-end wouldn't be sitting out and the front-end wouldn't be sitting out. Is that possible?

Mr. Foroughi: I think that's possible. I don't see any reason why we can't. The concrete median was very specifically VDOT's suggestion for channelizing the movements in and out of here. I don't know that that would be a problem.

Mr. English: Because I'm thinking if you shave that down a little bit more, you can get that whole car in and it can kind of just sit there if it had to.

Mr. Foroughi: It could. I don't think VDOT promotes a rescue area. I know everybody does what you do Mr. Apicella; I do the same thing. You get into a median and you kind of sit. There are several instances of this, many instances along 17 where there are corridors. You know, you basically have a slotted intersection. It happens all the time. The intent is not to have a car sit there. I know that that happens.

Mr. English: It's going to happen.

Mr. Foroughi: It's going to happen; we all agree. So, I think that's definitely a design issue that can be handled at site plan that staff and VDOT would support so that we could get a fuller size car to sit there and not have any overhang in any of the travelways on Route 1.

Mr. English: Is that going to be... I'm sure it is... going to be well-marked and everything like that as far as can only go left.

Mr. Foroughi: Oh, yeah. If they could pull up the entrance exhibit.



*Planning Commission Minutes  
February 10, 2016*

Mr. Apicella: Computer please.

Mr. Foroughi: Yeah, this one here; that would be great. So, if you're looking at that... it you're looking at that configuration, again, taking into account that we will work with the concrete median to shave out what you want -- actually it looks like this is a little bit of an old one. There will not be a yield condition for the right-out; it would be a stop condition with a stop bar, but that's nothing again that can't be worked out at site plan. Is there another entrance exhibit?

Mr. Harvey: Yes sir, if you'll give me a second to get out of this presentation and pull up the other exhibit.

Mr. Foroughi: Okay.

Mr. Harvey: Is this the exhibit you're referring to?

Mr. Foroughi: I think it's the same. It's just a notation for the right, the cars turning right going south. I think the notation on that slide says yield and merge. But we're not providing a merge area, so it will just be a typical stop condition with a stop sign. So, I mean, again, it's nothing that can't be just... just it's a note on the plan. But to answer your question, Mr. English, yes, as you can see here we have very specific concrete medians, signage, stopping, and so on and so forth to give very clear markers and indication to the traveling public as to what movements can and cannot be made. There would even be a no left turn sign in the concrete median for cars traveling north just again to further communicate to the driver that, you know, what we intend from them, what movements we intend at each one of these intersections.

Mr. English: Okay. Thank you Ryan.

Mr. Apicella: Any other questions?

Mrs. Bailey: Mr. Chairman...

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: Ryan, the exit where the car could come out to the second one and head north on Route 1, they're going to cross over Route 1 and they're going to head north.

Mr. Foroughi: Yes.

Mrs. Bailey: So, if I'm not mistaken, is that an area where people traveling south, the road is going down in terrain?

Mr. Foroughi: That is correct.

Mrs. Bailey: Okay. So, what about the site distance for those individuals in cars that are heading south? I know the speed limit is 35 miles per hour (inaudible).

Mr. Foroughi: It's increasing there; it's actually probably 45, 45 right there.

Mrs. Bailey: And we know they go faster than that.

*Planning Commission Minutes  
February 10, 2016*

Mr. Foroughi: Yes.

Mrs. Bailey: You didn't hear me say that. So, will there be any type of signage or blinking lights? Is this sort of a hidden driveway entrance situation that could occur here?

Mr. Foroughi: To break it down into two parts, the intersection... both of these intersections meet intersection stopping site distance based on the higher speed. I know it's 35; it actually transitions I think from 35 at the very northern part of this property all the way down to 55, or 50, at the very southern tip of the property. Both of these intersections meet the stopping site distance criteria for VDOT. So... and they meet them quite easily. I mean, it's really not close. But to answer your question about a hidden driveway, so in part of the design, because we are permitted to have a right-in and we are having a right turn lane, there actually can be a situation where the car making a right and the car making a left-out, the car making the right can actually block the site line for the car making a left, which, in effect, could cause... it's not a hidden driveway but there is a situation where you can lose visibility. So, if you look in the exhibit that I have up there, if you notice the right turn lane and the southbound lane on Route 1, we have striped out a very large area and the sole intent of that is to be able to... if you see, there's actually a little label -- I don't have the little clicker that I could... could I use this little pen? Just hit the little red button? Okay. If you look right here Mrs. Bailey, that right there, those are the site lines for a car making a left-out. That hits both of the southbound travel lanes. And the purpose of that striping, the sole purpose of that striping, is to...

Mrs. Bailey: Is to alert drivers that...

Mr. Foroughi: ... to give the turning, both the people traveling south and the individual making a left-out adequate site lines to see each other. That's the sole purpose of that striping.

Mrs. Bailey: And that's a guideline from VDOT with the distance and the...?

Mr. Foroughi: Yes, yes.

Mrs. Bailey: Okay. Would there be a need for any type of a warning signal or flashing light or...?

Mr. Foroughi: I don't believe so. The geometric configuration of the road from Hospital Boulevard is pretty much a straight grade, from Hospital Boulevard all the way down to Jumping Branch. It's really not very undulating through there, so you actually really do have pretty good site lines. As we all know, the speed is higher, it's traveled higher than what is posted. That's more of an enforcement issue. No offense Mr. English. So, a little more of an enforcement issue, but yes, there really are good site lines. And especially down here, you're a good quarter mile plus from that signalized intersection and can see actually quite nicely. It's really not that difficult to see.

Mrs. Bailey: Okay, I'll take your word for it. Thank you.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yes sir, just a quick couple of questions. About how long... on the turn lane that's going northbound, you know, the turn left into the property in that northern entrance, roughly how many cars could stack in that lane? The reason why I'm asking is anybody familiar with Route 3 and going into Central Park knows that after a certain number of cars, it gets into the regular flow of traffic. And I'm just concerned, especially if people are going to be trying to make a left turn out at the same time. If we

*Planning Commission Minutes  
February 10, 2016*

do have a fast food restaurant in there, it's going to be the only one basically from Fredericksburg all the way up to Aquia, other than the McDonald's that's on Courthouse. So it likely will be very popular.

Mr. Foroughi: Mm-hm.

Mr. Coen: Especially in the morning.

Mr. Foroughi: The stacking on that turn lane, if I'm not mistaken, is 250 feet, which typical length for a car that we assume is about 20 feet. I mean, most cars aren't 20 feet long but that's generally what we assume. So, we have a, I believe a 200... I'm sorry, a 150-foot taper and a 250-foot turn lane. So you'd be able to stack I guess 10, 12 cars realistically, safely. And that is more than enough based on the TIA and the queueing that was reviewed and approved by VDOT, that's more than the stacking that we would need to stack vehicles in that turn lane.

Mr. Coen: Okay. And then I'm having a feeling that the answer will be no, but I'll ask it anyways.

Mr. Foroughi: Okay; you never know.

Mr. Coen: Is there a concern that either -- and it's a two-fer -- that either people who are coming down going south on Route 1 would see the first opening and then try to go there rather... especially since the fast food place is there and logic would say the sign would be closer to the road there, so they would turn there? And/or that people who are over at Cavalier for their evening of fun and skating or afternoon of fun and skating are going to try to zoom across 6 lanes of traffic to go have their fast food? And I'm sure the answer's going to be no there's no concern. But just looking at that, that's sort of my concern of having that entrance of that end.

Mr. Foroughi: Well, no, if I may just be bluntly honest with you, this was not the entrance configuration that we presented; even the split entrance was not the entrance configuration that we submitted to VDOT. We were told to flip them. We actually had the left-out at the northern entrance and the left-in at the southern entrance because we had concerns about a weave and a merge with the cars going left-in and the cars coming left-out. VDOT again, because of the proposed or future entrance at Jumping Branch, told us they did not want conflicting lefts at this southern entrance. So, they asked us to flip it which, of course, we did. So, because that's what they wanted to dictate to make sure that it worked to meet their needs for the future for the entire network, just not for our specific site. So to answer your question about the right turn at the northern entrance, I believe that we are in communication with that northern property owner. The reason we cannot provide a right turn lane is because we don't own the right-of-way, so we are in negotiations or I believe the applicant is in communications with that property owner to try to put in a right turn lane, if at all possible. There will be signage; we can actually... that little median, we will probably end up putting a little bit of a hook on it, if you will, to even further, you know, restrict that movement for cars making a right. But that's the plan that we have now and that's what we're trying to do moving forward in the future. When we submit the plan, we'll put a little bit of a hook on that concrete median so that we can restrict movement even more. And then if we get the right turn lane then obviously that takes care of it.

Mr. Coen: Thank you sir. And so, just let it be noted that this is VDOT.

Mr. Foroughi: This is VDOT driving the bus if you will.

Mr. Apicella: And they're always right.

*Planning Commission Minutes  
February 10, 2016*

Mr. Coen: Thank you.

Mr. Apicella: Any other questions? Thank you.

Ms. Karnes: Mr. Chairman, just a few more points. First of all, I just want to correct the record. I think I misworded my description. The southern entrance features right-in, right-out, and left-out. Just for the record. The environmental characteristics of the site are interesting. Sixty-seven percent of the site is open space simply because there is a large Resource Protection Area located to the south, and that will not be disturbed except for inter-parcel access as needed. The build... the project will be compact and it will also be compatible with the Neighborhood Design Standards in the Comp Plan in terms of the building and the signage. Now, one final thing that I think Commissioner Coen asked about and that was the conditions that the staff referenced as being deleted. I just heard about this yesterday afternoon, and we've been working on this project for, what, almost a year. So it's very frustrating to hear about these things. And I will note that staff says that they deleted them from the conditions because there's no rational nexus and really technically the rational nexus rule should apply to both proffers and conditions. Having said that, I feel compelled to be honest and tell you that most of those conditions we expected the staff to add and we therefore planned the GDP accordingly. If the addition of those conditions, and there are two changes I am suggesting, if that is important to the Commission, we're ready to stand here right now and propose amendments to the proffers and I have authorization from Mr. Tabarra to do that. Would you care to discuss that?

Mr. Apicella: Mr. English, this is in your district.

Mr. English: No, I think you're okay with what we've got.

Ms. Karnes: Okay. Then in summary, I'm going to say this project was in the making for almost a year and we worked very hard to accommodate all of the concerns expressed by VDOT and the staff to add value to the County, in terms of the monetary contributions, in terms of the improvements to Route 1, and in terms of the other proffers. And I request at this time that you approve this project as currently proffered. Are there any questions I can answer?

Mr. Apicella: Any additional questions for the applicant? Okay, seeing none, I'm going to bring this back to the Commission. Mr. English, again, this is in your district.

Mr. English: I make a motion to approve RC15150498.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to approve and it's been seconded. Any comments Mr. English?

Mr. English: No sir.

Mr. Apicella: Any comments Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? I would just like to say that I greatly appreciate the monumental effort, both of staff and the applicant, to work through the many issues that have been worked through over the past several months and getting us to a point where there really are no major issues left. And I also appreciate that this project is less intense than could otherwise occur by-right, and also less intense than

***Planning Commission Minutes  
February 10, 2016***

what was originally proposed. And I for one will very much look forward to having, even though it's part of the CUP, a fast food restaurant in addition to the McDonald's that close to the courthouse as it is now. Again, thank you very much for the hard work that everyone's done on this. With that being said, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion passes 7-0. Mr. English?

Mr. English: Okay, I'd like to make a motion to approve CUP15150499.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's been a motion and seconded to approve the CUP. Any further comments Mr. English?

Mr. English: I'll just chime in, this long hard roll for this, especially Erica; she's done a fantastic job and so has Ryan. So I appreciate all the hard work we've done. You've answered all my questions and you came through so I appreciate it.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Anyone else? Okay, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion passes 7-0. Congratulations. Onto our next agenda item, number 3, Counting House. Mr. Harvey.

*Planning Commission Minutes*  
*February 10, 2016*

3. RC15150923; Reclassification - Counting House - A proposed reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow an office use on Tax Map Parcel No. 53D-1-36, owned by Stafford County. The property consists of 0.41 acre, located on the west side of Gordon Street, north of King Street, within the George Washington Election District. **(Time Limit: February 16, 2016) (History: November 18, 2015 Public Hearing Continued to January 13, 2016) (Deferred on January 13, 2016 to February 10, 2016)**

Mr. Harvey: Thank you Mr. Chairman. Ms. Baker will make the presentation for staff.

Ms. Baker: Good evening. This item is a reclassification for the Counting House. Just a little brief background -- this is to rezone 0.41 acres from R-1 to B-2 to allow an office use. This property is within the Falmouth Historic District and the County is the owner and the applicant for this application. You'll recall, this went to public hearing in November and has been back to a couple of meetings; been deferred for discussion purposes but also there was a town hall meeting that had been scheduled for the end of January from Supervisors Thomas and Bohmke and it was to discuss things in general in Falmouth. Because of the weather, that was postponed and at the time that the memo was sent out to you all last week, the new date had not been set. But there is now a date of February 18<sup>th</sup>, 7 o'clock PM at Falmouth Elementary School for the town hall meeting. Unfortunately, the time limit on this application is next week so there would not be enough time for you all to put off action on this; tonight is the deadline basically for you all to act. At any rate, one of the items that was discussed at the last meeting, or the last remaining item discussed was the types of uses that could be allowed on the property. Staff had mailed out a list to you that showed recommended uses that could be excluded in an eventual Memorandum of Understanding, as well as covenants on the property. The list I've given you shows all the uses in B-1 and B-2 with uses that have been struck out. There are also some uses shown struck out in red that were recommended by Mr. Coen in the past week, so those have been added. So the slide that is up now basically shows the allowed uses that are remaining after all of those B-1 and B-2 uses have been struck out. So, with that, I'm just going to ask for any additional recommendations on the uses and then I'll entertain any questions on the application.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yes, I thought I had included taking out the school, vocational from it as well when I said school.

Ms. Baker: Okay.

Mr. Coen: So I appreciate you including all the different suggestions; I appreciate some members of the Commission had sent me some ideas as well on it, and I appreciate all the work that staff... all the staffs have done on this.

Mr. Apicella: Any other recommended changes? Any questions for staff? Okay. Any motions for consideration?

Mr. Coen: Yes sir. I would like to move for approval of O16-15 with the recommended list of excluded uses to be added to the MOU restricted deed of covenant.

Mrs. Bailey: I'll second that.

*Planning Commission Minutes  
February 10, 2016*

Mr. Apicella: Okay, there's been a motion to approve the reclassification for the Counting House with the exclusion of certain uses. It's been motioned and seconded; any comments Mr. Coen?

Mr. Coen: Yeah. I just would like to congratulate and thank staff for all their hard work on this and their willing to be open to the comments from the community and from this Commission. I think that they're moving very well and what was really terrific was the communication back and forth. And so I think this is going to be very good for that area and, weather permitting, the Supervisors will have their session so if anybody has any other ideas, they can come out. But staff is to be applauded for all their work.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: Yes, Mr. Chairman, I know that there's been a lot of work and it's been several years and this property has been sitting here in that state of disrepair forever and a day. And any type of improvement that we can have to that parcel I'm sure that the residents and the property owners down there in the Historic Falmouth Village will certainly appreciate any and all things and all of their endeavors as well. So, thank you for your work.

Mr. Apicella: Thank you Mrs. Bailey. Any other comments? Mr. English?

Mr. English: Glad something's being done with it.

Mr. Apicella: Okay, with no further comments, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion passes 7-0. Thank you. Okay, onto the next agenda item, M-1 uses. Mr. Harvey.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O16-13 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow outdoor activities for uses listed in the M-1, Light Industrial Zoning District with approval of a Conditional Use Permit (CUP). It would also allow commercial kennels with outdoor runs and railroad sidings as a by-right use if the runs and railroad sidings are more than 500 feet from a residence. **(Time Limit: March 14, 2016)** **(History: Deferred on November 18, 2015 to December 9, 2015)** **(Deferred to January 13, 2016)** **(Deferred on January 13, 2016 to February 10, 2016 - In Committee)** *(Authorize for Public Hearing by: February 24, 2016)* *(Potential Public Hearing Date: March 9, 2016)*

*Planning Commission Minutes*  
*February 10, 2016*

5. Amendment to the Zoning Ordinance - Proposed Ordinance O16-14 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, Table 3.1, "District uses and standards," and Sec. 28-39, "Special Regulations," to allow outdoor activities with approval of a Conditional Use Permit (CUP) and require all principal uses and accessory uses, other than outdoor storage of merchandise, equipment, or inventory conducted within 1,000 feet from any A-2, R-1, R-2, R-3, and R-4 zoning district, be conducted within an enclosed building. It would also require any noise, including a firing range and/or detonation of explosives generated at an industrial school, not to exceed impulse noise levels of 50 dBA as measured from the common property line of any properties zoned A-2, R-1, R-2, R-3, and R-4, and conditions be imposed to protect adjacent properties from discharged ammunition and any noise generated from a driving course. It will also allow commercial kennels with outdoor runs and railroad sidings as a by-right use if the runs and railroad sidings are more than 1,000 feet from a residence. **(Time Limit: March 14, 2016) (Deferred to January 13, 2016) (Deferred on January 13, 2016 to February 10, 2016 - In Committee)**  
*(Authorize for Public Hearing by: February 24, 2016)*  
*(Potential Public Hearing Date: March 9, 2016)*

Mr. Harvey: Thank you Mr. Chairman. Mrs. Blackburn will lead the discussions on items 4 and 5.

Mrs. Blackburn: Mr. Chairman, Planning Commission members, I'm Susan Blackburn. And these items, 4 and 5, are for proposed Ordinance 16-13 and proposed Ordinance 16-14 for outdoor uses permitted in an M-1. And this has been in a committee from the Planning Commission and, at our last meeting, we went over what had been proposed and what we were to think about. And that started off with why the text amendment came before us to begin with. And that was a property in the County would like to expand their uses, and part of their uses is to be outdoors. And in the M-1 Zoning District outdoor uses are not permitted. So, in order to do that, this property requested a text amendment to allow for such uses. Staff compiled a draft ordinance which allowed for by-right uses of commercial kennels with a distance setback from residential uses and railroad sidings, and went on to include, for conditional use permits, all activities other than storage to be allowed to be outside and commercial kennels less than the distance setback needed a conditional use permit along with railroad sidings. We also put in special regulations that a setback of 500 feet from a residential use will have to be required with a conditional use permit. Along with this text amendment, an adjacent property owner submitted their version of a text amendment and they were requesting outdoor uses to be conducted within enclosed buildings if they are a thousand feet from a residential use. If they are greater than a thousand feet from a residential use a CUP may be applied for. They also had requested a requirement of noise levels for detonating explosives and operating an outdoor firing range, and the type of weapon used and where it could be located on the site. And from that background information, we proceeded to discuss the distance requirements for kennels and railroads. And a question had come up as to where that came from, and it came from staff. Staff was concerned that these were the uses within the M-1 Zoning District that were not storage or materials or anything; they were actually active uses. And we were concerned that we would be creating non-conforming uses if we just required a conditional use permit. Well, staff did receive a list of commercial kennels and veterinary hospitals from Animal Control and the Commissioner of Revenue, and there was only one facility located in an M-1 district, and that's all we were talking about. And only a portion of that property was adjacent to an A-1 zone. So, there was really no need for dealing with non-conforming uses. And staff recommended taking those setbacks out of the proposed Zoning Ordinance. Then we went on to talk about the standards set for when a CUP is required. And such a distance requirement for all uses within a district may be set. The only concern about that, and this was advice from our legal staff, is that if you set setbacks that you knowingly will reduce the land use potential... land uses on a particular property, that may be a concern that's commonly called maybe a taking. So that would be a concern that would have to be always conscious



*Planning Commission Minutes  
February 10, 2016*

of. Then there were standards to be included in a CUP. And staff had also been advised that this was not advisable to list specific standards of what shall be included in a Conditional Use Permit approval or a CUP, and such items should be provided as additional criteria for the Planning Commission and Board of Supervisors to consider when evaluating, approving, and imposing conditions on such a use. And a CUP is a use as stated in the State Code that is not allowed in a district without special conditions needed... with special conditions needed to improve... impose in order to mitigate potential impacts of the use on a specific property. And that each request is evaluated individually and by imposing standards on the conditions, some of the individual considerations for the request is removed. And this approval process gives both the Commission and the Board of Supervisors broad latitude to impose conditions and at this time these concerns can be addressed. Therefore, the inclusion of such standards are not considered necessary. There was also one of... a part of the adjacent property owner's text amendment was concerning noise levels. And staff had been cautioned for making requirements for the noise levels because this could cause other uses that could have similar noise levels to not be addressed. Also, Chapter 16 of the County Code addresses noise levels and this is where the noise levels are enforced. So, in sitting around and talking about all of this, part of what can we do with these various... with these text amendments, we can require a CUP for a use which would be the outdoor uses in an M-1; we can require a CUP for uses with certain distance requirements; we can suggest noise studies for uses, and again suggest; and we can recommend to amend the noise ordinance to set certain levels; active involvement in the conditional use permit process, and that was what we sat around and talked about. What was the final outcome of the committee meeting was to have the proposed text amendment by staff and the proposed text amendment by the adjacent property owner to come forward for decision-making to send for the public hearing. In the meantime, and I sent it to you and I do have copies, Mr. Apicella suggested adding a paragraph to the proposed staff amendment which would further emphasize, the Board shall consider the following criteria for dealing with a conditional use permit. If approved, developing mitigating conditions as it deems necessary and appropriate, the environment, health, safety, noise, pollution, lighting, and any other impacts on adjacent residential uses.

Mr. Apicella: And just to clarify, that was reviewed by our counsel?

Mrs. Blackburn: Yes sir.

Mr. Apicella: And they didn't have any issues as far as you know?

Ms. McClendon: No, Mr. Chairman, I did not.

Mrs. Blackburn: And if any of the committee members have anything additional to add, tonight is the night. Of course, please feel free. But tonight is the night that the Commission has to authorize a public hearing for these amendments to be heard in March, for March 9<sup>th</sup>.

Mr. Rhodes: Mr. Chairman?

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: So, I just want to make sure I understand. On the subparagraph 2 that was added, as I read it, while it does reinforce circumstances where the County and the Board would consider establishing additional conditions, it really doesn't add any requirement.

Mr. Apicella: No.

*Planning Commission Minutes  
February 10, 2016*

Mr. Rhodes: Yeah, it's kind of restating what's implied in a conditional use permit anyways. I mean, I don't see why anybody would have any objection to it because it really doesn't require anything. It just kind of brings to the floor and makes more literal what is really the process of a conditional use permit anyways. In a conditional use permit you look at circumstances and you try and find what are the right conditions that are necessary to mitigate any concerns, and this is just kind of restating it very visibly but it's really not adding any requirement to anything.

Mr. Apicella: You have artfully communicated my thought process...

Mr. Rhodes: Okay.

Mr. Apicella: ... and I was trying to find a middle ground between the Westlake version, which I thought was very specific after I step back and take a look at it, and dealt with a very specific set of circumstances. And, as you well know from experience with my thoughts in the past, I really don't like setting policy based on a specific set of circumstances, and that's what I think this language was doing in the, again, I'll call it the modified Westlake version as compared to the staff version where I think this additional language is helpful to address some of those issues raised in the Westlake versions. So, for my vantage point I was trying to strike a happy medium, again, by stating what's already in code anyhow.

Mr. Rhodes: And, yeah, I would just share two final points. I mean, while it says the Board shall and then it says as they deem appropriate, so really it's just saying do what you should do with a conditional use permit, it's just kind of bringing it and reinforcing it, and I do, for one, I very strongly support the approach with a conditional use permit. It allows us the opportunity in case by case and circumstances to consider it and allows for the public hearing; it just allows the right processes to go so I'm very comfortable with this approach and the way that language is stated. I'm fine with what's added as well. So, that's my position.

Mr. Apicella: Is that a motion, Mr. Rhodes?

Mr. Rhodes: Unless it... well, I was going to let anybody else have a comment.

Mr. English: I think you spoke well and I think you're right. We're right on track with this. So if you're making a motion, I'm seconding.

Mr. Rhodes: Do we have to... well, this is ours, right? Okay. I make a motion that what we take forward for public hearing is the CUP approach with the language that is presented here before us now.

Mr. English: I second it.

Mr. Apicella: There's been a motion to approve the, I'll call it version number 3, for lack of a better term; it's been seconded by Mr. English. Any further comments Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Apicella: Mr. English?

Mr. English: Yeah, I just want to thank Susan for all her hard work, because I know she got a hundred phone calls from me trying to get this straightened out and meetings. And Mr. Coen and Mr. Boswell also, thanks for showing up and helping us out on that. I appreciate it.

*Planning Commission Minutes*  
*February 10, 2016*

Mr. Apicella: Anyone else? Mr. Coen?

Mr. Coen: And I guess... I'm digressing to sort of check with staff on something, but I mean, the first version, we keep calling it the staff version, but really it was one land owner came to you with something and then staff moved forward with it. So, in theory, Westlake, if they had come forward with it, theirs would have been a staff version, right?

Mrs. Blackburn: Yes sir.

Mr. Coen: And then, does memory serve me right? The first version that was coming through, that came before us, really wanted to make it by-right and/or it was sort of the language in the letter was by-right and/or CUP and we've sort of taken away the by-right and gone with the CUP route.

Mrs. Blackburn: Yes sir. The original text amendment request was an either/or. And staff felt that the conditional use permit allowed for better discussion on if the various uses were compatible.

Mr. Coen: For myself, I applaud staff and thank you for that.

Mrs. Blackburn: Thank you.

Mr. Apicella: Thank you Mr. Coen. Anyone else? Okay, with no further comments, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion passes 7-0. Okay, onto the next item. There's no New Business; Planning Director's Report. Mr. Harvey.

Mr. English: I think she had a question.

Mr. Apicella: I'm sorry.

Mrs. Blackburn: Excuse me, Mr. Chairman, we will not be taking forward Ordinance 16-14 which was the other text amendment that you all had requested?

Mr. Apicella: Right. My understanding, the motion was to move forward with the language that was presented tonight for public hearing.

Mrs. Blackburn: Okay, thank you very much.

*Planning Commission Minutes  
February 10, 2016*

Mr. Apicella: Mr. Harvey?

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

- Discussion on amendment regarding minimum lot width in the PD-2 District. **(Time Limit: April 18, 2016)**  
*(Authorize for Public Hearing by: March 23, 2016)*  
*(Potential Public Hearing Date: April 13, 2016)*

Mr. Harvey: Thank you Mr. Chairman. One think I want to bring to the Commission's attention, I mentioned at the last Planning Director's Report that the Board has referred to the Planning Commission a proposed amendment to the PD-2 zoning category, specifically dealing with the minimum lot width and minimum lot size for single-family homes within that zoning district. The amendment would reduce the minimum lot width from 50 feet to 40 feet and the minimum lot size from 5,000 square feet to 4,000 square feet. In your packet, staff provided information that was presented to the Board of Supervisors and discussed in their Community and Economic Development Committee meeting. I'd be happy to answer any questions that the Commission may have with regards to this matter, and ask your indulgence and consideration as to when to schedule this for public hearing.

Mr. Apicella: So, just to clarify, when to we have to have this on a public hearing... at a public hearing?

Mr. Harvey: You need to authorize by March 23<sup>rd</sup>, but the public hearing date would have to be by April 13<sup>th</sup>.

Mr. Apicella: And it's basically an up or down; we didn't get any leeway in revising the language proposed by the Board?

Mr. Harvey: That's correct Mr. Chairman. The Resolution does not have any allowance for modifications.

Mr. Apicella: What's the will of the Commission?

Mr. English: I make a motion to take it to public hearing.

Mr. Rhodes: Second.

Mr. Apicella: Okay, there's a motion to put the Board's language to public hearing; it's been seconded by Mr. Rhodes. Mr. English, any comments?

Mr. English: No sir.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: No sir. Look forward to it in public hearing

Mr. Apicella: Okay, anyone else? Okay, all those in favor of the motion signify by saying aye.

*Planning Commission Minutes  
February 10, 2016*

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

Mr. Harvey: And Mr. Chairman, for clarification for staff, would the Commission be inclined to have the proponent of the ordinance request come and discuss it with the Commission in advance of the public hearing, or consider their information as part of the testimony at the hearing?

Mr. Apicella: What's the will of the Commission?

Mr. Coen: I guess one question would be, how full is our agenda before then?

Mr. Harvey: Right now, the agendas are looking fairly light; there's not a big backlog so there is time and space available.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, just as one individual, I'm fine with just having the discussion as part of the public hearing. We get to the public hearing by the action; if we take the action tonight with this one, as we go forward, that gives us a bunch of time. If something comes up, then we can start plodding through it before the 18<sup>th</sup> of April.

Mr. English: Agreed.

Mr. Apicella: Anyone else? Okay, I would agree that let's get Mr. Leming in during the public hearing process to explain the rationale. Okay, all those in favor signify by saying... oh, we've already done that. Next item Mr. Harvey?

Mr. Harvey: Thank you Mr. Chairman. As you may recall, the Commission received an email from the Historical Commission soliciting input on Historic Preservation Awards. There are four areas of awards that they consider every year; a Preservation Award, which is an individual, group, or developer that's preserved, rehabilitated, or restored a historical/cultural resource in the County. Also, a Homeowner Preservation Award for a homeowner who has restored, preserved, or rehabilitated a building or buildings, or expanded knowledge of those buildings through extensive research, archaeology, and other means. A Landscape Award for an individual, developer, or organization or group that's established, restored, or maintained a historic garden or structure, such as a wall, or a landscape within the County; and then a fourth category, a Volunteer Award. The Historic Commission annually seeks input from the Planning Commission, as well as other bodies. They've requested that the Commission provide its recommendations to them by March 25<sup>th</sup>.

*Planning Commission Minutes  
February 10, 2016*

Mr. Apicella: Okay, so if members could look at the information that was presented. I guess we would be able to... the drop-dead date is March 25<sup>th</sup>, so we would have our next meeting in February, as well as two meetings in March, where we could potentially get some nominations from Commission members.

Mr. Harvey: That is correct.

Mr. English: Mr. Harvey, is it... and I don't know if this is the right question to ask... is there a list that we could kind of look at that somebody has done something that maybe we could go out and look or make a recommendation? I mean, just off the cuff, I don't know... I do know one but I think he's already got it. That was off of 218, Dr. Schwartz's house; didn't he get something that time when he redid his house?

Mr. Harvey: Mr. English, Ms. Baker works directly with the Historic Commission. I think she can assist with your question.

Ms. Baker: I have a list of all the previous awards that have been given since 2004 when they started. Dr. Schwartz and his wife, Little Whim was one of the award winners maybe two years ago.

Mr. English: Yeah, I thought they were. I just wondered if there was a list that we could look at prior winners and then if you've got anything that we could probably look at that are potential winners that you know of? Or that's not a good question to be asking.

Ms. Baker: I guess we could certainly think about it as far as projects that you all may have worked on over the year.

Mr. English: Would the Falmouth intersection be considered because of the way they set that up and made it look decent? Would that be considered one or not?

Mr. Apicella: I think that would be a Hero of the Republic Award, right?

Mr. English: I'm just throwing these out there because, I mean, I would like to see us make a recommendation this time.

Mr. Harvey: Yes, Mr. English, it probably could fit under the Landscape Award category.

Mr. English: I think they've done a tremendous job.

Mr. Coen: And if I may Mr. Chair? Oh, sorry Mr. English.

Mr. English: No, I'm good.

Mr. Coen: Okay. I thought last year or the year before you all sort of gave us a list; for example, I know, I thought it was two years ago you knew of Century Farms from doing... the AG/PDR Committee knew of things, you would know from a staff's perspective if down in Falmouth people had done things. And I thought in the past you sort of let us know things. Last year I believe we put forward the people with the 250<sup>th</sup>... or 350<sup>th</sup>. But I thought the year before you all sort of helped us...

Ms. Baker: That was actually all your doing; the Commission came up with the recommendations.

*Planning Commission Minutes*  
*February 10, 2016*

Mr. Coen: Oh, okay.

Ms. Baker: But we'll be happy to give it some thought and come back to you all if you would like.

Mr. Apicella: I think that would be helpful. Thanks Ms. Baker. Anything else Mr. Harvey?

Mr. Harvey: No, Mr. Chairman, that concludes my report.

Mr. Apicella: Thank you. County Attorney's Report?

COUNTY ATTORNEY'S REPORT

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

Mr. Apicella: Thank you. Chairman's Report. The only item I have on the list is the By-Laws, and we would take that up at the first meeting in March, Mr. Harvey, to stay on schedule?

Mr. Harvey: Yes, Mr. Chairman.

Mr. Apicella: Okay. Thank you. Other Business; TRC?

Mr. Coen: Um, Committee Reports?

Mr. Apicella: Committee Reports; it's not on my thing.

Mrs. Bailey: It is your night, Mr. Coen.

Mr. Coen: It is my night. It's either I'm getting blamed or I'm being forgotten.

Mr. Apicella: Mr. Coen, Committee Reports.

COMMITTEE REPORTS

❖ Comprehensive Plan Update

Mr. Coen: Good thing I'm not walking down the road (inaudible) to be passed by. The Comprehensive Plan Subcommittee met. As you know, we are having our big meeting on the 20<sup>th</sup> of this month where we'll be dealing with different topics, mainly land use. The Board of Supervisors did have their retreat and answered numerous questions that we had brought forward to them. Staff has put together and synthesized their information which they gave to me and I'm sort of reviewing it and I'll get it out to the members of the subcommittee and the full committee very soon. We really are looking forward to the meeting on the 20<sup>th</sup> where we're dealing with land use and the numbers and all sorts of mapping and etcetera. That will be a rather comprehensive meeting. Mr. Harvey was very nice to appear on Rappahannock Issues which will be airing next week to talk about the Comprehensive Plan and how people can have input. The website is up and running so that people are out there and can contact us and give us their input and their thoughts on it. Staff is also reaching out to the people who were at the various... the two public sessions to get their input not just on things in general but on other people's suggestions. And they're working towards communicating with the stakeholders. So things are moving along rather nicely and I think, quite honestly, from talking with Mr. Harvey, we're sort of ahead of schedule. One wrinkle, which I'll bring up, is the legislature, unless Mr. Chairman really wants to talk

***Planning Commission Minutes  
February 10, 2016***

about that on his own, the Virginia Legislature dealing with the proffers issue which may or may not have some implication as to the Comp Plan and/or how we go forward. And so that's sort of out there that I think the subcommittee will look at it; there's loads of people, if I understand from Mr. Harvey, and the Chairman, many people are looking at to see what the permeations of what the Legislature is moving through with. So that's something that we may be doing our work and then having to readjust it once that sort of hits the fan. Thank you.

Mr. Apicella: Thank you Mr. Coen. Mr. English, can we conclude that your subcommittee has finished its business?

- ❖ Outdoor Uses in an M-1, Light Industrial Zoning District  
*(Authorize for Public Hearing by: February 10, 2016)*  
*(Potential Public Hearing Date: March 9, 2016)*

Mr. English: Mm-hm, yes sir.

Mr. Apicella: Thank you.

Mr. English: Thanks to Susan.

Mr. Apicella: Thank you Susan... Mrs. Blackburn. Again, Other Business; TRC -- Mr. Coen, you have your information?

**CHAIRMAN'S REPORT**

- By-Laws - Referred to March 9, 2016 for Final Adoption

**OTHER BUSINESS**

6. TRC Information - February 24, 2016
  - ❖ Midnight Express - George Washington Election District

Mr. Coen: Yes sir.

**APPROVAL OF MINUTES**

Mr. Apicella: Okay, approval of minutes. January 13...

*January 13, 2016*

Mr. Rhodes: Motion to approve the January 13 minutes.

Mr. Boswell: Second.

Mr. Apicella: Motion to approve, motion seconded. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.



***Planning Commission Minutes  
February 10, 2016***

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion carries 7-0.

*January 27, 2016*

Mr. Rhodes: Motion to approve January 27 minutes.

Mr. Boswell: Second.

Mr. Apicella: Motion to approve; did you second Mr. Boswell?

Mr. Boswell: Sure.

Mr. Apicella: Thank you. All those in favor signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: Aye. All opposed? The motion passes. Adjournment? Motion?

**ADJOURNMENT**

Mr. Coen: I motion to adjourn.

Mrs. Bailey: Second.

Mr. Apicella: Motion to adjourn; second. Meeting done; thank you very much.

With no further business to discuss, the meeting was adjourned at 7:49 p.m.