

STAFFORD COUNTY PLANNING COMMISSION MINUTES
November 9, 2016

The meeting of the Stafford County Planning Commission of Wednesday, November 9, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

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

MEMBERS ABSENT: English

STAFF PRESENT: Harvey, McClendon, Stinnette, Hornung, Zuraf, Baker

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on any agenda item? Okay, seeing none, are there any changes to the agenda? Okay. It's now the public presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except tonight's scheduled public hearing items. There'll be a separate comment period under each one of those public hearings. Please state your name and address before you start your comments and address the Commission as a whole. You have 3 minutes to speak when the green light comes on; the yellow light indicates you have 1 minute left; and when you see the red light, please wrap up your comments. So, if anyone would like to speak, please come forward. Sir, we have you scheduled to speak just after the public presentations portion. Anyone? Okay, seeing no one, I'm going to close the public comment portion of the meeting and I believe we have a special guest tonight Mr. Harvey.

PUBLIC PRESENTATIONS

Armed Services Memorial Update

Mr. Harvey: Yes, Mr. Chairman, we have General Christmas here to talk about the Armed Services Memorial.

Mr. Apicella: Okay. And Mr. Coen, I believe you were going to make an intro and maybe Mr. Rhodes might have something to add to that.

Mr. Coen: Yes, Mr. Chairman, I just wanted to, as he comes to the podium, recognize General Christmas. He has been active in Stafford County in many endeavors, not alone to be with this Armed Services Memorial, but also with our 350th. He is an integral part of our community, being a long time member of Stafford County and, even more importantly, a member of the Marine Corps. And so we wanted to at least have him come forward and present the excellent work that he and his committee are doing for the County.

Mr. Apicella: Thank you Mr. Coen.

General Christmas: Thank you for that sir. Very quickly what I'd like to do is just update all of you on our development of the Stafford County Armed Services Memorial. And I think you're going to be pleased with the report that I have to give you. I think you'll remember that in 2010, one of our fallen's family came forward to the Board of Supervisors and asked that perhaps they might name a street after their son who had just lost his life. The Board of Supervisors took it a step farther, and said maybe it's time for Stafford County to have a true Veterans Memorial; an Armed Services Memorial that really

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does in fact honor all who have served. But more importantly, and I think this is the thing that we should all recognize here in Stafford County, that our memorial takes it one step forward. And that is that our memorial not only recognizes all who have served, all who have served quite frankly from the Revolutionary War to the present, but it honors their families. And that too often is overlooked. You know, it's too often that, you know, off goes a serviceman or woman to serve this nation in harm's way, but it's the spouse who sits back and what happens? You know what, the washing machine goes out. You know, all of those challenges that you need your spouse there, well it's time that their service is equally honored. And that's in fact what our memorial does. We took that and the Board of Supervisors formed a Commission of which I'm a member and later on a working group. During the year of our 350th anniversary, not wanting to interfere with it, the first steps we took was to reach out to our high schools, and from our high schools we had five award winners. Five young men and women -- in fact, one high school actually had a pair, two -- who came together and for their school designed the Stafford County Armed Services Memorial. That memorial then, their designs, were all brought together, committees met, and a decision was made that one of them would win a scholarship; that was a \$1,500 scholarship, always helpful when you're about to go off to college. But what's more important is all five of their designs have been incorporated into the final design that we will get on with very shortly. That final design is being put together for us by Kline Memorials. Kline Memorials, a very noted memorial developer, has built and put into place many of the new memorials that are now in the Semper Fidelis Memorial Park of the National Museum of the Marine Corps and Heritage Center. And a design build has been led. What is really great is the Commission then was required, now that the planning was done, to raise the money to in fact build this wonderful memorial. Our goal was \$675,000. The campaign started this past May. I'm pleased to tell you all that we are over, we have raised over that \$675,000. In fact, we're about \$11,000 over. The Commission has met and what we have done is we've taken a look and the memorial in fact will be built as designed, but there are certain enhancements that can be made. So we've identified seven additional enhancements at the cost of about \$135,500 and we're going to continue to press on in raising those funds. Because, quite frankly, those seven enhancements just do those other nice things that our memorial, one that you all will be pleased with and our fellow Staffordians will be pleased with. But more importantly will honor, truly honor, our veterans. The location -- right out our door here. You know, one of the requirements that you have for a good memorial, a good museum, that type of thing, you need access and you need parking. Well, the wonderful quarter-acre of land that's been provided at the backside of the parking lot toward the Sheriff's Department -- you've seen the sign I'm sure, most of you -- that is where the memorial will go. Because we have raised the monies and the planning has been done, all of those things are working, we will go to a groundbreaking on the Saturday, the 4th of March of 2017. We will go to immediate construction and we will have dedication on Saturday, the 15th of July, giving you all the time required to build this tremendous memorial. I've provided for you in your packets I think hopefully a briefing sheet that will give you all of the... how very nice and how good this memorial will be. With these enhancements we're adding, many of them we hope will be able to go by in-kind gifts, and we will continue our brick program. We have a commemorative brick program; there are still about a thousand spots in the monument that can be filled. So we encourage everyone who is looking to honor their veteran to consider that, because remember, it's going to be in perpetuity and it's going to be something that we will all be very proud of. With that, are there any questions?

Mr. Apicella: Any questions? Comments? Thoughts?

Mr. Rhodes: I can't miss this opportunity so if I can ask all the Commissioners to indulge me. I just want to spend a moment actually to talk about the humble gentleman that is in front of us, and I know that's not what this is about. But in the invocation, we talked about public service, we talked about people committing and selfless service and those other points. And having known General Christmas since about 2002, I just have to tell you -- you've got a gentleman here who has served this nation as a

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Marine for 34 years. As soon as he left the Marine Corps, he spent the next 15 years as the President and CEO of the Marine Corps Heritage Foundation and that wonderful museum that's up the road. He'll tell you it was everybody around him but this is the gentleman that was at the center of that raising over 50 million dollars and getting that thing built to be the jewel that it is. As soon as he was finished with that, he immediately jumped into the 350th and the Armed Forces Memorial. He's just got talents and capabilities and he shares those so selflessly. But what is also buried in there is the fact that this gentleman in the service in Vietnam because he's actually on an advisory committee for the Secretary of Defense on the Vietnam War Commemoration, but in his service in Vietnam was awarded the Navy Cross, second only to the Medal of Honor, for his service there and also was wounded and received a Purple Heart. But he is everything that public service and sacrifice represents. And he's the best of all those things. He's what we could wish and hope to be, and we are just so blessed to be able to have him in our County. Thank you for everything General Christmas.

General Christmas: Thank you.

Mr. Apicella: Thank you Mr. Rhodes. And before you step away, I too want to thank you for your service, both to the country and to our community. And you're a true treasure here in Stafford County. We're blessed to have you. I purchased a brick today for my son, Jarrett, who's a new Lieutenant in the Marine Corps. It's very east to go on the County's website and do a couple clicks and you've purchased a brick. I think there's a form you can fill out as well. I wonder if we can put a link on our portion of the site so that people can get to it as well. Is that possible?

Mr. Harvey: Mr. Chairman, we'll definitely check into that.

Mr. Apicella: Okay. Thank you so much sir, we really appreciate that.

General Christmas: Thank you all.

Mr. Apicella: Mr. Harvey, first item on the agenda?

PUBLIC HEARINGS

1. COM16151389; Comprehensive Plan Compliance Review - Telecom Tower Milestone Communications at Duff McDuff Green Memorial Park - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a telecommunications monopole, including ancillary equipment, on Tax Map Parcel No. 58-35A, located on the south side of James Ashby Parkway, approximately 1,300 feet west of Kings Highway, within the George Washington Election District. **(Time Limit: January 8, 2017)**
2. CUP16151421; Conditional Use Permit - Telecom Tower Milestone Communications at Duff McDuff Green Memorial Park - A request for a conditional use permit (CUP) to allow a 150-foot tall telecommunications monopole with ancillary equipment on Tax Map Parcel No. 58-35A, zoned A-1, Agricultural Zoning District. The property consists of 58.65 acres, located on the south side of James Ashby Parkway, approximately 1,300 feet west of Kings Highway, within the George Washington Election District. **(Time Limit: February 17, 2017)**

Mr. Harvey: Mr. Chairman, if we could combine the presentations for items 1 and 2 please.

Mr. Apicella: Please.

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Mr. Harvey: And Mrs. Andrea Hornung will be giving the presentation for both cases.

Mrs. Hornung: Thank you Mr. Harvey. Mr. Chairman, members of the Commission, I will combine the items 1 and 2 which the first one is the Comprehensive Plan Compliance Review, COM16151420, and then the Conditional Use Permit, CUP16151421, for the Telecom Tower Milestone at Duff McDuff Green Memorial Park. Background for these two projects are that first the Comp Plan Compliance is a determination that the proposed telecommunications facility is in substantial accordance with the Comprehensive Plan, and then second that the Conditional Use Permit to allow the telecommunication facility in the A-1 Zoning District would also be in compliance. The applicants and agents are Kristen Stelzer for Milestone Tower Limited Partnership and Tracy Themak from Donohue and Stearns in which Ms. Themak is here on behalf of Milestone Communications. The property owners are the Board of Supervisors and this is located in the George Washington Election District. Some background on this site is that in the upper left-hand corner of the graphic shows the existing zoning, which is A-1, Agricultural. You can see that there's some residential to the north and then you have one A-2, Agricultural, piece but the rest of it's Agricultural. And then we have the Rappahannock River to the south and west which is the recreational area. And the lower graphic... the lower graphic shows the future land use plan of the area in which you see the Rappahannock River for the planning area Rappahannock Recreation Area and then the yellow is the Suburban area south. And then you still have a portion that's park. To the right graphic, that is an aerial of the Duff McDuff Green Memorial Park that shows the location of the tower. The tower will be sited just about in... around the centerfield area of the ballfield and the road from Kings Highway, Route 3, is James... this is James Ashby Parkway, which is a public park. In the Generalized Development Plan, the top graphic does show where the tower will be sited. And then the middle graphic shows the tower with the landscape facility in the compound coming off of James Ashby Boulevard. And then we also see the elevation of the tower with the five carriers. For the Telecommunications Plan, the primary siting criteria for a site for Comp Plan Compliance is to locate on publicly owned lands that are occupied or planned for public buildings or parks, and also on agriculturally zoned property. Some other siting criteria are that no adverse visual impacts to historic district or properties are existing, and also not located near airports. The other priority given to locating would be the proximity of major power transmission lines, as well as locating away from residential concentrations. And priority would be given to siting the facility interior to the parcel in which it has some screening, and also not located in or near wetlands. This is a graphic that shows the existing coverage, which this area in the yellow is actually called the Tidewater Trail Area. And this will show what the coverage will look like once the tower... the proposed tower facility would be installed. Under the facility design standards of the Telecommunications Plan, we're looking at that existing vegetation will be retained to screen the base of the tower and a portion of the tower which is a monopole. Also, mitigating the view shed disruption from most vantage points. This also exceeds the recommendation in which it provides a minimum of five... it provides five carriers versus the minimum of three that's required in the Telecommunications Plan. The facility should be designed also to minimize visual impacts on the surrounding areas, particularly near any residential. No other structures in the area were found to be tall enough for co-location. No lights will be on this tower unless regulated by FAA; being that this tower is 150 feet in height will not require light at this time. And of course this will accommodate up to five carriers. Here are some graphics that show what the tower would look like. In the first graphic, this shows what the tower would look like from Kings Highway and Little Falls Road. The next one is also from Kings Highway and James Ashby Parkway. The bottom left will be from Leonard Road and Pollack Street... or Pollack Street, excuse me. And then the bottom right is from Pollack Street. And this is showing where the pole would be. So, right here in the distance, I'll circle them in red so you can see where the pole is sited in the tree line. Here's additional graphics; the one in the top left is the one from Kings Highway and Ferry Farm. The right one is a little bit more visible; this is the entrance to the park. And then at the bottom, this one shows basically at the ballfield

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area within the sky scrape of the existing light poles. So this one is the tower and then the rest of them are all the athletic field lights that are at the park.

Mr. Apicella: Before you go on, can you go back one slide?

Mrs. Hornung: Yes sir.

Mr. Apicella: So, uh, from the river, how far is the pole from the river? And would it be visible from the river?

Mrs. Hornung: It's possible it would be visible from the river. Here is the river. I didn't include the graphics, that there were two additional graphics showing the location from Fredericksburg Country Club so there are some areas that are visible. But it's not as much as this lower graphic. It would be in a distance of the top right graphic. It's in the staff report.

Mr. Apicella: Thanks.

Mrs. Hornung: Yes sir. Some of the positive aspects for the Comp Plan Compliance Review is that this proposed facility would be consistent with siting priorities and standard... design standards of the Telecommunications Plan which is the element of the Comprehensive Plan. Also, the proposed facility will not create a negative impact to the County's public safety communications system. Approval would result in enhanced coverage to the Verizon network which helps correct the existing deficiencies and which those graphics were previously included. The closest dwelling is approximately 850 feet to the north, and this is sited toward the interior of the property. No apparent negative aspects have been determined. So, for the Comp Plan Compliance Review, the recommendation is that staff recommends approval pursuant to the Planning Commission Resolution PCR16-11, as this request is substantially in accord with the Comprehensive Plan and, specifically, the Telecommunications Plan. The second part of this we'll discuss the conditional use permit. Some of the proposed conditions of the conditional use permit are pretty standard for all tower facilities that are sited in the County. Limit to one tower. This will be a monopole type construction at a maximum height of 150 feet. The location of the facility shall be in conformance with the GDP as provided. Land clearing will only be limited as shown on the GDP to the 2,500 square-foot compound. There shall be no lights on the tower unless, of course, required by the FAA. The tower will be designed to accommodate five carriers. It also will be designed with a break point and maximum fall radius of 80 feet. Some of the standard language in the conditional use permit conditions regard signage limitations; tower removal once the use is discontinued; avoidance of 911 communication interruption; allow County collocation; and 5-year requirement to obtain building permits. The positive aspects of this is that the proposed facility does meet the standard of issuance for review of a conditional use permit. The approval of the request will result in enhanced coverage to the Verizon network and help correct existing deficiencies. And any of the conditions would offset any negative impacts, which no negative impacts were found. And we also had the consultant review the conditional use permit and came to the same conclusion that this is in compliance. Staff does recommend approval with the conditions included in the Resolution R16-338, subject to the approval of the concurrent Comprehensive Plan Compliance Review. One change that came to light since the report was submitted was that the applicant requests that the number 13 condition be changed to the statement that any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1(e). Now, there have been some questions regarding what would this tower look like if it was in the shape of a tree, which they call it a monopine. And in these graphics you can see what this tree monopine would look like. The top left is the graphic which is to the north of the park. The far... the right graphic is at the site itself and you can see the athletic field lights and the parking lot. And then in the bottom graphic is another view from the ballfield itself. And you can see what the

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monopine would look like if it was imposed adjacent to the athletic field lights. Here's the graphic that gives you an aerial that shows you approximate location of the tower. You can see that it's in approximation to the... about where the center field is, behind that ballfield. And then you see the graphic to the bottom of this which is part of the GDP showing the tower and the elevation. And if there are any questions, I'd be happy to answer them. We also have Ms. Tracy Themak who can provide some additional technical information.

Mr. Apicella: Can you go back one slide please?

Mrs. Hornung: Sure.

Mr. Apicella: The area that's cleared, why not put the tower there?

Mrs. Hornung: I believe that because of the location of a stream that is located on this site, and I'll go back to the beginning, there's floodplain on the property and the location of the tower is sited so that it's outside of the floodplain limits. There we go. You see that you have a stream cutting through bisecting this area, and then you have the Rappahannock River. And by looking at the floodplain limits on the map, we had a large area that was in the floodplain -- in this area -- so by siting it approximately here would be having that tower outside of the floodplain area. Because once you construct anything within the floodplain, the County regulation is that those structures need to be 3 feet above the base flood elevation. So, anything on the compound would be raised up.

Mr. Apicella: I guess I'm... I apologize, I'm not seeing it. I'm looking at the picture; I see where it basically says tower site. That's... where the words are written on this slide, tower site, that's in the floodplain?

Mrs. Hornung: I believe so.

Mr. Apicella: Okay, that's it for me. Mr. Coen?

Mr. Coen: Yes, and if you could, in one of our communications when we were discussing the idea of the monopine, you mentioned about the location... about the flight path to Shannon. And your own slides it says it's not to be located near to an airport. So, I'm just curious, if you raised the idea that it's in the flight path, doesn't that sort of contradict the other part? I mean, is it in the flight path or not?

Mrs. Hornung: I will find out for you. We didn't have that information that it was in... within that flight path of the airport.

Mr. Coen: Okay. Because, as I said, it was your communication to me that said that if it was made the monopine and it had to be a little bit taller, that it would possibly be in the way since that's on the way to the airport. So that's the only reason I'm asking is because it was in your communication to me. Okay. And then, just to make sure, and I appreciate it because one of the things I had asked for was a clearer visual of where it was because the first one was sort of closer to the road and almost on the ballfield. So, um, and if the fall radius... would that be heading either towards... it could possibly head towards the ballfields?

Mrs. Hornung: Right, the break zone is so that it will collapse on itself.

Mr. Coen: Right, okay.

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Mr. Apicella: Any other questions for staff? Do we have any poles in any of our other parks?

Mrs. Hornung: I don't recall. Most of the collocations are on existing water towers.

Mr. Apicella: So this would be the first.

Mrs. Hornung: I believe so, yes.

Mr. Apicella: Okay, thank you. Would the applicant like to come forward?

Ms. Themak: Good evening members of the Commission, my name's Tracy Themak; I'm here on behalf of Milestone Communications. And I want to give you a little bit more background here on the design for this site because I think it warrants it, given that we have the comparison photo sims of the monopine. When Milestone initially comes in and proposes a facility at a park, the natural design that we go with, or we at least first consider, is a monopine. However, typically a monopine works at a lower height. And we're looking at 100 to 120 feet. As we get above that, it does tend to be more visually impactful than even the monopoles, we find. In this case, however, I think the first consideration... in fact, we had a concept plan I believe that showed trying to design this as a replacement light structure closer to the ballfield. We could, of course, put a structure up above the height of the light poles, which I believe is about 70 feet, and then relocate the lights at the same height as the other light poles. Because the elevation at the ballfield is lower, we would be looking at putting a replacement light pole in there at about 180 feet, and then putting the lights back on the pole. However, that was not possible because that area is actually well within the floodplain. So we would have to design the equipment compound to be raised out, as Andrea pointed out, about 4 feet which means that the equipment would be raised up off the ground with a fence around it. The visual impact of that becomes much greater. So, we talked with, I believe it's Chris Stevens and Mark Smith at the Parks and we said we're going to move it outside of the floodplain. We went to the location that you see now as a monopole given the height of the tower. This location is actually 30 feet higher in elevation, so we could bring the height of the overall structure down to the 150 feet that is proposed here. The actual location, Andrea points out this sort of hatchet-shaped cleared space and, I believe, Chairman, you asked why we wouldn't just locate there. There's actually two areas at play here; there's both the floodplain area, which is where the ballfield was and extends into that wooded... or just shy of that wooden area. And then there's actually a septic field delusion area which includes that already cleared area. So we, and I believe it's shown -- it's a little hard to see on the site plan included in your packet with the zoning drawings, it's hard to see but both of those areas are shown and now the compound with the tower is actually in that wooded area right in the middle of the two borders of the septic field delusion area and the floodplain. So, we tried to stay out of both of those, so we can't do any impervious surface or any type of structure in the septic field delusion area; there's nothing allowed there. So, now the proposal is to come in off of James Ashby to expand the future park trail to 10 feet, where it was 6 feet, and put the compound in the trees. So, that's just a little bit more background. We didn't just come in and say I think this is the best spot, we'll put up a monopole. We did look at all the different criteria and we think that the monopole here is the best option. What you're going to see if you compare the three photos that we submitted of the monopine when you compare them to the same viewpoints as the monopole, you're going to see that it's actually a little taller. When we go in with a monopine design, we need to bump the height for the tapering affect. So the monopine would really come in at a height of about 165 feet as opposed to the 150-foot monopole that you see in the photo sims. I'm here; we concur with staff's recommendations and the conditions imposed, but I'm here primarily to answer any additional questions you may have.

Mr. Apicella: Thank you. Questions for the applicant? Mr. Coen, do you have anything?

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Mrs. Vanuch: I have a question. What was your resident outreach in that area?

Ms. Themak: This is Chris Harold from Milestone. We actually sent out, and I don't know the exact number, but we sent out community notification for postcards. We had a community meeting at Ferry Farm Elementary School -- we had a community meeting there. We actually didn't have anyone show up except for the Supervisor, Supervisor Thomas, but we went through a PowerPoint, we always do that. And Chris Harold, if you want to come up and introduce yourself -- he can tell us how many notifications were actually sent out.

Mr. Harold: I'm Chris Harold. I'm with Milestone Communications. We sent out, I don't have the exact number with me, but it was about 300. Some of those were in the Spotsylvania area. You kind of... you draw a radius in our mailing tool and so that's why some of it went across the river. But it was about 300 mailings that went out. Again, no one did come to the meeting at Ferry Farm Elementary School.

Mr. Boswell: (Inaudible - microphone not on).

Ms. Themak: Milestone also actually sets up a website that is, and the information for that website is specific to each facility that's being proposed. And that information is on the postcard that is sent out to all the homes. So, a lot of people decide I can go on the website and see everything that I want about it, what it's going to look like, the photo sims are there, the location, contacts, point of contacts if you have additional questions as sometimes that suffices for a lot of people that don't want to come out to the community meeting.

Mr. Apicella: Thank you. Any other questions? Thank you very much.

Ms. Themak: Thank you.

Mr. Apicella: I'll now open the public hearing on this matter. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak when the green light comes on. The yellow light indicates you have 1 minute left, and the red light means you need to wrap up your comments. So, if anyone's interested, please come forward. Seeing no rush to the podium, I'll close the public hearing and bring it back to the Commission. Mr. Coen, this is in your district.

Mr. Coen: Yes sir, Mr. Chairman. And I guess I'll preface it and then I'll make the motion if that's acceptable with you.

Mr. Apicella: I just want to point out one thing. I heard that there might be some alternate language on the conditions.

Mr. Coen: The CUP, yes.

Mr. Apicella: Do we have that?

Mrs. Hornung: Yes. May I have the computer please? I want to get to it so I make sure that I say it exactly correct. Any installation shall comply with the terms of the executed lease agreement with the County, specifically Section 1(e). That would be the language that would replace...

Mr. Apicella: All of 13?

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Mrs. Hornung: Just an addition. This would be an addition to number 13.

Mr. Apicella: Okay. Do you mind keeping that up there for one minute? Mr. Coen, do you want to go ahead?

Mr. Coen: Yes, Mr. Chairman, and I've been pretty open about this since it came before... was visual to me about a month ago that my thinking was that it being in a park, it should be a monopine. And that the idea of having the large metal structure sort of standing above the park was something out of War of the Worlds, was something counterintuitive to the idea of a park. I understand where the applicant was saying that it's more visually impactful. And we had a nice conversation. I do appreciate the applicant being flexible and bringing forth the additional pictures and looking at the idea of doing the light pole and etcetera. My big concern though is that almost any of the other visuals you see, there would be this large metal object sticking up over the park as opposed to something that is sort of natural with a park, which would be the tree. I understand the idea that when you're looking at it from the ballfields, you would see a tree rather than another metal thing which would look like the lights. But the problem with that is that I would think that most people, at least in my experience, when you're at the ballfield, you're watching the ballfield and not really looking up at the skyline. So, and I'm not sure, Mr. Chairman, if putting in language with the condition that approving the PCR16-11 and then the R16-338 with the new language and the condition that it be a monopine goes in both of those or just one of those. But that would be my recommendation.

Mr. Apicella: Does the County Attorney have any thoughts on that?

Ms. McClendon: Mr. Chairman and Mr. Coen, that condition would be appropriate for inclusion in the CUP; it would not be appropriate for inclusion in the 2232 review.

Mr. Coen: Alright. So, whichever way you want to handle that Mr. Chairman, I'll make the motion (inaudible).

Mr. Apicella: Well, do you want to start by making a motion on item number 1 first, the Comp Plan Compliance Review?

Mr. Coen: Yes sir. So, I'll make a motion to accept PCR16-11.

Mr. Apicella: Okay, there's a motion to approve the Comp Plan Compliance Review, Telecom Tower Milestone Limited Partnership at Duff McDuff Green Memorial Park... that's a mouthful; is there a second?

Mr. Rhodes: Second.

Mr. Apicella: Okay, it's been seconded. Any further comments Mr. Coen?

Mr. Coen: No sir.

Mr. Apicella: Mr. Rhodes? Anyone else? Okay, there's a motion to approve. Cast your vote. Mrs. Bailey won the race on that one. Okay, the motion carries 6-0 (*Mr. English absent*). Mr. Coen?

Mr. Coen: Yes, I'd like to move for approval of R16-338 with the additional language that was proposed this evening, that was brought forward that both the applicant and the County are in agreement with. And add the additional condition that it be a monopine.

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Mr. Apicella: So, would that be condition number... that would replace number 14 and then 14 would become 15? Or would it go somewhere else?

Mr. Coen: Well, unless Ms. McClendon says so, I think that makes sense. Okay, we can make it number 1. I'm kidding.

Mr. Apicella: Okay. So, there's a motion to approve the CUP with some modifications, including the language that staff mentioned earlier, as well as adding an additional condition requiring that the pole be a monopole. Is there a second?

Mr. Rhodes: I'll second for the purpose of discussion though I've got to admit the pictures made it look like a redwood that's in the wrong forest.

Mr. Boswell: (Inaudible - microphone not on).

Mr. Rhodes: Yeah, personally I believe it is, but I mean, to go to discussion, it just stands out oddly personally.

Mr. Apicella: So, would it be more appropriate then to determine whether or not we're going to have that as a condition before we vote on the entire package? Does that make more sense?

Ms. McClendon: Mr. Chairman, if that's the Commission's will (inaudible).

Mr. Apicella: So, let's do that. So let's talk about the additional condition, making it a... what is it called?

Mr. Coen: Monopine.

Mr. Apicella: A monopine.

Mr. Coen: Well, I guess there's three options; it's either the traditional looking tower, there's the monopine, or there's theoretically making it a light pole.

Mr. Apicella: So, I see the applicant shaking their head that that won't work.

Mr. Coen: And that's what I thought, that the light pole idea was not feasible.

Mr. Apicella: Please.

Ms. Themak: Yeah, we ruled out the light pole option because we can't be with the rest of the light poles and it would not go with the rest of the lighting scheme. So, really, the options are the monopole option at 150 or the tree pole monopine option at 165. The other that, Commissioner Coen, I had mentioned there is the option to do what is called the graduated paint scheme. We didn't have time to do a photo sim on that. That is where the bottom of the pole in the tree line, which here is about 40 feet to about 60 feet, is painted brown and then the rest of the structure is a light blue to blend with the sky better instead of just the gray. So that is an option as well. I just want to put that out there. But the light pole option, because we've changed from (inaudible), the light pole wasn't an option because that would have to go on the ballfield.

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Mr. Boswell: What is it in this picture where it's in the picture with the light poles? What have you got there?

Ms. Themak: That's just the traditional monopole. It just looks closer because of the perspective, so it sort of blends with the light poles.

Mr. Boswell: Right, it looks to fit in better.

Ms. Themak: That was our opinion was because the branches don't even start until above the tree line. But that was the original proposal. Thank you.

Mr. Apicella: Thank you.

Mrs. Bailey: I do have a quick question for you.

Ms. Themak: Absolutely.

Mrs. Bailey: The part that looks like the pine limbs, are they there just to cover up the extensions that come off of the pole?

Ms. Themak: Yes.

Mrs. Bailey: Can they come down further than that?

Ms. Themak: They could probably come down further. I don't know how that interferes with... typically these are designed because we don't want too much surrounding the rad centers where we have to get effective propagation from the antennas. So they may not be able to come down. We would have to talk to RF about that. Typically, the way they're shown is we don't want to have too much blocking the antennas.

Mrs. Bailey: Okay, great; thank you.

Ms. Themak: But we could look into that if that's the request.

Mr. Coen: Mr. Chairman?

Mr. Apicella: Mr. Coen?

Mr. Coen: Again... I'm not going to ask any more questions.

Ms. Themak: Okay, good.

Mr. Coen: But I didn't want you to sit there waiting for something to be thrown. So, Mr. Rhodes, that's why I went with the thing because there's only really two options. And I understood and we had talked about the possibility of having, you know, the regular one. But Mr. Apicella accurately pointed out that from the river you'll be able to see it. Those of us who go to that park, if you're at the dog park, if you're at anything else, that would be one of the premier things that you see at the park is this big thing that looks... this big metal structure hanging above. And so it's sort of, and not to take one of Mr. Apicella's favorite things of setting a precedent, but the precedent would then be when we are in a park, we're not going to try to make it blend in with the park idea, we're going to have it hang above. If it

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were, to Mr. Boswell's point, if you're just thinking I'm sitting at the ballfield and I'm looking that way, yes that sort of blends in. But as you saw with the other pictures, it doesn't blend in. It sticks out. So you have a question of either I'm driving down Route 3 or I'm living far away and something that sticks out looks like a tree, even if it's a redwood. Or something that sticks out is a big silver thing. I mean, that's sort of your options. And to me, if it's going to be a County park and it's the idea that it's, you know, a park rather than a water tower or some other big metal structure, it just makes more sense to make it look like we want that area to look like.

Mr. Apicella: Can I ask staff, can we pull the pictures back up again?

Mrs. Hornung: Sure. Pictures with the monopole or the monopine?

Mr. Apicella: So, I'm looking at the picture on the right-hand side where the pole is sticking out, and I'm just trying... what I guess I'm trying to figure out is if we had the monopine, would some of that be covered up because at least from that vantage point because you have what looks like branches. I mean, obviously if you're in the park, you're going to see a pole. But if you're away from the park, you're going to see something that might look a little bit obscure because of the branches.

Mr. Rhodes: I don't know, the pictures they showed looked like (inaudible).

Mr. Boswell: It looks like it draws more attention to it to me.

Mr. Apicella: Well, so let's go to the next picture.

Mrs. Hornung: And while you were speaking with Ms. Themak, Mike and I were looking online and there is a lattice tower at the Patawomek Park in the Widewater area. Oops, I'm sorry; here we are. Here are the monopine.

Mr. Boswell: I like the straight pole better. I mean, that's just my opinion. It looked... that looks more hideous.

Mrs. Bailey: Yeah, initially when I was reviewing the package, that was my thought too. I did a little bit of research and I thought well, you know, that might blend in, but I just think the height of the pole is too high up there to where it doesn't do anything except draw more attention to it. So I would not be in favor of that.

Mr. Boswell: Me either.

Mr. Apicella: Okay. Any other thoughts or comments? Okay, so I theory we have a motion on the floor just related to whether this is going to be a monopole or a monopine.

Mr. Coen: And quite honestly, I'm not a mathematician but I can count, and so, you know, it is my district, I will say I'll change my motion out of spirit of compromise and say since they offer the idea of painting it so that it's a little bit more scenic at the bottom and then blue at the top, I'll make a motion that we do that rather than the monopine. I personally... if it's just a straight silver looking thing, I would vote against it because I think it sets the wrong precedent of putting it there and making it look like that. But in the spirit of compromise, I'll make a motion that we have the traditional one but that they do the paint scheme that they talked about where the bottom is painted to look like, you know, camouflaged as a tree and the top is blue.

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Mr. Apicella: Is there a term of art for that?

Ms. Themak: Graduated paint scheme.

Mr. Apicella: Okay.

Mr. Coen: The graduated paint scheme.

Mrs. Vanuch: I'm going to google it.

Mr. Apicella: Okay, so is there a second on that?

Mr. Rhodes: Agreed. Second. (Inaudible). Modified. Whatever.

Mr. Apicella: I'm assuming there's not going to be any further comment. So, all those in favor... I'm sorry, cast your vote. Alright Mrs. Bailey, you lost on that one. Okay, so the motion to at least add that one particular condition changing it from a monopole to a graduated... and I forgot what it was called, or whatever the right terminology is...

Mr. Rhodes: Graduated paint scheme.

Mr. Apicella: Graduated paint scheme. So, on the overall issue of the conditional use permit, do you have a motion Mr. Coen?

Mr. Coen: I'll make a motion to approve.

Mr. Apicella: Is there a second?

Mr. Rhodes: Second with the modified language for (inaudible - microphone not on).

Mr. Apicella: Thank you Mr. Rhodes. Any further comments? Okay, all those in favor of the motion go ahead and cast your vote. The motion to approve the CUP carries 6-0 (*Mr. English absent*). Thank you Mrs. Hornung.

Mrs. Hornung: Thank you.

Mr. Apicella: And that's how we make sausage in Stafford County. Or a graduated pole. Item 3 Mr. Harvey?

3. RC16151294; Reclassification - The Courtyards of Colonial Forge - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the R-3, Urban Residential—High Density Zoning District, to allow for the development of 39 multi-family dwelling units on Tax Map Parcel Nos. 28-94B and 28-94C. The property consists of 7.701 acres, located on the east side of Woodcutters Road and north side of Kellogg Mill Road and Accokeek Furnace Road, within the Hartwood Election District. (The development as a whole would include a total of 49 multi-family dwelling units, including Tax Map Parcel Nos. 29-84, 28-100, and 28-94A which were previously rezoned to the R-3 Zoning District.) (**Time Limit: February 17, 2017**)

Mr. Harvey: Mr. Chairman, Mike Zuraf will be making the presentation for item 3.

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Mr. Zuraf: Could I have the computer please? Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. This item is a reclassification for Courtyards of Colonial Forge. The request is to reclassify Tax Map Parcel Numbers 28-94B and 94C from A-1, Agricultural to R-3, Urban Residential—High Density Zoning. The site area is 7.7 acres. The applicant, CF Land Investments with Charlie Payne as the agent. You have the location and the zoning; the site is located on the east side of Woodcutters Road and north side of Kellogg Mill Road and Accokeek Furnace Road. The area subject to the zoning, 7.7 acres, is highlighted in red. It is zoned A-1, without proffers. A portion of the development area was previously zoned R-3 as part of the Colonial Forge development, and the Colonial Forge proffers would apply to that portion of the site. The site was more recently graded as part of the development of the Colonial Forge project. Surrounding the site, on three sides in orange is existing R-3 zoned property and then to the south and beyond Colonial Forge is A-1 zoned land. This is an aerial view of the site. It's surrounded by townhome units as part of Colonial Forge to the north, and large lot single-family detached residential use is to the south and east. An RPA buffer is located along the northern property line. You can see the area is previously graded. That is a generally level plateau where the planned development is going to occur. And then land slopes downward towards the Resource Protection Area. Here's a view of the Generalized Development Plan; 49 townhome units in total are... townhouse style condominium dwelling units are proposed. Thirty-nine of the units are within the area of the rezoning; 10 units are outside. This highlights the... the shaded area represents the R-3 zoned portion of the development where 10 of the lots are proposed. These, as mentioned already, are subject to the existing Colonial Forge proffers. And then the remaining area outside of the shading would be the new 39 dwelling units subject to the rezoning. There are two access points into the site along Woodcutters Road in this location, and then onto Kellogg Mill Road in this location. The Woodcutters Road site entrance will be a full access entrance. There will be a cut in the divided... Woodcutters Road is planned to be a 4-lane divided roadway, all the way from Kellogg Mill up to Courthouse Road. They're going to have a median break in this location to allow for full service access, left out/left in movement into the site. Within the project, the streets will be privately maintained. There's a proposed tot lot within the project in this location. A landscape buffer is going to be provided along Kellogg Mill Road and Accokeek Furnace Road in this location. Development is generally clustered in the southern end of the site, with the steep slopes and preserved Resource Protection Area to the north. Pedestrian connections will be provided to the sidewalk that is planned along the 4-lane section of Woodcutters Road that will provide pedestrian connection all the way up to the direction of Courthouse Road and Colonial Forge High School. And then you'll note that the end of state maintenance is located in this point along Kellogg Mill Road; from that point on to the east is Accokeek Furnace Road. That's not publicly maintained and the applicant is dedicating .39 acres in this location to support any potential dedication of that road for public maintenance in the future. Looking at transportation impacts, the site generates 346 daily vehicle trips; an estimated 29 morning peak hour trips and 33 afternoon peak hour trips. Despite this lower volume, the applicant submitted a Traffic Impact Assessment since the site is located on lower volume roadways at this point. All the studied intersections that are identified... there are five intersections that were identified; they're identified with the green circles. They are found to operate at acceptable Levels of Service and no offsite improvements are warranted. VDOT has reviewed the TIA and determined the findings to be acceptable. Looking at the Comprehensive Plan and Land Use recommendations, the site is within the Suburban Future Land Use recommendation on the Future Land Use map, and also it includes Resource Protection Land Use. Suburban generally recommends single-family detached residential uses at a density of 3 dwelling units per acre, and also supports infill development which may consist of townhomes and apartments at higher densities if 60% or more when your footage of the property perimeter physically currently approved for the same type of dwelling unit. The site conforms to this as the site is surrounded by R-3 zoning. The Resource Protection Area reflects where sensitive environmental resources are located and recommended for protection. A new aspect of the Comprehensive Plan is the Airport Land Use Compatibility Guidelines. The Comprehensive Plan

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designates zones around the Stafford Regional Airport that relate to different aircraft operations and movement around the airport. The site on this image, kind of in the middle of the screen, is marked with a red star. So the site sits within what's known as Zone H-3; this is a horizontal turning zone. This is an area where planes conduct turning movements if they are circling the airport for any reason. And then, related to this, the plan identifies use compatibility within each zone.

Mr. Apicella: Mr. Zuraf, can you remind us -- the H-3, is that the smaller planes or the larger planes?

Mr. Zuraf: Well, H-3 can apply to both smaller or larger. You can see, there's two gray-shaded areas on the map. So the runway is in this location. You have the lighter gray shade; this reflects generally where smaller planes would move around the airport. And then the darker gray is where larger planes would circle around. And what has been mentioned to us by the airport representatives, those travel areas are not... there's not markings up in the air where they're going to stay within those limited areas.

Mr. Apicella: You mean they can't see that on their radar screens?

Mr. Zuraf: They may fly anywhere between those gray shaded locations. So, the Suburban Land Use district summarizes what recommended Suburban uses would be considered not compatible or would require additional review within the appropriate and applicable zones in the district. So, the H-3 zone, within Suburban in this area, identifies what uses are not compatible and require additional review. You can see the highlighted area. In H-3 zone, townhomes are identified as a use that's not compatible. As an attempt to address this issue, the applicant is proffering to incorporate soundproofing construction materials and provide real estate marketing disclosure notices for purchasers of property to make them aware of the proximity to the airport. Also, the site would have significant open space areas on the northern end of the property. Staff notes that these are recommended mitigation measures if the proposal is identified as needing additional review, not necessarily if it's not compatible.

Mr. Coen: Okay, I just want... Mr. Chairman? So, I just want to make sure that I'm being very linear. According to the new Airport Land Use Compatibility that is now in the Comp Plan, that we voted for, and the Supervisors voted for, townhomes are not acceptable as they're not compatible.

Mr. Zuraf: Correct.

Mr. Coen: Okay. And as part of that, there's no verbiage, no language that says if it says it's not compatible, it can be made compatible by doing A, B, C, and D; it's just not compatible.

Mr. Zuraf: Correct.

Mr. Coen: And if it were another type of zone or another type of thing, then you could add in if it was getting... one of those areas that's under further review, then one could put in all these other mitigations.

Mr. Zuraf: Correct.

Mr. Coen: Thank you sir.

Mr. Zuraf: So, you can see on this screen there are, just to follow on that point, you can see the uses that require... that would be supported in this location... Suburban uses that would be supported with additional review. Those include community uses, some office or general retail commercial uses, or transient lodging. And so then, in the Comprehensive Plan, just for everybody's information, it includes additional development standards for uses that would fall under that additional review. This shows the

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other uses that might be permitted under H-3 and what additional review standards might apply in that case. And you can see it does not reflect additional review standards for townhomes. So, moving now onto the monetary proffers, the applicant is proffering up monetary contributions of \$24,415 per unit. This would apply to the new 39 units. That equates to a total of \$952,000 approximately. In relation to the County proffer guidelines, the townhouse proffer guidelines are \$41,500 per unit and \$26,700 per unit for multi-family. We are listing both the townhouse and multi-family proffer guidelines. The units are structured as condominiums per the applicant. As a result, the applicant has used the multi-family proffer guideline as a basis for their proffers. Staff, after the fact after early discussions later determined really that the units are more reflective of a townhouse unit as it relates to the proffer guidelines, and that's generally due to the size of the units, number of children, and overall population that you would have in a townhouse unit versus a multi-family garden style type of apartment. So, I just want to make that point. And also, I do want to though point out, despite the amount being less than the townhouse guideline of 41,000 units, staff notes that the proffer contribution is actually higher than some other recent projects; specifically, the Whitson Woods townhouse project proffered \$14,300 per unit, and other multi-family projects, Abberly was \$8,400 per unit and Celebrate Virginia, \$7,500 per unit. So just so you can get a picture of where the monetary contribution fits in. And also, I just want to point out regarding the proffers that the application was submitted prior to July 1st when the residential proffer legislation was amended that impacts the County's ability to negotiate proffers when considering these reclassifications. The new legislation does not apply to any of the reclassifications filed before that date. And since this occurred before that July 1st date, the County proffer guidelines can remain in effect as it relates to this project. There was a question from one of the Commissioners after we prepared the staff report to provide more of an evaluation of the student generation. The applicant had estimated the project would generate approximately 12 students. This table compares the estimate of student generation ratio factors that have been developed recently. The applicant's estimate is based on the countywide multi-family unit ratio. Staff has added ratios that are developed for new developments, which data generally shows that they have... newer units have more school children than older units or the countywide average. And this shows that the project could generate up to 24 students in the new 39 units subject to the rezoning. So, there are other proffers being included. They would be developing the site in general conformance with the General Development Plan; limit the development to the 49 units with 39 subject to the rezoning and proffers; construct the dwellings in general accordance with renderings that were included with the application; right-of-way dedication, as I've mentioned, and the sidewalk connections; constructing the tot lot in the location shown on the plan; the proffer contributions I've already mentioned; establishing development and maintenance covenants and property owners' association by-laws; and also airport mitigation measures as I've mentioned would be required. These are the building elevations referenced in the proffers showing the general type, character, and quality of the architectural design of the dwelling units. And regarding the evaluation...

Mrs. Vanuch: So, I have just... can you back up one. Mr. Chairman, can I ask a question?

Mr. Apicella: Please Mrs. Vanuch.

Mrs. Vanuch: Okay. So this photo -- I know up north sometimes they'll do this and there's like dual entries. So, I just want to get this clear because I'm trying to in my head process how this is a condo versus a townhouse. So, like in Reston, I have a friend who has one like this and you go in and there's like stairs and you can walk up to a second level. Are these... and it's like somebody else owns the top level and then you own the bottom level. Is that how these are? Or are these single, like that is one home; you go in and you can get to all three levels?

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Mr. Zuraf: My understanding is it's one home. They would own all levels. But the applicant can confirm that, but that's my understanding. It's not going to be one of those multi-split level type of situations.

Mrs. Vanuch: Gotcha.

Mr. Apicella: Thank you Mrs. Vanuch.

Mr. Zuraf: So, looking at the overall evaluation, with the positives it's consistent with the established development pattern in the vicinity to the north of the site. The use meets the intent of several Comprehensive Plan recommendations, specifically as it relates to Suburban Land Use, transportation recommendations, building design, pedestrian connectivity, and environment. The proffers would also work to mitigate impacts to surrounding properties and transportation. Negative findings include that the monetary proffers are not in compliance with the proffer guidelines, and it would be inconsistent with the Airport Land Use Compatibility recommendations. Regarding staff recommendation, the Comp Plan does... staff notes it includes conflicting recommendations for townhouse use in this location. As I mentioned, they're considered incompatible with the airport guidelines but consistent with the suburban recommendations for this property and this site. The commercial... there are commercial and community uses that would be fully supported in the Comp Plan, both under the Land Use and under the airport guidelines, but may not be reasonable given this location at this point given that it's farther away from population concentrations and not along a primary transportation route. In the end, staff does not support the application at this time as impacts to public facilities are not fully mitigated specific to public libraries and government services as reflected in the proffer guidelines. And I'll take any questions at this time.

Mr. Apicella: Thank you Mr. Zuraf. Questions for staff? Mrs. Bailey?

Mrs. Bailey: Mr. Apicella, yes. Mr. Zuraf, so the parcel that is already zoned R-3 that has the 10 units that could be built as it is, regardless of what happens with the two parcels that are before us tonight.

Mr. Zuraf: Correct.

Mrs. Bailey: Okay. In the proffers, are there any type of proffers that... for that particular parcel that is different than the proffers that we have?

Mr. Zuraf: The 10-unit area was going to be subject to the proffers that apply to Colonial Forge. So those proffers have overall kind of recommendations on the overall development. They're probably not going to be anything too specific to this location, so they're not going to have the Architectural Guidelines although most likely the applicant would be developing all the units to look, you know, a similar appearance.

Mrs. Bailey: So, if this were to go through, we'd want to make sure that the proffers were also for that parcel as well.

Mr. Zuraf: Well, that would be...

Mrs. Bailey: The new proffers for the reclassification.

Mr. Zuraf: That may require a proffer amendment actually of the area where the 10 lots are shown.

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Mrs. Bailey: Okay.

Mr. Zuraf: Because they already have their own and those would need to be changed through a proffer amendment.

Mrs. Bailey: Okay. And did Fire and Rescue, did they look at this application? Did they have any comments specifically in regards to the fact that it's within the Airport Overlay?

Mr. Zuraf: They did not have concerns specific to the Airport Overlay. They were concerned with access. Through their review, we got a second access point into the project; originally it was just a single access point. So they were looking at more of access issues.

Mrs. Bailey: Okay. Alrighty, thank you.

Mr. Apicella: Other questions? Okay, since it is in the airport zone, have we reached out to the Airport Authority and received any comments?

Mr. Zuraf: Well, we did. Unfortunately we did not get this application to the Airport Authority when this initially came in and so, you know, this came in back in late May. And since then we've kind of instituted a more formal process to get applications to them. So the Airport Authority did not have... has not gone through and officially reviewed this case. I did just send the application over to them and so they just now have it. So, no, we don't have formal comments from them.

Mr. Apicella: I presume they would like to provide comments? Is that (inaudible)?

Mr. Zuraf: They... I think they would, yes.

Mrs. Vanuch: And we have till February, right?

Mr. Zuraf: There's a hundred days and that's... yeah, it's February...

Mr. Apicella: Yeah, it's February 17th.

Mr. Zuraf: Yes.

Mr. Apicella: As with any rezoning or most rezonings, this impacts Stafford schools. Did we get any... did we reach out to Stafford schools and did we get any comments?

Mr. Zuraf: The application was sent to the schools; we did not get any comments from them.

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

Mrs. Bailey: Yes, Mr. Apicella, I have one other question I forgot to ask.

Mr. Apicella: Mrs. Bailey?

Mrs. Bailey: With this being in the Airport Overlay Zone, I don't want to beat that to death but, do we know if these are 3-level townhome condominiums or 4-level? Do we have any restriction on that for the height of the townhomes?

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Mr. Zuraf: There are no proffered restrictions. They're as-shown 3-level townhomes.

Mrs. Bailey: A couple of them looked like they had a pretty steep roof pitch there that could possibly have a loft area.

Mr. Zuraf: Yeah, that's something that's not been... we didn't question that or it hasn't been necessarily... Yeah, we don't know the answer to that.

Mrs. Bailey: Okay, thank you.

Mr. Apicella: I have a question about the materials for the noise I'll call it abatement. It says in the proffers that they'll install something that is, and they use the term reasonable. What does that mean and who defines what reasonable is?

Mr. Zuraf: I don't have a definition that would apply in this case.

Mr. Apicella: So there might not necessarily be a noise decibel level requirement, or at least it might be subject to some difference of opinion as to what...?

Mr. Zuraf: That could result, yes. Yeah, some sort of measurement would be helpful.

Mr. Apicella: Okay. Mr. Coen?

Mr. Coen: Yeah, thanks to Mrs. Bailey's idea -- with the 10 that can be done by-right, would that in theory they'd be trying to have access to Kellogg Mill before it ends, the public maintenance, or after? I was just looking on the map where that slither is.

Mr. Zuraf: Yeah, their access would have to be off of Accokeek Furnace, so they would actually have to improve that portion to a public road.

Mr. Coen: Okay, thank you sir.

Mr. Zuraf: It wouldn't be easy for them to develop those 10 lots on their own.

Mr. Coen: Right. Thank you sir, I appreciate that.

Mr. Apicella: Thank you Mr. Zuraf. Would the applicant like to come forward?

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission. My name is Charlie Payne with the law firm Hirschler Fleischer; I represent the applicant. I appreciate your time this evening and thanks for staff's presentation. I won't try to repeat everything they said but just highlight some issues I think could clarify some questions and/or raise to you for purposes of this application. So, this project is very similar, if you're familiar with Colonial Forge, Section 9A which is just to the west of this site. It's very similar to that project. It's a condominium project that looks very much like what we're proposing here. It's a product that's fairly new to the County but it seems to be very attractive to the market. So one of the main reasons for the condominium concept, because that's a condominium concept as well which is treated like it's multi-family so we incorporated that concept in this project. So that's the main driver for that. Because of the fact that the units are a little bit bigger than your typical multi-family development, or unit I should say, we did consciously look at the proffers for that perspective. So if you look at, for the past several years, what the proffers have been for single-

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family detached and also for townhouses, we're well above what the last townhouse project was that was approved. The one that was approved in 2010 which was Fox Chase which was about \$34,000 a unit for 11 units. That was a 94 unit project; 83 of those units were by-right and there was a need for certain proffers for parks. So what we did was bump up the 11 to help spread out the cost; that came out to about \$4,000 a unit. If you look at the multi-family numbers that have been approved recently, I mean, they're in the \$8-9-10,000 ballpark range. So we consciously thought about that, so it wasn't trying to get around the proffer issue in regards to the analysis because, you know, they look like townhouses but they're condos and treated like multi-family. And that's been a policy of the County for a very long time. So I just wanted to make that very clear. The 10 units that are approved by-right (inaudible) to the proffers of Colonial Forge, all of those proffers have been paid, including the \$250,000 that was proffered for the proffer amendment application not too long ago regarding the benefit of the parks at Embrey Mill. So all those proffers have been paid but we did think about when we took into account the proffers for this project that increasing those proffers would in essence be spread out across even the 10 that were already by-right, if you will, for cost perspective and what those impacts would be, in addition to the proffers we are already paying or already paid. But those 10 are being incorporated into the development, so the purpose of the architectural features, what you're seeing on our GDP includes all 49. So when we submit a subdivision plan and we go forward for a site plan, etcetera... I'm sorry, for a site plan and then a construction plan, etcetera, they're going to include that 10. We didn't go the route of a proffer amendment; it just seemed unnecessary and an extra layer that wasn't necessary to require us since we're already incorporating them into the development. So I hope that clarifies a couple of questions. In regards to... and the proffers have been broken down. Staff has broken those down in regards to what they would be paid for purposes. It focuses mostly on schools obviously and then also on Fire and Rescue, Parks and Rec. But if you look at how they're broken down, they do exceed what the multi-family proffer standards, by far for schools and for Parks and Recreation. So, we wanted to focus on that as well. For purposes of the Comprehensive Plan, you know, I guess arguably there's a conflict in your Comprehensive Plan. One, it encourages this use, this specific use in this particular area. There is airport compatibility standard, not per se an overlay, because an overlay would be an ordinance would be a requirement. But it is a guide if you will; it's in your Comprehensive Plan regarding H-3 zones in this particular area. That outer realm, that outer conical or whatever you want to describe it -- I always get confused on that map -- typically is for larger planes. We've done a little research on that and spoken with airport officials in the past and typically that outer area is the turning area for larger planes. And, as you know, the current activity at the airport is not a whole lot of large planes. They want some more in the future which we encourage and hope happens, but today that's not happening. There are other currently zoned developments in place, projects that are in the H-3 zone as well; they're there existing today. We're just to the southern tip of that, if you will, the eastern tip of that. So, just keep that as a context of what this project is. This project is an infill small development that... I'm sorry, Mr. Apicella, do you have a question?

Mr. Apicella: Have you reached out to the Airport Authority and have you kind of worked through any issues that they have?

Mr. Payne: I don't recollect that we did. I don't... I think initially we showed them a general I think maybe... I take that back. I met with Mr. Hamilton Palmer some time ago. I don't know if this project was one of them. I've got to think about that so I'll get back to you. We don't have a problem reaching out to them. I mean, it's not an issue. But the thought process is, you know, this is really just an infill project that's just a little further east than what's already in place. We did apply before the Comp Plan was changed so we, not that that necessarily grandfathers us in, but there was no attention after the fact that (inaudible) and say, hey, we're just going to try to run this through. And we did apply obviously before July 1 before the new proffer legislation. But in looking just at the airport compatibility area, again, not a whole lot of activity for larger planes; my understanding not a whole lot of activity for

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smaller planes in that particular area. Again, there's other developments already in place, there's a lot of open space to the west and south of that location. We thought it'd be appropriate to also include as part of our proffer package some mitigation measures. I think you raise a good question; what does that mean? Using reasonable standards for purposes of construction materials. It goes by DVA standard; we'll look in to that for you and get back to you as what would be that appropriate standard. But that was our intention to do was obviously to mitigate the noise; that's important for our project and for marketing the same. And then obviously providing the literature to folks because that's always a big concern for the airport is, you know, folks complain when they get here and they don't realize the airport is there. So, having up front notice not only on the initial marketing front but also at the closing, and in their HOA packages is also important. So, all of those are part of our proffer package.

Mrs. Bailey: Mr. Payne, did your applicant consider sprinkler systems, for me especially since it is condo rather than fee simple, even though they're still attached regardless? Would that be a consideration?

Mr. Payne: I can certainly run that by my client. I don't... did Fire and Rescue raise that as a question in their... If you give me two seconds, I can probably tell you whether the fire department raised that.

Mr. Rhodes: Mr. Chairman, while he looks that up, I'm just... actually a question for staff. We had an application that we did not recommend forward that was further up on Centreport Parkway where they did a lot of work towards sound mitigation. And I thought... what was that one called? What was that property? Does someone recall?

Mr. Zuraf: That may have been Oakenwold.

Mr. Rhodes: Oakenwold, that was it. I would just submit I thought they developed some pretty good criteria towards sound mitigation that seemed to be pretty... had some specificity associated with it. If anyone were ever looking at sound mitigation, that would be one I might refer them to. I just... I kind of recall that had a lot of good, we didn't end up recommending it but I remember it had some pretty good specificity on that.

Mr. Payne: Fire and Rescue was concerned about emergency access mainly. And we obviously have also proffered cash towards Fire and Rescue as well, but there was no discussion about sprinkler systems as part of our... I mean, we can look into it. It's a much more expensive process, but we can certainly look into it.

Mr. Apicella: I guess the real question, from my vantage point, is help me understand why this is a condo versus a townhouse when, for those of us who look at the picture, it looks like a condo... I mean it looks a lot like a townhouse. And there's not... there's one family presumably in each unit; those units aren't cut into pieces, right?

Mr. Payne: Right. Well, the... you know, they're really, even though they look like they're separate townhouses, for the purposes of the condominium they're separate buildings, but they have several different entrances that look like townhouse entrances that were mentioned earlier. But the concept is, for purposes of the market, is that it's cheaper to maintain, it has the HOA benefits for condominium, it has more of a community connection feel to it -- I mean, those are really the market benefits to it for purposes of why it's being structured the way that it is.

Mr. Apicella: It still seems a bit like semantics to me. Just kind of not necessarily supporting staff's view, to me it's all about the number of bedrooms, right, so in terms of the number of bedrooms you can

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call it what you want. I don't know if the County has a problem with calling it one thing and we think it's something else, but it's still... each of the 39 units will have a family living in it, presumably, not several families living in it.

Mr. Payne: Right.

Mr. Apicella: Okay, thanks.

Mr. Rhodes: But you're maintaining construct in what you're designing is that all the exterior roofs, other things, will be part of a common (inaudible).

Mr. Payne: That's right. All the common areas, common roof areas, common sidewalks, the whole nine yards will be part of the condominium. That condominium unit will be 8 separate of those units.

Mrs. Vanuch: That's the same thing in a townhouse subdivision though. I mean, Sherry could probably speak better to this that all the...

Mr. Payne: Not necessarily.

Mrs. Vanuch: ... but it's the sidewalks are maintained and the roofs, not all the siding on the house.

Mrs. Bailey: Well, in a condominium, regardless of whether it is the apartment style, which is what most people are familiar with, regardless of whether it's that or the townhouse style, the exterior on a condominium is going to be maintained by the Condominium Association. And it's a matter of how it's deeded and recorded; you can be a fee simple townhome where you own your townhouse and the plot of land and you take care of it. Condominium -- the Condominium Association is going to take care of everything outside of the walls. So it's just a matter... and true today, marketwise you are seeing a lot more townhome condominiums market driven because people don't want to take care of the maintenance. They would rather pay the monthly condominium fees to have the exterior maintained: the roofs, the exteriors, the painting, replacement garage doors, the whole nine yards. So it's just a matter of preference.

Mr. Payne: Right.

Mr. Apicella: And I get all that. I guess from my vantage point we're looking at in terms of the impacts on the County. And so in terms of impacts, it'd be more like a townhouse. You can call it a condo, but in terms of impacts it's more like a townhome. In some ways that might be better for you.

Mr. Payne: Well, and I stated that earlier. We took into account in evaluating our proffer package the fact that it would be a larger unit and not per se a multi-family unit, so that's why the proffers are at \$24,000+ a unit which again exceeds the most recent townhouse approval by the County which was 14, by \$10,000. Shelton Woods was single-family attached was at 26. Liberty Knolls... not Liberty Knolls... yeah, Liberty Knolls II was at 30. So, again, I think we're well in that ballpark in regards to addressing those issues. And these are 3-bedroom units; they're not 4-bedroom units, they're the 3-bedroom units. Did I miss any other questions? I don't know if there were any other questions that were raised.

Mr. Apicella: Well, I'm sorry, we jumped in and I think asked you a question; I'm not sure if you were finished.

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Mr. Payne: I think I am. In regards to staff's comments regarding not supporting it because we haven't provided any direct proffers to general government or libraries, the reason for that is we didn't think there was a need for this particular categories and so we focused a lot of the other fund for the... the funds that would have gone there to schools, roads, parks, and...

Mr. Apicella: I think Jeff would say he could use another 10 people in the office. I'm just kidding.

Mr. Payne: That's what our application fee's about. But again, I think you raise a really good point regarding the size of the buildings. We were a little surprised when we saw the staff report because it wasn't really part of the discussion initially; it was always hey, we treat them as multi-family is how they're treated. But we did think about the size of them in regards to what the potential impact would be versus coming in here with what the average proffer has been for multi-family, which is really fairly low in the past. So we did contemplate that.

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

Mr. Payne: Thank you Mr. Chairman.

Mr. Apicella: I will now open the public hearing on this matter. Same ground rules as before, so if anyone would like to come forward, please do so. Okay, seeing no one, I'm going to close the public hearing and bring it back to the Commission. It's in Mr. English's district but he's not here. Mr. Coen?

Mr. Coen: Yes, Mr. Chairman, I've been in communication with Mr. English. He asked that we defer this to January and so that would make it the first meeting in January is January 11th. So I would make a motion to defer it till January 11th. At which point we could get some definitive response from the Airport Commission and other interested stakeholders.

Mr. Apicella: Is there a second?

Mrs. Vanuch: I'll second.

Mr. Apicella: Okay, there's a motion to defer to the January meeting, which is January 11th. Any further comments Mr. Coen?

Mrs. Bailey: I just wanted to... we're deferring to January because we only have one meeting in November?

Mr. Apicella: One meeting in December, December 14th.

Mrs. Bailey: And one meeting in December.

Mr. Rhodes: I would just comment that it's... given that we only have one meeting per session, I mean, I just don't understand exactly why we're going two months to wait to do this. To me, I would just share personally on the position I think most of it makes pretty good sense; it's decent proffers, it's got the Airport Overlay. And that's either something we're going to support or not and it's going to be a recommendation forward and it's really a Board decision as to what they deal with (inaudible) on the Airport Overlay. And so I just don't see that significant amount there. I can almost tell you what the Airport Authority is going to say. We've heard that every time they have one. I wouldn't do anything tonight with Mr. English not here; I wouldn't even begin to want to do that. But in my mind, I'm sitting here, I know what the Airport Authority is going to say; I feel fairly competent. And I think most things

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are generally positive but I think it'd be hard for us at our level because of what we implement for the planning construct to get past the Airport Overlay, and you can just kind of move it forward and let the Board make the broader decision, which is what they're looking for. So, I just think it's unfortunate to go two months; that seems like a long time. Thank you.

Mr. Harvey: Mr. Chairman, I noticed the applicant's representative was sort of indicating that he wanted to speak about the schedule.

Mr. Apicella: Yeah, I thought I saw his hair on fire, so if he wants to come up.

Mr. Payne: Thank you Mr. Chairman. I wasn't fired up. I had gotten an email from Mr. English as well and he said December meeting, he didn't say January. Or maybe I misinterpreted what he was saying.

Mr. Apicella: Mr. Coen, would you be willing to move it back to the December meeting?

Mr. Coen: Well, I'm just going to say that via text message this evening, he said he would like January. So, I mean, it's in theory that we could defer it to December and then kick the can down the road, or we can respect the member of the district who it belongs to. So, I'm going to keep it the way that it was communicated to me. If it's... somebody wants to make a substitute and push it to December, that's up to them. But I just think that out of respect for the person who isn't here to actually verbalize it...

Mr. Apicella: Did he indicate that he wasn't going to be here at the December meeting?

Mr. Coen: I haven't communicated with him about that. Just I asked him did he have a preference when to defer it to; he said January. So that was to me a pretty straightforward question and answer.

Mr. Boswell: Can't we just put it on December and, like he said, if he doesn't want to deal with it then we can move it (inaudible - microphone not on)?

Mr. Apicella: Yeah, can you accept that as a friendly amendment Mr. Coen? I think that would make it easier.

Mr. Coen: Okay, fine. We can defer it to the December meeting.

Mr. Apicella: Did you second Mrs. Vanuch?

Mrs. Vanuch: I did.

Mr. Apicella: Okay, are you okay with that?

Mrs. Vanuch: Yeah.

Mr. Apicella: Alright, any further comments? Okay.

Mr. Coen: I mean, quite honestly, I think it's, along with Mr. Rhodes, I think it's pretty straightforward whether we enforce the new concept or not. I do it as a friendly amendment though I still think it would have been courteous to do it the way the man asked for.

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Mr. Apicella: Okay, motion to defer to the December 14th meeting; cast your votes. The motion carries 6-0. Thank you. Item number 4, Mr. Harvey?

4. Amendment to Zoning Ordinance - Proposed Ordinance O16-39 would repeal Stafford County Code Chapter 8, "Cemeteries," in its entirety, and amend and reordain Stafford County Code Sec. 17-22, "Entering church or school property at night" and Sec. 28-39, "Special regulations," to move some cemetery provisions into more appropriate sections of the County Code, and provide additional standards and processes for the establishment of cemeteries, in accordance with Virginia Code Section 57-26. The proposed amendments would move the violation and penalty for entering a cemetery at night into Chapter 17 of the County Code. **(Time Limit: February 17, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Kathy Baker will be making the presentation for item 4.

Ms. Baker: Good evening Mr. Chairman and members of the Commission. Kathy Baker, the Department of Planning and Zoning. I will be... may I have the computer please? There we go, sorry. This is Ordinance O16-39, which is proposed amendments regarding cemeteries. And this amendment will make changes to the County Code to bring outdated cemetery regulations in compliance with State Code. This entails repealing existing Chapter 8, entitled Cemeteries, and moving certain regulations into more appropriate sections of the code. This includes Chapter 17, which deals with offenses, and Chapter 28, which is the Zoning Ordinance. It will also add standards and processes in accordance with State Code. Just as a little bit of background -- Chapter 8 right now pertains to perpetual care cemeteries and endowment care funds. That portion of the State Code was repealed, so we're making those changes here. There is another section from Chapter 8 that will be carried over and that's just dealing with entering a cemetery at night and what the... that it would be a class 4 misdemeanor; so that's just moving into the other... the Chapter 17. The proposed changes that we're looking at, in order to establish a new cemetery you would have to have consent from property owners within 250 yards unless separated by a state road. This is actually a carryover from that previous endowment care section of the State Code. The new changes would also require a tract of land to be between 25 and 300 acres. It would also state that no burials would occur within 100 feet of any private drinking water well. It would also state no burials would occur within 900 feet of public water supply wells, and no burials within 900 feet of public water reservoir or a perennial stream that drains to a drinking water reservoir. The changes would also include the process that new cemeteries would require Board of Supervisors approval, and this would exempt existing cemeteries and burial of family members on private property, as well as burials in church yards. And as I mentioned, the nighttime criminal trespass provision is moving from Chapter 8 to Chapter 17. I'll be happy to talk about any of these specifically, but staff is recommending approval of the Ordinance. The Planning Commission did establish a subcommittee, and revisions that were discussed by the subcommittee were incorporated into the current draft. I will note that the Planning Commission may make modifications and the deadline for action is February 17th. I do want to note that since the version you received in your packet, there were just a couple of minor modifications. We handed those out tonight and those were mainly housekeeping items. There were a couple of places where interment was spelled incorrectly; on page 7 we noted the Section B, only the letter B should have been underlined and not the entire provision. On page 8, that's where we actually added the word drinking for drinking water. And that was it on the changes. So, if you have any questions, I'll be happy to try and answer them.

Mr. Apicella: Thank you Ms. Baker. Any questions for staff? Okay, thank you Ms. Baker. I'm going to open the public hearing on this matter. This is an opportunity for the public to comment. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have 3 minutes to speak, up to 3 minutes. Please state your name and address when the green light comes on.

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When the yellow light comes on it indicates you have 1 minute left, and when the red light comes on, please wrap up your comments. So if anyone's interested, please come forward.

Mr. Silver: Good evening. My name is David Silver. I'm here in support of the Cemetery Ordinance and as part of the public meeting that was held for the Planning Commission, I believe the Ordinance has the entire community's best interest in mind. We must protect the drinking water of the residents. We must offer the same setbacks for the private wells and waterways that feed our drinking water supply that the State offers, and the public county-owned wells and supplies across the board for all the cemeteries wanting to be established. We must ensure that the older homes, like mine was built in 1979... ah, '76, and the older wells are protected in the homeowner's best interests that are in mind. Stafford County... Stafford's primary goal should be to protect the citizens and I believe the Ordinance does that. You do not want to have contaminated water like Flint, Michigan, and we have to do what we have to do to reserve any... it sometimes happens to our water supply. As a homeowner with a well I have no other choice if my well is contaminated, so, I appreciate your time. Thank you.

Mr. Apicella: Thank you sir. Anyone else? Okay seeing no one else, I'll close the public hearing on the item and bring it back to the Commission.

Mrs. Vanuch: Anybody have any questions? So, I just want to make a couple of comments before I make a motion, is that okay?

Mr. Apicella: Sure.

Mrs. Vanuch: Okay. So, just to catch everybody up that hasn't been following this closely as we created a subcommittee to kind of go through the changes to the proposed ordinance. We've put a lot of thought into this and I think anybody who's listened to me up here in any of the decisions that I've made, it's important, as Mr. Silver stated, as he was one of the constituents who participated in our public meetings as well, that we put our public safety first. And any item that's come before me I've analyzed the potential impacts to our overall public safety from allowing a development to hook up to sewer when they were too close to Aquia Creek or denying a rezoning for traffic issues that could increase traffic accidents. So this item to me is no different. This issue could potentially impact our county water supply. I listen to the Board meetings and I hear all of the residents coming in and speaking about how their wells are failing, they have drinking water issues, and it's our responsibility to promote good policy as Planning Commissioners in this county to keep our residents safe. And I believe this ordinance is that good policy. It's also important, as Mr. Silver said, that we create setbacks for potential contaminants. The World Health Organization states that 900 feet from waterways is a sufficient amount to create these setbacks, and I believe we should afford the same setback requirements to our individual residents who get their primary source of water from their drinking wells as well, and farmers who graze their livestock or grow crops. So the subcommittee, like I mentioned before, put a lot of research into this project. We utilized recommendations from state law, as well as the World Health Organization, the Stafford County Water Quality Report, as well as several other studies that talk about the potential contaminants for creating cemeteries. So while protecting religious liberties and ensuring that the setbacks are required across the board, no matter what type of cemetery is being created, since no exception should be made for residents' safety in drinking water and that no religious rights were impacted on the way that bodies shall be placed in the ground by depth and enclosures. And that's what we created... were allowed to create by allowing these setback requirements. So, while we've done this we've also not required churches to go through a conditional use process and do extensive and potentially costly and timely soil studies that may not really even show the potential underground water table movements that could impact the spread of potential contaminants. So by adopting a universal setback requirement, it lowers the cost and burden to churches or new family cemeteries being created,

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and we have created the minimal burden for those wishing to establish these cemeteries, and allowing protection of the protected mussels in the waterways which are located in Aquia Creek and protecting the public and private drinking resident water supply. So in closing we've done so much research to get this decision, I feel confident in passing this good policy tonight. So based on the Stafford Water Quality Report the high risk of our water that could be contaminated is very troubling. So that is why we've come to the determination of the 900-foot setback. So, I really do want to thank my fellow subcommittee members; Mr. English is not here tonight and Mr. Coen and Mr. Boswell for coming to the meeting and sharing their insights and great information and their research. And I also want to thank the residents who came as well to show their support in protecting our drinking water in Stafford County. So with that I would like to move to accept the ordinance change of proposed Ordinance O16-39.

Mr. Boswell: Second.

Mrs. Vanuch: Is that the right number?

Mr. Apicella: Yes.

Mrs. Vanuch: Okay.

Mr. Apicella: So, you mean the one that was provided to us tonight. Mr. Coen?

Mr. Coen: I'll second it, but were there new language... I'm sorry, Mr. Boswell seconded. But wasn't there some new language added tonight?

Mr. Apicella: Right and that's why I said the version that was provided to us tonight.

Mr. Coen: The one tonight.

Mr. Apicella: Okay, so there's been a motion that's been seconded by Mr. Boswell. Any further comments, Mrs. Vanuch? You sure? Mr. Boswell? Anyone else? Mr. Coen?

Mr. Coen: I just want to praise Mrs. Vanuch for her leadership on this issue. I know it's been very important to her. I praise staff, for Mr. Harvey throughout the Planning staff for helping with this. And the nice thing is that this should be a first step for us to revisit other topics that have sort of changed over time since they were first implemented or thought up as to our world today.

Mr. Apicella: Okay. I just want to add my thanks to staff and to Mrs. Vanuch and the subcommittee and for giving us a revised and I think very good policy that's more consistent with the State Code than the previous version. And I think it's apt that we go ahead and proceed forward with it. So please cast your vote. Okay, the motion carries 6-0 (*Mr. English absent*). Mr. Harvey, next item, item 5?

5. Comprehensive Plan Text Amendment - Special Overlay Districts - A proposal to amend the textual document, "Stafford County, Virginia, Comprehensive Plan 2016-2036," dated August 16, 2016, specifically Chapter 3.6, Future Land Use, Special Uses to include a narrative regarding Special Overlay Districts and to provide a detailed description of the Integrated Corporate and Technology Park Overlay Zoning District (ICTP). The proposed amendment provides the purpose of the ICTP and appropriate uses within the ICTP, and recommends that Quantico Corporate Center and Riverside Business Park be included within the ICTP. **(Time Limit: November 27, 2016)**

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Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf will make the presentation for item 5.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. Item 5 is a proposed amendment to the Special Uses chapter of the Comprehensive Plan, Chapter 3.6. This would include a narrative regarding Special Overlay Districts and to provide a detailed description of the Integrated Corporate and Technology Park Overlay Zoning District; I'll refer to it as ICTP. For background, this originated from a request to allow more zoning flexibility for Corporate and Technology Parks. Two sizeable parks in the County, Riverside Business Park and Quantico Corporate Center, are mainly zoned M-1, Light Industrial, which does not allow for a variety of commercial uses. A separate ordinance being considered by the Commission would create an ICTP Overlay Zoning District for that purpose. The intent of the ICTP is to provide for more flexibility of uses while being similar... while the development is similar in design and scale to the overall Technology Park. Without having this Overlay, the developer of the M-1 zoned Quantico Corporate Center has been required to add, through separate zoning requests, different B-2 zoning over time as an attempt to provide retail services for the office users in the Park. The Corporate and Technology Parks are not specifically addressed in the Comp Plan, so the proposal before the Commission would add a section to the Land Use chapter, entitled Special Overlay Zoning Districts. It would recognize the current Overlay Districts that are in our Zoning Ordinance now, and introduce the ICTP Overlay as a new district with specific recommendations. This language is included in the staff report. The Commission considered the issue on October 26 and initiated the public hearing at that time. With areas of impact, to identify where the new ICTP provision could apply across the County, staff identified the location of M-1 and M-2 zoned properties over 20 acres. On the screen you'll see images of five concentrated areas that meet this criteria in the County. And the properties that would fall under this requirement are shaded in green with some transparency to them, lightly shaded in green. So, this is the Quantico Corporate Center area along Jefferson Davis Highway and Interstate 95. The second area is the Centerport area around the Stafford Regional Airport. The third area is the Westlake development along Route 17 in the Hartwood area. This is the... the fourth area is the Riverside Business Park zoned property, just to the west of Interstate 95 and south of Route 17. And then the other area that was identified is the Springfield Farm. This is outside of the Urban Service Area but is a large M-1 zoned property along Forest Lane Road and Caisson Road. The original request for the ICTP Overlay proposed permitting multi-family dwellings within the district. Subsequent to the initiation of this public hearing for the Comp Plan Amendment, the Commission considered the Overlay Ordinance and modified the Ordinance language to remove multi-family dwellings from the list of permitted uses. The Comp Plan Amendment language as proposed still includes multi-family dwellings as a recommended use. The initiating resolution from the Board does allow for modifications of the text by the Planning Commission. So staff would recommend approval of the text amendment to the Comp Plan. This amendment highlights the need to address existing and new special conditions that may require additional development standards and recommends that the text of the Comp Plan be harmonized with the proposed Ordinance regarding appropriate uses for the district.

Mr. Apicella: Thank you Mr. Zuraf. Questions? Okay.

Mr. Rhodes: Well, one question.

Mr. Apicella: Mr. Rhodes?

Mr. Rhodes: The one thing, and I didn't think to ask this last time when we modified the other, if we take... if we modify to take out the multi-family... I can never remember when you do it one way or you do it another, but if you modify to take out the multi-family, does that mean it can't be added back later

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without another public hearing? Or is it the reverse? If you take it out, it could be added back. Just, again, looking at the options for the Supervisors.

Ms. McClendon: Mr. Rhodes, as this is a Comp Plan amendment, it's more of a recommendation; it's not a zoning amendment.

Mr. Rhodes: So, they have the option to do whatever they want.

Ms. McClendon: Yes. At least with a Comp Plan amendment, yes. Also, being that this was advertised with that particular language and the amendments, when it went back to the Board they have the option of advertising it with that as well.

Mr. Rhodes: Okay, okay. So they have flexibility to act if they want to do differently.

Ms. McClendon: For the Comp Plan. I'd have to do a little more analysis for the zoning part; that's not at issue tonight.

Mr. Rhodes: Okay, thank you. I always get those backwards.

Mr. Apicella: I still get them backwards, even after she explains it. Anyone else? Mr. Boswell?

Mr. Boswell: So, if we send this up, voted up or down without adjusting it to the language in the ordinance, what is our... is there any advantage or disadvantage? I guess my question is, since we've already taken it out of the ordinance, should we send this up with similar language? Or does it even matter?

Ms. McClendon: It would be best for the Comp Plan to track what's in the ordinance. However, leaving it in the Comp Plan in and of itself cannot bestow any rights to an applicant because it's only a guide, it's not a document of which they could zone to for instance.

Mr. Boswell: Okay.

Mr. Apicella: Okay, anyone else? Thank you Mr. Zuraf. Okay, I'm going to open the public hearing on this item. Same ground rules as before. If anyone's interested, please come forward. Seeing no one, I'm going to close the public hearing and bring it back to the Commission. Mr. Coen?

Mr. Coen: Yes, Mr. Chairman, I would like to move for approval, but I would like to actually make it so that it coordinates with our document. And so I would like to suggest and recommend that we move the word 'and' to before 'childcare' and strike the rest of the sentence. So it would now be on Attachment 2, page 1 of 1, second paragraph, "an office space, hotel space for corporate clientele, supporting retail services, data centers, and child care." And then it would strike out the multi-family use for employees working in that ICTP and nearby area. So that way it would match up; exactly what you were saying Mr. Boswell.

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

Mr. Rhodes: Second.

Mr. Apicella: Thank you Mr. Rhodes. Any further comment Mr. Coen?

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Mr. Coen: No thank you.

Mr. Apicella: Mr. Rhodes? No? Alright, anyone else?

Mr. Boswell: I'm not going to support it. I think we should have sent the first one up as is and I did support that so I won't be supporting this.

Mr. Apicella: Okay, thank you Mr. Boswell. Cast your vote. The motion carries 4-2 (*Mr. Boswell and Mrs. Vanuch opposed; Mr. English absent*). Thank you. Next item Mr. Harvey?

UNFINISHED BUSINESS

6. Amendment to Subdivision Ordinance - Proposed Ordinance O16-42 would amend Sec. 22-118, "Water and sewer" to modify standards for on-site sewage disposal systems to establish a uniform minimum size of 2,500 square feet in area and handle 400 gallons per day per dwelling unit on a peak flow basis. The amendment would also eliminate the minimum size requirements for on-site sewage disposal systems located on existing improved parcels that where an existing on-site sewage disposal system has failed or is to be upgraded and is subject to a boundary line adjustment. **(Time Limit: December 17, 2016)**
(Authorize for Public Hearing: November 9, 2016)
(Potential Public Hearing Date: December 14, 2016)

Mr. Harvey: Thank you Mr. Chairman. The next item is a carryover from discussion at the last meeting. This issue is to consider authorizing a public hearing for an amendment to the Subdivision Ordinance regarding standards for onsite sewage disposal systems for new lots that are being created with subdivisions. The Commission, at the last meeting, had a request of staff to see if we could get some subject matter experts here to provide a little bit more background as to how some of the recommendations in the ordinance were derived. Tonight we have, in the audience, Mr. Brent McCord, as well as Tommy Thompson from the Health Department, and we also have Danny Hatch who's a soil scientist. And I'm not sure if there's anybody else from the soils community here. And we also have Jason Towery who's with our Utilities Department that can answer specific questions.

Mr. Apicella: Is there a presentation? Or are they just going to answer questions?

Mr. Harvey: There is no set presentation, Mr. Chairman. I did forward some of your questions to Mr. McCord and to Mr. Thompson previously, and there is a hand-out reflecting some of their responses in an email form, plus also a number of charts that were provided in response.

Mr. Apicella: Okay, and just before we ask questions, some clarifications. First thing is, we would need to authorize this for a public hearing today because they're only meeting between now and December 17th; it's December 14th. Is that right?

Mr. Harvey: That is correct.

Mr. Apicella: And the second thing is that we have no ability to make any changes on this.

Mr. Harvey: That is correct.

Mr. Apicella: Okay. Will the folks who are here today, would you come up to the podium? And if you can just tell us who you are.

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Mr. McCord: My name's Brent McCord, Environmental Health Manager for the Rappahannock Area Health District.

Mr. Apicella: Thank you.

Mr. Thompson: And I'm Tommy Thompson, Stafford County Health Department Supervisor.

Mr. Apicella: Okay, great, thank you.

Mr. Hatch: Good evening Mr. Chairman. I'm Danny Hatch, I'm President of Dominion Soil Science, in the private sector.

Mr. Apicella: Mr. Hatch, thank you for being here.

Mr. Towery: Mr. Chairman, I'm Jason Towery, currently Acting Director of Utilities.

Mr. Apicella: Okay, thank you. Any questions? Okay, I have some questions. I'm curious as to how we got to the specific standards that are proposed in the document today. So, we have a 150 gallon per day per bedroom for a maximum of 400 gallons per day, and a minimum size of 2,500 square feet. So how did we arrive at those standards?

Mr. Towery: Mr. Chairman, members of the Commission, this item was brought to the attention of staff from the development community. And after a number of meetings that staff had with the Health Department and local AOSEs, the draft document was put together. Subsequent to that, there have been a couple of additional recommendations and questions that the FABAs and some of the AOSEs have brought to our attention as well. Recently, at the meeting of the CEDC last week, a couple of additional items from FABAs were brought up requesting potentially amending that document to reflect a 1,500 square-foot minimum for the drainfields, as well as a I think a 300 gallons per day requirement. So, I would defer to the experts here on some of the science behind the 400 gallons per day 2,500 square-foot, but generally it was a consensus among the group that those numbers were a good average to use plus a general factor of safety that would consider potential future failures. As you know, the County has experienced a number of septic failures over the years and we've, in the Utilities Department, have been working a Pump and Haul Program that is substantial. And those... these standards, we believe, would still meet... they are above and beyond what the state standards would be, so I think that is important to point out. But we believe that they would meet the specific requirements of what Stafford County is looking for and protect the interest of the community.

Mr. Apicella: What are the state standards?

Mr. McCord: For what, bedroom design flows?

Mr. Apicella: Again, I'm just looking at the gallons per day, the minimum average... well, the minimum, and the size requirement.

Mr. McCord: For conventional type systems, it's 150 gallons a day. So, if you had a 4-bedroom, it'd be 600 gallons a day. But there is, under the Code of Virginia 32.1-163.6, an engineer can design pretty much any type system he wants as long as he says that it's going to perform adequately and not pollute the environment. So, they could submit any type flow that they really want to submit and we would review it and either accept it or try to take it to our engineers if we didn't think it was, you know, an adequate design or something like that.

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Mr. Apicella: So, how would someone know when they need to go above the minimum?

Mr. McCord: It depends on, you know, the use of the facility. If they were having a large number of bedrooms or things of that nature, it would be reasonable to give a bigger drainfield higher flows to it.

Mr. Apicella: Right. So, my quandary is, we have a minimum threshold advertised as part of this ordinance change. But it doesn't... to me it's both a floor and a ceiling because it doesn't talk about what would require something more than the minimum requirement as currently written.

Mr. McCord: Well, it would be the soil. If the soil was like a more clay soil, the heavier texture soil would require more square feet per gallons.

Mr. Apicella: And I'm with you.

Mr. McCord: Okay.

Mr. Apicella: It doesn't say that. It just says that's the standard. So, again, for somebody who submits an application and they're building a home that is more than say four bedrooms, I think I read something that was submitted earlier today, a proposal that if it's five or more bedrooms, there might be a different standard -- and if they're I'll call it unusual or troublesome soils, it might require a different capacity. But again, the proposal in front of us doesn't speak to that.

Mr. McCord: Or the minimums. Or just minimums.

Mr. Apicella: Right. So, how would we know, and more important, how would an applicant know that this is going to be... they're going to need to do something over and above the minimum.

Mr. Towery: Just to clarify that any of the applicants would still be required to meet the state standards irregardless; the 2,500 square-foot 400 gallons per day sets a minimum floor. So, if they did design a system that, in particular, soils that would require additional capacity, they would still be required to get all those approvals from the Health Department. These standards are in addition to the current standards, the current state standards.

Mr. Apicella: Can you tell me where it says that? (Inaudible - microphone not on.)

Mr. Hatch: Mr. Chairman, I'm going to address that. The numbers in here, as you know, back in 2008 this ordinance was passed and there was a 4,000 square-foot minimum with a 2,400 conventional, a 2,500 square-foot minimum for alternatives. Now, what that did, and as a private consultant going out there and looking at new land, looking at drainfields for new homes, well, what we would do... what you would on any case, you're going to go out there and look at the particular suitable landscape and then you're going to look at the soils that's in that particular landscape. And that will dictate how large that drainfield will be.

Mr. Towery: I'm sorry, actually right in Section 22-118, part 3, it refers to the most recent addition of the water works regulations, as well as the Commonwealth of Virginia State Board of Health, and the motion recent edition of the sewage regulation of the Commonwealth of Virginia State Department of Health and State Water Control Board. So these... again, these standards are in addition to. Just to clarify. Thanks.

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Mr. Apicella: I apologize. So I'm looking at Attachment 4, which is the revised language, and you said part 3. I don't see a part 3. I see, it says 4, onsite sewage disposal. And I'm sorry to be...

Mr. Towery: No, that's fine. Absolutely.

Mr. Apicella: ... to get into the weeds here, but that's a big change and I just want to be sure we're not missing something, both from our vantage point and from an applicant's vantage point. So, where is 3?

Mr. Towery: This is under... in chapter 22, Article 5, referring to Utilities, Section 22-118, Water and Sewer.

Mr. Apicella: I'm looking at the Planning Commission version here.

Ms. McClendon: Mr. Chairman, what's before the Planning Commission is the only language that's anticipated to change. What Mr. Towery is citing is not changing, so it's not currently in the ordinance you have in front of you. It's currently in our codified County Code.

Mr. Towery: Thank you.

Mr. Apicella: So, I'm still not... I apologize, I'm not following how the pieces work together since I don't have the rest of the language in front of me.

Ms. McClendon: I can't really answer that more than it's just that typically what we put in the ordinance is the only language that's going to change.

Mr. Apicella: Right.

Ms. McClendon: So, what you see in front of you is just going to change. What Mr. Towery cited and those prevailing standards, it's not changing from what we currently have in our code. Staff can provide you with the entire section of the code so you can see the changes in light of what won't be changing, so you can kind of get a full understanding of the code changes.

Mr. Towery: Would it be helpful if... just so you could see the format?

Mr. Apicella: Well, it would but I'm probably not going to have enough time to read it and absorb it at this point in time. With the quandary we have, is we have to put this language into a public hearing. And so I guess I'm going to make a comment which is, at the end of the day I want to make sure that... first of all, I think it makes sense to go from just an average size requirement to a minimum flow requirement, so to speak. I'm probably not saying it the right way. That makes a lot of sense to me. But I also want to make sure that it's I'll call it a graduated approach which is this truly the floor but, based on conditions on the ground, literally, you might have to meet a higher requirement based on either the soil types and/or the size of the house. And that's... on its own, what I see in front of me doesn't get me there. So, when I see whatever you have, between now and the time this actually gets put to a public hearing, maybe I'll be smarter about it. So, that's my concern. So those are the questions that I had which was, number 1, how did we come up with this regime? Is there a source document that you use, either an international, you know, or national or state guide that you used in coming up with this? Or is it something that you just sat in a room and said hey, this number works? So I'm not quite sure how we got... that's why I asked the question, how did we come to this number? And what you're saying, this number is higher than what the state requires.

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Mr. Thompson: Let me... I gave each one of y'all a document. Flip on down to table 5.4, and that's near the back. And on the left column you'll see Percolation Rate, and go all the way over to Area Required, square feet per bedroom, Gravity. Go down to a 60 rate, and go across, and you'll see 452 square feet required for each bedroom. This is currently the state regulations and how we design, at the Health Department, a drainfield. At a 60 rate, you go over to 452; multiply that by 4 and that gives you, what, 1,800 and some square feet. That's the size drainfield that we put in. Now that's linear footage. What we're talking about here is the County Code that was adopted in 2008. Every time the Health Department issues a permit since 2008, we have to have a 4,000 square-foot footprint area, for conventional systems, that's under the County Code, and for alternative systems 2,500 square feet. The proposal for this ordinance is to drop that 4,000 down to 2,500; a footprint size of 2,500 square feet for the primary and for the reserve. Currently, the footprint area, when we issue a permit, has to equal. But what's going to be proposed in this new County ordinance now is that the area identified has to equal at least 2,500 square feet, but it doesn't have to match the footprint of the primary. It's a little bit confusing, but that's what the change is. We're going from 4,000 square feet for a conventional system, 2,500 for alternative system, we're going to 2,500 total square feet; 25 by 100, a box. Twenty-five by 100, that's 2,500 square feet of area. And that's what the County wants to do.

Mr. Apicella: That's times two, right?

Mr. Thompson: I'm sorry?

Mr. Apicella: That's times two; you have the primary and the reserve, so a total of 5,000 square feet.

Mr. Thompson: If that's all you needed, yes.

Mr. Apicella: And again, that's the minimum and this, in conjunction with the other requirements in the code that I don't have in front of me, might be greater based on the circumstances; again, being the size of the house, number of bedrooms, and/or soil types.

Mr. Hatch: That is correct. And Mr. Thompson is actually right. I mean, obviously this Table 5.4 is our guideline. And I'll have to tell you, in the real world, most of the times we're well over that minimum square-footage right there. So the new ordinance will help in that respect. Now, there's two issues that really has come about as this ordinance has evolved here in the more recent months that I would like to bring to the attention of the Commissioners tonight. And that is, the square-footage, we went from 4,000 to 2,500 on the conventional, but we didn't do anything less on the alternative. Some of the alternatives can be actually smaller than that in the real world as far as finding a suitable site for a lot of times the reserve area, if you will. The other option or point I want to bring out is in... there's a section here on community systems that's saying that it wants to be 400 gallons per edu or per dwelling in there. Really, a lot of folks I've talked to in the private sector, we do have concerns about that because these community systems are so different from each use, whether it be an age restricted two people living in a home to a 4-bedroom, you know, (inaudible) community system. All these things are really dictated by the VDH, they're reviewed heavily by the state engineer, and it comes out with the correct flow for these types of systems. You don't want to make them too big because you'll starve your treatment units. You certainly don't want to make them too small or you'll overload your drainfields, which is where I come into that arena right there. So, I do want to point out those two things that are in the ordinance before you that we do have, you know, some concerns about. We'd like for you to consider those changes as you look at them as they go before the Planning Commission. The thing I would like to make clear too is that (inaudible). We've got the guidelines... most of the time we're over the minimum with the soils in Stafford County. You know, the -- I'm sorry, I just lost my train of thought there just for a minute. But, like I say, most of the time we're over that when we're out here

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doing our work in the field. So, I wish you had this in front of you tonight because it's been poured over quite a bit.

Mr. Apicella: I do too.

Mr. Hatch: But, anyhow, we're certainly here to answer any questions that you may have concerning this. But the regulations really dictate how big these systems are going to be. And from my experience in the past since 2008, what, it's been 8 years now we've had this ordinance before us? And yes, we have to find the 4,000... the 40 by 100 box that we're talking about up here. Where that really hurts us in the field in trying to do the best on a piece of property is where you have the good soils. If you've got the good soils that is a really good (inaudible), then your actual footprint is smaller and, I want to be clear that no matter what this ordinance says minimum, what's going to be designed and installed is dictated by the Virginia Department of Regulations. So, it doesn't matter what these numbers are in here. We may have to show the box on a piece of paper and show that we've got the soils, but if it only needs three 100-foot lines, that's what's going to be designed and that's what's going to be installed. Does that make sense to you?

Mr. Apicella: Well, let me say this -- it's a very technical issue. I'm certainly no expert. You, by chance, happen to be the person who did my drainfield and I am sensitive to the fact that the drainfield dictated where I could put my house.

Mr. Hatch: Yes sir, I did.

Mr. Apicella: And if we had a different standard, I might have put my house in a slightly different place on my land. That being said, I just want to make sure that we do this right. And, again, for a very technical issue, so this is going to be put to a public hearing at our next meeting. And I heard you mention that you think there are some changes, although we don't even have the ability to make any changes; we can make some recommendations to the Board. And I'm also hearing that the development community thinks what's being proposed here, as a minimum, may be too much. So that's another piece of information that I've had. And I've heard a third piece of information which is these standards may be greater than the state standards. So, I'm just trying to... I'm trying to wrap my head around how do we get to this number and is it the right floor for where we start our regime, in terms of a standard? And is it fair? Or is it too much? Or is it too little? And I'm still not there yet. And I guess what I would ask, again, we'll probably put this to a public hearing tonight because we have to, I would ask you experts to think about what is the right language if we had to propose an alternative to what's been proposed and what's going to go to a public hearing. And at best, all we could do is make it as a separate recommendation; it won't be the actual language we submit to the Board because we're not entitled to make any changes. And I would also ask you, help me understand because it's going to be brought up I'm sure by the development community and probably many representatives and builders, why is this slightly higher minimum where we should to instead of what they're proposing, which is a lower amount?

Mr. Towery: If I could just comment briefly, just a couple questions that have come up and I don't think we've correctly... or adequately answered them. The 400 gallons per day, a typical single-family home, 4-bedroom, would be about 225 gallons per day of water use, thereabouts. So, you can see we built in a little bit of a factor of safety if you will. Additionally, the 2,500 square-foot as I think Mr. Thompson pointed out, a 4-bedroom by the state standard would come up with about I think it was 1,800 square-foot. So, again, the 2,500 was a little bit in addition to. And these are somewhat generic. We've chosen a 4-bedroom because that's pretty standard for Stafford County. And then the additional factor of safety, if you will, was built into that more from the standpoint of, for instance, an AOSE could come in

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and design a drainfield with 200 gallons per day on paper and show that it would work with 200 gallons per day. There may be potentially restrictions placed on that home to get to that number. For instance, there are certain assumptions that come in. It will only be occupied by 4 people or potentially they'll have low flow devices on the toilets and so forth. However, as we know, those homes eventually will sell and the number of residents in those homes may come in. So if that very specific instance is designed towards, it may not encapsulate the total future life and use of that home and drainfield system. So that's where the additional factor of safety I think came into mind. Did you all have any additional comments? I put that out as clarification. I think you were trying to get to understand why the 400/2,500 was chosen. Clearly, what we have right now with the 4,000 square-foot is excessive, perhaps, would be a good word. So, we believe, and I believe the Health Department does as well, that the 2,500 square-foot is a good number to work with, as well as the 400 gallons per day certainly. There is some additional information that came to us a couple weeks ago in regards to, you know, the potential changes to the community drainfield systems specifically, and also to the alternative systems. And I do want to note that the technology has come a long way in the past 5, 10 years since some of these restrictions were initially... or some of these thresholds were initially set with the 2008 ordinance. So, that's all I have; if there are any other questions.

Mr. Apicella: Mr. Coen?

Mr. Coen: Yeah, just real quickly. First, I want to apologize; I'm on very little sleep and it didn't process to me until a couple minutes ago...

Mr. Apicella: He says that all the time now.

Mr. Coen: Really. For not trying to move you earlier in the agenda, so I apologize that you had to wait till this point. When it's at the public hearing, if you want to talk, it'll be a lot earlier in the evening for you. May I make a couple suggestions? One, that you provide for staff for our packet and for the public hearing some easy to follow information so that it'll be really crystal clear. Either, you know, some of the information you're saying of where we got the numbers and how it works and all that. Not necessarily the entirety of this, but sort of walk it through. I think that will help clarify it for everybody. And maybe that's just the teacher in me. And then you might want to give either written or be here at the public hearing to sort of give your reasons in support of this, since you already know that there are, and/or when you speak, for what you want changed. But even, you know, okay this is why we believe this is sound, this is better, etcetera, etcetera, so that if we are going to make any recommendations, it's sort of that we have your information of why x recommendations shouldn't be made or it should be made. If I'm making myself clear. Okay. And that I think would just sort of help everybody, especially if there is a throng coming up and saying we want x, y or z, you'll already have sort of talking points of why the process you used is more sound.

Mr. Apicella: Other comments, questions? Okay, and I would again just add that if you have some alternative language on the alternative drainfields, I think there was another category you mentioned, if you provide that to us again so we could pass that onto the Board as a recommendation. Thank you very much. What is the will of the Commission?

Mr. Rhodes: Motion to advertise for public hearing.

Mr. Boswell: Second.

Mr. Apicella: Okay. Further comments Mr. Rhodes?

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Mr. Rhodes: No sir.

Mr. Apicella: Mr. Boswell? Anyone else? Cast your vote. The motion carries 6-0 (*Mr. English absent*). Thank you very much. We don't have any New Business; Planning Director's Report?

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Mr. Chairman, I have no report at this time.

COUNTY ATTORNEY'S REPORT

Mr. Apicella: County Attorney's Report. I know you're going to take 10, 15 minutes, right Rysheda?

Ms. McClendon: I feel like I should use some of Mr. Harvey's time, but I have no report at this time.

COMMITTEE REPORTS

Mr. Apicella: No Committee Reports. No Chairman's Report other than I would say please remember our Veterans on Friday, and I hope everyone has a very happy and safe and blessed Thanksgiving. Other Business; TRC meeting cancelled for November 23rd. Darn.

CHAIRMAN'S REPORT

OTHER BUSINESS

7. TRC Information - November 23, 2016 - *Cancelled*

APPROVAL OF MINUTES

September 28, 2016

Mr. Rhodes: Motion to approve the September 28 minutes.

Mr. Boswell: Second.

Mr. Apicella: Okay. Cast your vote. The motion carries 6-0 (*Mr. English absent*). No other business being before the Commission I find this meeting closed.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:50 p.m.