

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 12, 2017

The meeting of the Stafford County Planning Commission of Wednesday, April 12, 2017, was called to order at 6:30 p.m. by Chairman Tom Coen in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Tom Coen, Sherry Bailey, Roy Boswell, Darrell English, Mike Rhodes,

MEMBERS ABSENT: Crystal Vanuch, Steven Apicella

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf, Brian Geouge, Kathy Baker

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: We will next move to declarations of disqualifications and are there any?

Mr. Rhodes: Yes Mr. Chairman, on item number 1 I will recuse myself. Well, I don't believe they have any awareness; I am talking with the applicant's business operation there about some opportunities for my father to be a resident.

PUBLIC PRESENTATIONS

Mr. Coen: Thank you Mr. Rhodes. Alright, hearing no others we move on to public presentations. At this point in time any members of the public that would like to come forward and talk about any item that is not one of the public hearings for this evening can come down. If you are here to talk about the nursing home or the Steak 'N Shake or the Town Center at Aquia restaurant wait, we will have a public hearing for you to speak at that time. This is for all the other issues that you may want to come and talk to us about. We remind you that when you come forward, to address the whole Commission, state your name and your address. When you start speaking the green light will come on, when you hit 1 minute the yellow light will turn on, and then when the red light blinks, we ask you to wrap up your comments. And so is there anyone that would like to come down at this time to talk about any item other than the public hearing? And seeing none, we will close the public presentation portion of the evening, which brings us to our first public hearing. Mr. Harvey.

PUBLIC HEARINGS

1. RC16151470; Reclassification - Stafford Nursing Home & Retirement Community Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44FF-1, 44FF-2, and 44FF-2B, zoned LC, Life Care/Retirement Community, consisting of 21.77 acres, located on the east side of Berea Church Road and along both sides of Brimley Drive, within the George Washington Election District. **(Time Limit: July 21, 2017)**

Mr. Harvey: Yes Mr. Chairman, please recognize Mr. Zuraf for the presentation.

Mr. Coen: Hi Mr. Zuraf.

Mr. Zuraf: Can I have the PowerPoint please? Thank you. Good evening Mr. Chairman and members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. This item is a minor proffer amendment for Stafford Nursing Home and Retirement Community. This is a request to

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amend proffered conditions that exist on the property. This includes three parcels that total approximately 21 acres. The property is zoned LC, Life Care Retirement Community. The applicants are the two corporations that own these properties with the agent of Charlie Payne. The site's highlighted in red and located on the east side of Berea Church Road and along of both sides of Brimley Drive. Brimley Drive is the main street through the community and northern terminus of... and also located at the northern terminus of Brandywine Court. Surrounding the property... this is the zoning map, surrounding the property to the north and east is R-1 zoned property which includes single-family detached homes in the England Run subdivision and Berea Knolls subdivision. And then surrounding the property to the south and west is M-1 zoned property, M-1, Light Industrial property with flex office warehouse uses in Stafford Industrial Park. So in our planning lingo we tend to throw around a lot of acronyms and you probably saw that in the staff report. And so, to minimize confusion, I want to point out the acronyms that I reference in the presentation I might say a few times for this case. AL refers to assisted living dwelling unit types and IL, independent living dwellings. Also AL and IL, assisted living and independent living density is measured differently from time to time, with assisted living measured by the number of permitted beds and independent living measured by the number of dwelling units. So in the previous proffer amendment that occurred, we established an appropriate comparison between the two uses stating that one independent living unit would equal two beds, to get a like comparison between these uses that exist in this complex. So, looking at the history of this project, in March of 2008 the land was originally rezoned to the LC, Life Care, for this retirement community. In June of 2009, the site plan was approved for the entire facility; well, specifically, for the nursing home and assisted living facility that are existing now. In August of 2009, proffers were amended that allowed for the phasing of the development with temporary access on Brandywine Court while the main access road, Brimley Drive, and site frontage improvements were being completed. And the last amendment to proffers in June of 2014 allowed for the increase in the maximum number of assisted living beds from 127 to 142 and a concurrent decrease in independent living units from 240 to 207. The subject area includes three parcels; two of the parcels have been fully developed with structures and associated vehicle travelways and parking on those sites. The first site at the bottom, the building highlighted in orange, is the Falls Run Nursing Rehabilitation Center. This is a nursing home facility with 90 beds. And the building highlighted in blue is the Crossing at Falls Run. This is a facility with 142 assisted living beds and 46 independent living units, which correspond with up to 92 beds. The third parcel across Brimley Drive has been graded and is currently vacant other than a temporary overflow parking area. The GDP on the screen shows how the current uses fit into the overall development scheme. As noted, areas 1 and 2 have been developed as originally envisioned. Then area 3, the undeveloped portion of the project, identifies the potential for three buildings, which are highlighted in green, that would include only independent dwelling units. This shows the breakdown of the existing and planned unit types in each area of the project in relation to what has been proffered. Area 1 includes 90 of the 120 permitted nursing home beds, in this location. Area 2 includes all the currently permitted assisted living beds and 46 of the 207 permitted independent living units. And area 3 would be permitted, once it's developed, to have the remaining 161 independent living units. In areas 2 and 3, the permitted number of assisted living beds and equivalent independent living beds total 556. So, the specific amendments, there are two specific amendments, first to proffer 5, that would modify the mix of dwelling unit types permitted to allow the approved 556 beds either as assisted living beds or independent living units with at least 30 of the units as independent living. And then proffer 7 was an amendment to the maximum transportation contribution as a result of prior reduction in the number of independent living units that occurred back in 2014. The amendment to proffer 7 is essentially a kind of a housekeeping change that is reflective of the prior amendment back in 2014. So, this is a summary of the effect of the proposed amendment to proffer 5, with the flexibility in unit types that the change would allow. So, with the change, the assisted living beds could increase from the current 142 up to 496. So basically all the remaining units could be developed as an assisted living facility. Or the remaining 161 independent living units equivalent to 322 beds could build out as currently approved.

Or you might get a combination of the two options. This would be a mix of independent and assisted living as currently exists in the Crossings at Falls Run facility. Some other points include that 16 of the current 46 independent living units could potentially be converted to assisted living units to reduce... to go down to the reduction of providing at least 30 independent living units, and other units could be converted back and forth between assisted living and independent living units under this proposal. In evaluating the change to proffer 5, I would like to point out the Zoning Ordinance requirements for the Life Care zone. To paraphrase, the Zoning Ordinance states that the purpose of the Life Care district is to provide areas for the continuing care of elderly, providing for transitional housing progressing from independent living and culminating in nursing home care, where all related uses are located on the same lot or adjacent lots. There are special regulations related to the Life Care zoning district that requires there be a mix of independent, assisted living units, and nursing home care beds. And require a number of assisted living beds equal to or greater than 15% of the total number of independent living units. There's not a required minimum number for independent living units other than that they just have to be provided. So, the following is a comparison of the unit type mix with the number of independent living and assisted living beds in the project that are currently existing; that's across the first row. The maximum permitted based on the current approved proffers, that's the second row. And then the last row identifies how the proposed proffers could affect the future mix... unit mix should the maximum number of assisted living beds be developed as opposed to independent living units. So other than allowing for a proportionally greater share of assisted living beds in the future, the proposal would not be in conflict with the Zoning Ordinance requirement. Looking at the proffered cash contributions, currently there are current per unit cash contributions of \$367,000 received; this is for 46 of the 207 independent living units. The proffers require per-unit cash contributions only for the independent living units. There are unpaid per-unit contributions of 1.2 million, 161 of the 207 independent living units. It was brought to my attention by the applicant that there were transportation improvements provided to the Berea Church Road/17 intersection that account for some of that 1.2 million. We're not certain of the exact amount, so they did... they have contributed in-kind improvements that do reduce some of that 1.2 million. So, if future development as an assisted living facility occurs, the applicant could forgo the remaining contributions that would be left. The applicant... there are no reimbursements being requested though from the applicant should the existing independent living units be converted to assisted living; that would be 16 of the independent living units. And regarding unit conversions and cash proffer collection, I want to point out that staff notes the proffer funds could potentially be collected should any of the assisting living units existing or new be converted back to independent living units. But this would be difficult to track as there would not be a permit requirement for the change in unit type. So without a good tracking mechanism, there could be potential for some of the proffer funds to go uncollected under this scenario. So with fire... there are some comments provided by the Fire and Rescue Department. They note that any increase in assisted living beds would result in an increase in EMS calls to the site. The facility is wood frame construction which presents a higher fire threat in this specific case. An increase in assisted living beds also will increase the fire alarm and evacuation times at the facility, which are currently a challenge as assisted living residents may need assistance to go downstairs if a fire alarm is going off. The applicant did respond to these concerns and note that many of the residents come to the facility from private residence within the County in homes that are older and may lack the same level of fire protection offered at this facility. The community would allow fire department resources to come to one location as opposed to being spread out among the County and the facility will offer 24-hour supervision in a more modern and safer building. On the last point, despite the increased EMS calls and other concerns from the Fire and Rescue Department, for this type of assisted living facility in general with the Life Care communities that may be seen as preferred over standalone, multi-family style independent living apartment complex. Having each of the various levels of care onsite with the appropriate supervision and resources seems to be preferred over having primarily just an assisted living and nursing home facility at this location and offsite independent living elsewhere. So looking at the overall evaluation, there are positive aspects.

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With the change, it's consistent with the Comprehensive Plan; the adjustments to the number of units and beds does not increase the overall number of residents permitted in the facility; it does provide flexibility to allow for the development to adjust its residential offerings based on changing needs in the future; and in general assisted living facilities and independent living apartments as part of a Life Care community offer better fire safety than standalone independent living situations. There are some negatives. There is potential unmitigated impacts on public safety and transportation resulting from an assisted living facility in place of independent living as proffered contributions may not be provided. And there is a potential for a much high percentage of assisted living beds which runs contrary to the purpose of the Life Care Zoning District which recommends a more equal proportion of unit types. Staff is generally supportive of the amended proffers pursuant to the Ordinance provided as the benefits outweigh the negatives. Staff does suggest that the Planning Commission consider the mitigation of public facility and transportation impacts as a result of the amendment. A way to maybe address this would be requiring... requesting some proffer amendments that would provide more certainty in the number of future units or beds that would be paying cash proffers. This could be accomplished by either requiring a minimum number of additional independent living units above the currently approved 46 or requiring a minimum number of assisting living units contribute some of the cash proffers that were previously offered. And I'll take any questions.

Mr. Coen: Okay, Mr. English.

Mr. English: Mike, how many stories is this? I mean it is two, three stories?

Mr. Zuraf: It is four stories.

Mr. English: Four stories.

Mr. Zuraf: Yes.

Mr. English: Then I'm assuming there's no elevator in there, correct, or do you know?

Mr. Zuraf: I'm pretty certain there is.

Mr. English: There is?

Mr. Zuraf: Yes.

Mr. Coen: Okay, anyone else? Okay, just a quick question because I know when this first came up in '14, and I went to the site and spoke with I think it may be one of the people in the audience. But I just want to wrap my head around it, so to convert it, the independent living to assisted living, that's going to have to take some construction of that unit, correct? It's not just... you know, the unit stays completely as is and then we just sort of reclassify it. Or is there actually something that needs to be done to make it more?

Mr. Zuraf: In some situations there could be some if, for example, the independent living units might have full kitchens where an assisted living unit only is intended to have maybe a kitchenette or something. That's one possibility that, you know, internal modifications might be required. But it also will... the I guess the other issue here is maybe allowing people who have just independent living needs to... say if they have a spouse who has assisted living needs, they can share the same apartment and then that would... in those situations my understanding is that both residents have to be considered as assisted living, as the state sees it, but the spouse might be independent.

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Mr. Coen: Right. Okay, and then as it stands right now this is merely... do we have a timeframe for the third building to be built? I mean... or is this, all of this is just dealing with the two buildings that are already there and just sort of shifting some of the use and the numbers of those ones?

Mr. Zuraf: I'd have to defer to the applicant. We've not received any new site plan for the third property, so I would have to defer to them on their future plans.

Mr. Coen: Okay, alright. Any other questions for staff? Alright, thank you Mr. Zuraf. And now the applicant.

Mr. Payne: Mr. Chairman and other members of the Planning Commission, my name is Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I appreciate your time this evening. Thank you to staff for its presentation. I think staff covered a lot of the key points of the application, but I just want to follow-up with a couple of additional points and reiterate a couple of points that Mr. Zuraf presented and to address any questions that you may have at the end of my presentation. But as Mr. Zuraf went through the history of this application commencing in 2008, that was a different time. As you may recall, it was just prior to the real estate crash that occurred and obviously the economic crash had an impact on people, especially those who were looking to go into retirement. So a lot of retirements were delayed. So the model of the having more independent living units was... made a whole lot of sense prior to that point. But thereafter, that... the economy did have an impact on the market, if you will, for those type of units. And of course thereafter soon, 2009/2014 we came before this Planning Commission and also the Board of Supervisors to increase those number of AL units from 76 initially to 127 to 146. And then here today, again to request some flexibility, if you will, in allowing us to be able to move between the AL and IL world, but to establish a minimum of IL units. Which was a good question, which has been raised by staff, and we've been thinking about this for some time that that 30 number, that 30 IL number, it just doesn't make a whole lot of sense for us. From a market perspective and moving forward to Phase 3 to the question that you had, Mr. Chairman, as to when that may occur. I think allowing us to have more AL units and given where the market is in this particular area in our region, that third phase is sooner to happen than later; because there's a greater need for the AL units than there is for the IL. So, with that, we were going to propose this evening that we would increase that minimum 30 to 100 IL units as a minimum, so that we wouldn't go below that number all through three phases of the project and then therefore still be able to increase our number of AL units. So we did think about that from a future market perspective and are willing to change our proffers for that purpose. So I wanted to share that with you. And certainly this... these facilities are very important to Stafford County, certainly very important to our region as well. They provide a necessary age in place, if you will, for many of our residents who don't have to go outside of the area, we don't displace families, we don't displace spouses. The more AL units allow us, if one of those spouses needs to be in an AL and the other spouse is with them, that's designated as an AL unit; so they need to be together. So, that's another important purpose of this request. In regards to the question about what happens if there is an AL that shifts back to an IL and do we miss the cash proffer requirement, when we have to change the status of a unit from an AL to an IL, we've got to contact the State Licensing Board for that purpose. So, they typically coordinate with the County on those type of issues, and we'll certainly notify the County when that occurs as well. So that's not a problem and we'll make sure that we're able to coordinate all of that when that occurs. But the big catch would be the State would be notified and the State typically does work with the County on those type of questions. In regards to proffers, I just think it's really important to point out, and Mr. Zuraf, I appreciate the fact he had shared with you our comments earlier today. In the initial proffers from the beginning, from 2008 and which continued all the way through our amendment changes, you may recall that proffer 7 today required us to make certain improvements at the intersection of Route 17 and Berea Church Road and Fleet Drive -- which had to occur before they could get the first occupancy building permit in Phase 2.

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So that's happened. That was initially valued at about \$582,000 in 2008, so my bet is it probably was a little bit more than that thereafter. So, if you combine that with the proffers they had already paid for the 46 units, we're more than two-thirds there on the proffers for transportation alone, just prior to these amendments that we're requesting today. So, I think that's important to note in regards to whether or not we're losing significant transportation proffers and infrastructure proffers. And, of course, there's also the proffers that have been satisfied for the entire... all the buildings to be sprinkled. Also for the stairwells to be firewall protected. Of course, we have professional health care individuals onsite, so we certainly appreciate the concerns of the Fire Department and Fire Marshal in regards to perhaps the increase in number of calls. Those individuals who are in our area, they would be utilizing those services as well. But in this case, when those individuals are at one site, one, the first responder are the health professionals who are onsite. That's the first responder. And secondly, obviously if there still needs to be an EMS to come to the site, that's a much more positive environment with 24-hour supervision and support than it would be being in a rural area of the County or other places. So I just think that's important to note as well. The other proffers that have already been paid are \$50,000 towards the recreation proffers. Also the proffers at our entrance, which were beyond the normal sort of requirements, if you will, for our entrance, so those were in place. We also have the... again, I noted earlier that the fire... all the buildings are sprinkled and obviously that's a much safer facility to be in than being in an individual home if you need assistance and the emergency gate is in place. So just in regard to respond to some of the concerns from EMS, we do have a lot of these protections already in place. The other important thing is, this site employs 139 people, many of which who live in Stafford County. Last year they paid taxes between real estate and personal property well over \$250,000. If we're able to respond to the market, if you will, that demands more AL and we're able to move forward to our next phase of our development, that just means more jobs and more tax revenue for the County as well, in addition to more importantly, addressing a great need in our region and our County. And let's not also forget that the Berea Fire Station is only about 2 miles away, so they're fairly close to the site. And with that, I'm happy to answer any questions you may have. And again, just noted for staff, we're willing to change that proffer from a minimum of 30 IL to 100, which I think addresses many of the concerns that staff has raised.

Mr. Coen: Okay, any questions? I guess one question would be that 100, is that 100 in the existing and/or future or just for the future is there some...

Mr. Payne: Spread out for all... spread out... remember the first phase is the nursing home so that's not even impacted.

Mr. Coen: That is why I said the two.

Mr. Payne: It's for phases 2 and 3.

Mr. Coen: Okay.

Mr. Payne: So right now there's 46 total.

Mr. Coen: Right.

Mr. Payne: In building 2... Phase 2 I should say, I'm sorry.

Mr. Coen: Okay.

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Mr. Coen: Alright, thank you. Alright, since no other questions, we move to our public hearing. During the public hearing gives a chance for the public to come forward to give their opinions on this issue. Remember that when you come down, you address the Commission as a whole. Please state your name and your address, and once you start talking you will have 3 minutes. The green light will turn on, at 1 minute the yellow light goes on, and then when the red light comes on we ask that you wrap up your comments. So if anybody would like to come forward, come on forward now. Good evening Ms. Callander.

Ms. Callander: Good evening. Alane Callander. I didn't come here tonight for this item; however, I find the presentation to be very interesting and concerning. I also regret, once again, I cannot pick up a copy of the proposal from the back table. Someone said they were cutting back on copying cost or something, I can appreciate that. But at the same time, it's helpful to the public, particularly in my case where I'm coming and talking extemporaneously about something I had not read up on before. But I do want to say I am familiar with the location off of Berea Church Road. I have been to the Crossings to visit a friend. In fact, while I was there, an ambulance was called in to take my friend to the hospital. So I do know how difficult it is to get from that area to either Stafford Hospital or Mary Washington. The roads are not easily traveled, they're congested. Or in the case of Truslow Road, it's a narrow windy road. This is not an ideal location. I know that there's a rehab center there, the Crossings is there. For some reason, there's been some settling of this type of use in that part of the County. I remember when we first talked about the Crossings, that there were some issues and concerns then. But now we're adding a lot more units and the assisted living units particularly will require more transfers to the hospital. Ideally this type of use would be near the hospital; that would have been an ideal place. So, I would caution you to be very careful with this, that we already have congestion on Route 17, we have a narrow road, Truslow Road that needs to be improved, and I just think this is a great concern. Thank you.

Mr. Coen: Thank you Ms. Callander. Anybody else wishing to speak? Yes sir.

Mr. Leonard: Hello, I'm Jeff Leonard.

Mr. Coen: Hi Mr. Leonard.

Mr. Leonard: My first concern is, as she brought up, Berea Church Road. It's a very narrow road with no shoulders. If you come up and down that road with a school bus or a truck, you got... I've had to pull over before to let trucks go by. So if they're doing construction, my concern is that. My second concern is also with Limestone Way. I live right there and it's right off of Berea Church Road. When they were building that subdivision there, that little Knolls subdivision, them big dump trucks and big trucks coming up and down our road and dinging the cars up because they're bringing rocks and dirt and mud flying everywhere, plus a school bus and there's a lot of kids on that road. I don't have any of the kids, mine are too old, but there are a lot of little kids there, and a lot of school buses. So, I'm concerned about the construction equipment, heavy trucks coming up and down the road during the construction phase. That concerns me too. So those are my two biggest concerns on that, and another one is increasing the traffic through that subdivision, especially on Limestone Way, because if you know Limestone Way, it's got them hills and it's already a racetrack. It's a 25 mile an hour zone, but people rarely go less than 40 or 50 on that road. And it's going to increase the traffic on that road. So I don't know... I mean, I don't know what you can do to slow people down, maybe do like they did that subdivision right over the bridge where they put all them speed tables and stuff. So those are the concerns I have with this. Mainly it's the construction. I mean my mother-in-law, we've put her from South Carolina into that facility, she passed away there, so. I mean, it's a good facility and I have someone there I know there now, it's needed I agree, but it's just during the construction phase and

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afterward, all that added traffic. When you fixed that intersection at Berea and 17, oh that was a great thing. I agree, because I live there. But they did nothing with the rest of the road. I mean the rest of the road is just the same way it always is. I mean there's no shoulders, that's the biggest part there. You got to pull off the road sometimes them busses especially them big trucks come through there, but that's all I got.

Mr. Coen: Thank you Mr. Leonard. Alright, anyone else wishing to speak? Come on down sir.

Mr. Bundrick: Good evening. Yes, I too came... I'm sorry, my name is Gregory Bundrick. And I too didn't come here for this particular issue but I also found the topic compelling as well. My concern is that I noticed that you're moving from decreasing independent living while increasing assisted living, which is a change in the level of care for the individuals living in that facility. I also heard that it's going to be a 4-story facility. I wonder about the opportunities that people who will be living there will have for integration into the community. Of course, you don't want necessarily to have all people living in an institution; you want to have people getting out into the community and being part of the community. Then I just heard this gentleman talk about road conditions and traffic and so forth. So my concern would be what amount of integration people would have who live there to get out into the community and that they aren't isolated in one particular institution. And I did note as I said that you are going from one level of care to a higher level of care for more people.

Mr. Coen: Thank you Mr. Bundrick. Anyone else? Alright, seeing none, we will close the public hearing. Since it's in my district I'll let Mr. English speak and then eventually I'll have to turn the gavel over to the Honorable Mrs. Bailey.

Mr. English: I've got a question for Mr. Payne.

Mr. Coen: And then you can address anything that was raised.

Mr. Payne: Thank you.

Mr. English: Mr. Payne, in reference to that, where they're talking about the traffic, where the rehabilitation center is -- I know if you go around back, it brings you back out to the industrial park.

Mr. Payne: Uh-huh.

Mr. English: Is that possible that they could widen that a little bit so they could go... is it emergency in and out?

Mr. Payne: I think it's emergency only, is my understanding.

Mr. English: Well, I know they can go around but sometimes they leave the gate open, sometimes they leave it closed. But is it something that could be worked in that they could leave that gate open permanently for that reason?

Mr. Payne: I defer to staff on that question, because I think it is only supposed to be for emergencies only.

Mr. English: Do you have any idea what I am talking about Mike or Jeff? Behind the rehabilitation center.

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Mr. Coen: If not, they can look into it if need be.

Mr. Harvey: Yes, Mr. English, I'm familiar with the geography of the situation, but I'll have to look to see if there are any restrictions with that, because my recollection was when the project was initially approved the access through the industrial park was only intended to be emergency access. Mainly for the reverse of what people are talking about today, where they didn't want industrial traffic going through the residential project.

Mr. English: Right. Okay.

Mr. Payne: And I can address...

Mr. Coen: Thank you. If you'd like to address the things that people raised.

Mr. Payne: Yes sir. I appreciate that. How about if we address the entrance question first and folks believing that the road is not very wide and it's got no shoulders. We had to proffer a 200-foot right-turn lane and a 200-foot taper lane and then we had to put flashing lights basically to warn people to slow down because they're coming upon a facility, they're 200 yards also from the facility. So that's in place today. Of course, with AL versus IL you're reducing the number of people in cars; that's the other issue. The employees actually, the different various times when folks come in is off peak hours. So, we've got people coming in 7 to 3, 3 to 11, 11 to 7; so they're not coming in during peak hours which is important. So, I wanted to make sure we just addressed those issues with traffic. And of course, the improvements that we've already paid for, if you will, and proffered for transportation, you know again we've already proffered and paid for two-thirds of those for those proffers. I say paid for, including the intersection of Berea Church Road and Route 17. In regards to AL versus IL EMS calls, interesting that, you know, with the IL having no 24-hour support, there's a lot of calls for EMS. Again, the first responders for AL are in the facility, so we address many of those issues onsite. And just a concern about expanding, we're not expanding; it's the same plan that was originally approved, the same number of beds. We're just asking for some flexibility to address the needs in the community and the market between AL and IL. I just wanted to make sure we addressed that as well. And there are onsite amenities. It is a campus. It is intended to be an integrated campus. We have recreational amenities; it's a very nice rural site. That's the market today, that's the change versus building next to hospitals. They don't want people to feel like this, it's the end, if you will, when you get to these campuses. This is to be a nice environment for the community and for your family members to visit and for the people to reside. So the old model of being next to hospitals isn't the model today. That's changing throughout the country. And we also have the FRED bus stop onsite, so folks can travel if they don't have a vehicle, they can travel on the FRED bus as well. So, with that I am happy to answer some questions. Mr. Coen, do you have some questions? But I just wanted to address those quick issues that were raised by the public.

Mr. Coen: I guess there's two things that sort of popped into my head that... I mean, I had a family member that went into a unit down in Richmond and when I went on the tour we talked about that. And when this first came to us I talked about the need and understanding the need of having to go to more AL. But when one relative, my stepmother, was basically in AL and the whole idea was that my father who is IL would be in the same thing. He still drove, so you still would have the same number of cars because you're still, as you said, you would have a family member that's in the same unit. So I'm not quite certain that the rationale that it would make fewer cars is there if you're going to have the spouse and the spouse is still driving.

Mr. Payne: You could, but typically when the AL increases, the driving of vehicles decrease.

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Mr. Coen: Right, but then again you had pointed out that it would be...

Mr. Payne: You could have that situation...

Mr. Coen: Right, but again, you had pointed out that it could be... that was the whole point of the flexibility. And then the emergency care as well, when we talked about this, and I think Ms. Callander was addressing this, if the existing facility has sort of a mixture already. And somebody in the IL aspect needs an emergency care, and correct me if I'm wrong, but the staff that's on there 24 hours a day is not going to refuse to help them just because they're IL, not AL. They go and they help them. So, that sort of, I mean, if somebody needs an ambulance, somebody needs an ambulance. If somebody needed emergency care, they take care of them. I believe that's what they said to me there. So, that's not necessarily a difference with that aspect. But, as I said, it's not so much a question, it just seems sort of that those arguments from your own arguments that you brought forward were sort of negated by your points. So, I just wanted to make that clear. Did anybody else have any more questions for Mr. Payne? Okay, alright. Thank you sir. I now turn the gavel over to Mrs. Bailey.

Mrs. Bailey: Mr. Coen, this is in your district, do you have a motion?

Mr. Coen: Yes. I would like to move to defer only so that we can get some more information. I know staff brought some forward ideas and I know that Mr. Payne mentioned changing it up to 100 and I think staff... it would be appropriate to let staff have some time to hash that out and think about that. So, I'm going to make a motion and in consultation with staff, our next meeting, we already have four public hearings, and so the impression that I received and I know I'll get a glaring look if I'm wrong, but was that the next meeting would be too full so it would be the May 10th meeting.

Mrs. Bailey: So we have a motion to defer to our May 10th meeting. Do I have a second?

Mr. English: I'll second it.

Mrs. Bailey: Any discussion?

Mr. Coen: As I did when it came before us in '14, I totally understand the market. I understand the situation with our aging population. Having gone to the site, I understand the roads and their concerns. And so I fully get what you're trying to do. I think that I'm a little uncomfortable with just a blanket, especially when the building, the third building hasn't come forward yet. Putting forward that it's going to be x and because when this came in '14 I thought it was settled. And here we are a couple years later and it's being changed again. So, I'm leery of just tonight, without any real background and thought and getting some more input from staff, saying oh yes, okay, I'm fine with the number, because I just think that... since we had it not two years ago and it's changed, I just feel would feel more comfortable getting a little bit more data before I actually go forward with it. And so, that's sort of the reason why I think that a little bit more time, I would have made it the next meeting but staff has said that they think we're full, so that's why I'm pushing to what I'm saying.

Mrs. Bailey: Mr. English? Okay, no further comments then we can vote. Okay, so it's unanimous (4-0, *Mr. Rhodes recused; Mrs. Vanuch and Mr. Apicella absent*). Any additional comments?

Mr. Coen: Okay, thank you. Welcome back Mr. Rhodes. I was sort of feeling your spirit of your opening invocation that we wanted to be closer (inaudible). Alright, that is our first public hearing. We now move to the second public hearing which is the Steak 'N Shake. Mr. Harvey.

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2. CUP16151555; Conditional Use Permit - Kingsland Square Steak 'N Shake 610 - A request for a Conditional Use Permit to allow a drive-through within the HC, Highway Corridor Overlay Zoning District, on a portion of Tax Map Parcel No. 20-4. The drive-through is associated with a restaurant use. The property is zoned B-2, Urban Commercial, and consists of 1.02 acres, located on the north side of Garrisonville Road and approximately 170 feet west of Kingsland Drive, within the Griffis-Widewater Election District. **(Time Limit: July 21, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Please recognize Brian Geouge for the presentation.

Mr. Coen: Good evening Brian.

Mr. Geouge: Good evening. Good evening Mr. Chairman, members of the Commission. I'm Brian Geouge with the Planning and Zoning Department. I'll be presenting the conditional use permit request to Kingsland Square Steak 'N Shake. As I said, this is a conditional use permit request for a drive-through facility in the Highway Corridor Overlay Zoning District. The zoning for this property is B-2, Urban Commercial and it's parcel 20-4. The entire parcel acreage is 2.54; however, this CUP applies to 1.02 acres of that parcel. The applicant is Don Baruch with Steaks of Virginia, LLC. Here is an aerial photograph of the entire parcel shown in red. The general area subject to the CUP is shown in yellow here, occupies the southern portion of that parcel. This is on the north side of Garrisonville Road and about 280 feet west of Kingsland Drive. The site is level and mostly wooded, and there is an existing inter-parcel access along the western property line, which currently serves several businesses. The surrounding uses include those businesses to the west which are zoned B-2. That includes a multi-tenant commercial building with fuel sales. To the east, there is B-2 zoned properties; one is a learning center and the other one is a physical therapy office. There is R-1 zoned residential single-family detached area to the north, and to the south across Garrisonville Road there is B-2 and B-3 zoned medical offices and a dance studio. There is a previous plan for this site. What's shown here is the approved Kingsland Square site plan that was approved in 2014. It included a 3-tenant retail building totaling 14,400 square feet in the general location of this CUP parcel. And I should note that the proposed Steak 'N Shake would replace this previously approved use. This site plan would have to be withdrawn prior to approval of any new site plans. You will see here the Generalized Development Plan for the Steak 'N Shake showing the proposed improvements. Those include a 2,800 single-story restaurant, single drive-through lane which circles the building in a counter-clockwise direction, with a menu board. I'm not sure if you can take that out or not, but the menu board is here. That's on the east side of the building and the pick-up window would generally be here on the north side of the building. The site access is from Garrisonville Road and it utilizes the existing shared inter-parcel travelway that's along the western property line. And note that the first access point into the site here is proposed to be an enter only, and that's to help avoid any conflicts from vehicles exiting the site and other vehicles turning in or perhaps going to the adjacent businesses. All parking spaces are accessed via internal drive aisles and there is a sidewalk proposed along Garrisonville Road as required in the HC Overlay District. A loading space and dumpster pad is located on the northeastern portion of the property here. As far as architectural design, the applicant did submit building elevations for this project and those are shown here at the top. And they also provided a photograph of a Steak 'N Shake that's similar design that was under construction in this photograph; that's shown on the lower portion there. Since this site is located within the HC overlay district, buildings must conform to the Neighborhood Design Standards Plan. And staff notes that the renderings provided are not fully consistent with the recommendations of this plan, as the plan calls for parapet walls that feature three dimensional cornices, states that there shall be no use of exterior insulation and finish systems or EFIS or metal panels as a primary façade material, and that façade should utilize subtle earth tone colors and that black should not be used. So, due to some inconsistencies with these design standards, conformance with the architectural renderings is not a proposed condition in this case. I should note that although the elevations are not conditioned, that

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conformance with the Design Standards would be verified prior to any issuance of building permit for the site. And the applicant also provided a couple more images; this is showing a similar designed building at night, and there's another one here. The proposed conditions for this case include a condition that development is to be in general conformance with the GDP; a condition that hours of operation will be limited to between 7:00 a.m. and 2:00 a.m.; a condition that the site will connect to Garrisonville Road only through the existing inter-parcel access and no new access points on Garrisonville Road will be permitted; and that the entrance closest to Garrisonville Road will be enter only, as shown on the GDP. And finally, that the travelway connecting the site to Kingsland Drive is required prior to issuance of Certificate of Occupancy. As for evaluations, staff finds several positives for this. It's consistent with the Comprehensive Plan recommendations for this area. It's consistent with established development patterns in this area, and the proposed conditions will help mitigate impacts. Staff does note a couple negatives. The potential conflicts with a two-way internal traffic pattern. I neglected to highlight those, but on the GDP it shows a two-way traffic pattern throughout the site with a one-way pattern just adjacent to the pick-up window here. There was concern from staff and from VDOT that a one-way traffic pattern would be more appropriate here as it could reduce some conflicts between some vehicles entering and exiting the drive-through lane. There's some potential for noise impacts on nearby residential properties with late operating hours. There's some uncertainty as to how the northern portion of the parcel will be developed. There's potential that there could be a large clearing there for stormwater management or what have you, which would leave minimal noise buffers between this use and the adjacent residential. And finally, the proposed building is not consistent with the Neighborhood Development Standards. This is listed as a negative, but really compliance with that would be verified at a later time. Finally, staff is recommending... the recommendation rather is that we're generally supportive of the application pursuant to Resolution R17-100, but suggest that the Planning Commission consider a condition which requires a one-way traffic pattern within the site to reduce potential traffic conflicts, and a condition that limits the hours of operation to midnight to further mitigate any potential noise impacts on nearby residential properties. And I will take any questions.

Mr. Coen: Any questions for staff?

Mr. Boswell: Just one. Can you go back to the picture of the site as it is now?

Mr. Geouge: Yes. The aerial image?

Mr. Boswell: Yeah, the aerial. The buffer behind, in red behind the site itself, is that still there or do you know?

Mr. Geouge: Yes, it's still there.

Mr. Boswell: Okay, so there are still trees on the property?

Mr. Geouge: Correct.

Mr. Boswell: Okay, thank you.

Mr. Coen: Alright, any other questions? Mrs. Bailey and then Mr. English.

Mrs. Bailey: Just with the future road widening of Garrisonville Road, are there any stop lights planned in that vicinity?

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Mr. Geouge: None that I'm aware of. VDOT noted that with the widening of Garrisonville, the entrance that currently exists, the shared inter-parcel access here, would become a right-in and right-out only; there'd be a median there. And that the access on Kingsland Drive over here could possibly have a median break for access, but not guaranteed.

Mrs. Bailey: Thank you.

Mr. Geouge: Yep.

Mr. Coen: Mr. English.

Mr. English: The hours of operation for the Fas-Mart, do you know what those hours are?

Mr. Geouge: I'm not certain, I'd have to check.

Mr. English: The strip mall next door? You don't know? Does the applicant know, I wonder? You don't know? Okay, alright.

Mr. Coen: Alright, just a couple quick questions. On the hours of going until 2:00 in the morning, is it... and I think I bothered staff on this. They wouldn't be necessarily selling food until 2:00 a.m. I mean, the hours of food service and what not is earlier, and then it's the hours of operation as in cleaning up the store... the restaurant and what not, would go to 2:00.

Mr. Geouge: My interpretation as hours of operation would be hours that the business is open for food sales.

Mr. Boswell: I think they sell milkshakes until 2:00.

Mr. Coen: Two? Okay. And then I guess the next question, and if you can go back to your... to one of the draw... the plat map that has... there you go. If I understand you correctly, the latter part, the upper part closer to the homes is not necessarily planned for anything other than where that grid is to maybe be a retention pond, correct?

Mr. Geouge: I'll have to defer to the applicant on that one. I'm not sure what their...

Mr. Rhodes: This is the old plan, right? This is the previous plan?

Mr. Geouge: Correct.

Mr. Coen: So, on the new plan...

Mr. Rhodes: Next slide.

Mr. Geouge: The new plan is specifically focusing on this lower portion.

Mr. Coen: Because, I guess since you mentioned the retention pond aspect of it, and if you go back to the initial what's there now, there's a...the aerial vision, there's a bevy of trees; whereas, if you go back to the one of the plan now, it's just a single row up there. That if you were actually going to do the retention pond you wouldn't have to clear it all out so there would still be a buffer between that and the neighbors, if that was what their intention was, just to have a retention pond.

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Mr. Geouge: Correct.

Mr. Coen: Do you understand what I'm saying? I mean, if you are not going to clear it to put a building in there and you're just going to put a retention pond, you don't necessarily have to clear everything to do that. You can just do it (inaudible).

Mr. Geouge: Correct.

Mr. Coen: Okay, thank you.

Mr. Geouge: There could be a scenario where only a portion of that is cleared.

Mr. Coen: Thank you sir. Okay, any other questions for staff? Alright. Mr. Payne, once more into the breach.

Mr. Payne: Thank you Mr. Chairman and other members of the Planning Commission. Charlie Payne with the law firm Hirschler Fleischer and we represent the applicant. I appreciate staff's comments and presentation, and we will add to that hopefully and answer any questions you may have. Obviously, this site's already zoned B-2 and we're requesting a conditional use permit because we're going to have a drive-through window in the Highway Corridor. Many of the properties around us are zoned commercial as well. Obviously, this is a commercial corridor off of Garrisonville Drive... Garrisonville Road, sorry. It's also planned, as you know, for an expansion from five lanes to six. We have dedicated right-of-way to assist with that 6-lane expansion into the future. The site is obviously on the southern side... developing the southern portion of the site along Garrisonville Road. The northern portion is not being developed at this point. You'll notice in our Generalized Development Plan that we have actually berming and screening and landscaping all around our location except for the access areas. and there's also a travelway between us and the northern portion of the future development of the commercial pad site just to our north. Mr. Boswell is correct; there is a tree line that's there. I assume that was put there from the residential development and certainly there are setback requirements for future development of that site as well, which I'm sure staff can address better than I can. In regards to some of the comments made by staff in regards to internal travel activity, this is a standard two-way travel plan that Steak 'N Shakes use for all of their sites. So, they're very comfortable with that process. They're very comfortable with how that works with their customers. It seems to be very... work very well for them, and certainly a model that has been tested many times over. Same with the prototype. The prototype is the prototype that they utilize for all their stores. I think the additional photos that we provided does show... the photos at night does show there's a lot more color, if you will, than just the black and white on the site. But that is something that obviously is part of their brand, if you will, that customers are attracted to.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: Mr. Payne, is the intentions right now, since there's nothing being developed on the northern portion of that, would that be just left... all the trees there left alone for the interim period until that's developed?

Mr. Payne: That's my understanding. It's not going to be developed at this point, right?

Mr. Rhodes: Or would that all be cleared?

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Mr. Payne: There is a plan.

Inaudible from the audience.

Mr. Coen: If you could join us and state your name and let us all be able to hear it. I know Mrs. Stinnette would love to be able to hear what you're saying.

Mr. Foroughi: Ryan Foroughi, managing member of Bagby, Foroughi and Goodpasture, engineer for the project. I actually prepared the first plan, the approved plan for Kingsland prior to the Steak 'N Shake. The reference to the stormwater management retention and the facility in the back, it is the intent with this plan to develop it with the site plan to bring in the entire project. I think one of the conditions that Brian brought in was that we have to construct a travelway to the north as part of our access to Kingsland and to the internal access, or the access easement on the western side. So, the intent is to develop the entire portion of the property at one time, under one site plan application.

Mr. Coen: But you don't have anything today?

Mr. Foroughi: We don't have anything concrete yet. In speaking with the owner of the property, the intent is to come in with something around to an 8 to 12,000 square-foot single unit building, possibly as a low to medium intensity retail type of facility. Obviously they're not fronting on 610; it's not going to be a high... you know, it's a very specific type of use but where a low to medium intensity retail single develop... actually there's been discussion of moving the daycare facility that's existing to the north to come to this facility here.

Mr. Rhodes: To the west.

Mr. Foroughi: So, there are talks.

Mr. Coen: Thank you sir.

Mr. Rhodes: So, the intent is that there is another development to that north portion which would provide some building or structure which would be a buffer between this facility and ...

Mr. Foroughi: Absolutely.

Mr. Rhodes: ... and if that weren't to come to pass and you didn't have a plan to develop it, then there would be no reason to take down the trees.

Mr. Foroughi: That is correct. And regardless of how the project is developed, the residential... the incompatible use buffer to the north will remain. And I believe they've actually proposed a fence as well with that and I believe that intent is to remain the same.

Mr. Coen: Okay, I just wanted... because when Mr. Rhodes was first asking, you know, if... before you got up here... it was sort of will the trees remain and you were shaking no. But now you're saying the trees will remain until you actually have a specific plan? Or is it that you're going to come in and knock down everything and then hopefully at some point have a plan for the back portion?

Mr. Foroughi: So, let me clarify. Assuming everything is successful, we will prepare one site plan for the entire project. The Steak 'N Shake will obviously commence development immediately; it's a little more speculative on the rear. So there could very much be a possibility that we come in with one entire

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site plan, the Steak 'N Shake gets developed. There is not a user for the second part, at the date. The site plan is good for five years, it may sit for a little while, we may have to do a revision to it later on. But there is no concrete...

Mr. Boswell: The question is when are you going to clear the trees?

Mr. Coen: Thank you sir, thank you Mr. Boswell.

Mr. Boswell: Are you going to go in and mow everything down, build the Steak 'N Shake...

Mr. Foroughi: No, no.

Mr. Boswell: ... and wait two years before you put up a building in the back? That's the question.

Mr. Foroughi: A stormwater management facility will be required as a part of the development of this site. So the grid that you saw on TV... I mean, on the screen will be required to... those trees will be coming down.

Mr. Boswell: So, you're going to clear the trees that are currently on...

Mr. Foroughi: Correct.

Mr. Boswell: ...your building site that you don't know what you are going to put there yet.

Mr. Harvey: Computer please.

Mr. Rhodes: Computer please.

Mr. Foroughi: Yeah, correct. No we're not going to clear the entire site.

Mr. Boswell: That's the questions.

Mr. Payne: He has to clear the area for the stormwater (inaudible).

Mr. Boswell: I understand, I understand. But until you get ready to put a building on the back site...

Mr. Foroughi: That's correct.

Mr. Boswell: ... behind, you're going to leave the trees.

Mr. Foroughi: That's correct.

Mr. Boswell: That's the question. That way there's a little buffer there and when you have to clear them to build the building, the building will be the buffer.

Mr. Foroughi: That is correct.

Mr. Boswell: Okay, that was the question. Thanks.

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Mr. Coen: And I think the aspect too is on that and I brought this up with a couple of other things that are sort of percolating through. We keep hearing that there's going to be a setback and the visual is a thick. And then when we actually see and we look out windows we see one tree. And so I think that the parlay is, there's going to be this buffer of a setback of x number of feet, ta da da da da, but it ends up just being one tree which sort of negates the whole visual of what we're being told. So, I think that's what one of the concerns is.

Mr. Harvey: Mr. Chairman?

Mr. Coen: Yes sir.

Mr. Harvey: If we could have the computer please. Looking at the existing site plan that's been approved, it kind of gives you an illustration of what may be seen in the future condition as well. There is an existing sanitary sewer easement and it runs parallel to the back property line. And the site plan that's been approved shows a series of trees planted between the sewer easement and the property line. That's probably the extent of which they could logically fit a tree buffer in there. And there is also a fence shown on that site plan, so it'd probably be the same condition with some other feature user. And this is the same scenario that could be approved in another site plan.

Mr. Coen: Thank you Mr. Harvey. Okay, back to where we were.

Mr. Payne: Did that answer your questions? That kind of threw me off a little bit, now I need to catch myself up here. In regards to the time periods for operations, the request is from 7:00 a.m. to 2:00 a.m. Typically, this model is a 24-hour operation, so we're trying to stay consistent but obviously with concerns of staff, but also there are other restaurants, fast food restaurants along that corridor, like for example Taco Bell, not too far from us stays open until 2:00 a.m. as well. The other key part of that is it captures traffic off I-95, travelers off I-95, so that's extra revenue that's coming obviously to the site as well and to the County. Of course, this is a positive economic revenue generator for the County. There's no impacts to schools, no impacts to parks, no impacts to other facilities, and of course we've talked about dedicating right-of-way for the future expansion. So with that, I'm happy to answer any other questions you may have.

Mr. Coen: Any other questions? Alright, thank you sir.

Mr. Payne: Thank you Mr. Chairman.

Mr. Coen: We go and we open up the public hearing, and once again please come down and state your name and address., At the green light you have 3 minutes, yellow light 1 minute and red light blinking, we ask you to wrap up your comments. And we open the public hearing and we welcome Ms. Callander down.

Ms. Callander: Good evening, Alane Callander. This one is pretty clear for me. I would vote no on this. How many fast food drive-through restaurants do we need off of 610? I was... the last time I was up there, you know I don't come from that part of the County, it had been some time since I had been out 610. And I was quite shocked that it hadn't developed in a more aesthetically pleasing way and in a way that could make us proud of our community. It's a row of a bunch of fast food places, convenience stores, gas stations. It's just not a community that we can be proud of. And this type of development is not going to do anything for us; it's going to detract from us. Lately, I've been to a number of fast food places in little complexes where you get very confused as to which way to exit. I'm thinking about Route 17 there near the Target. I mean, apparently this traffic plan is what Steak 'N Shake uses, but I

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would be concerned about all aspects of the plan. I think the original plan for the area was probably considered at great length, and I'm not really clear on why that needs to be thrown out. There is a new road going in, we're improving the road. Why not put something lovely there? Why another fast food joint? So, I don't favor this at all. I think we need a better vision for our community and I recommend that you vote no. Thank you.

Mr. Coen: Thank you Ms. Callander. Alright.

Mr. Bundrick: Good evening again, my name is Gregory Bundrick. And my first point goes to safety. In a town where I used to live there was a drive-through restaurant, and that site also had the highest frequency of accidents. People would go in, pick up their product, and drive out and either try... while eating their fries or whatever, would try and turn right or left and, as I said, that particular site had the highest frequency of accidents. My second point also goes to what Ms. Callander was saying. I envision cafés that serve produce grown in Virginia. Things that... an aesthetic that would appeal to, I think, our population. So on those two issues, I would oppose this.

Mr. Coen: Thank you Mr. Bundrick. Alright, anyone else wishing to speak? Alright, seeing none, I will close the public hearing. Mr. Boswell, this is in your district.

Mr. Rhodes: Rebuttal.

Mr. Coen: Oh yes, Mr. Payne?

Mr. Payne: Mr. Chairman, thank you and the other members of the Planning Commission. Again, Charlie Payne with the law firm Hirschler Fleischer representing the applicant. We always appreciate comments from the public and certainly they're very important. Just a quick reminder -- this use is consistent with the Comprehensive Plan, it's consistent with the commercial corridor of Garrisonville Road. My client reminded me, it's just not fast food, it is fast and casual. So we do have a lot of folks that just don't use the drive-through, they actually go in and sit down and eat and enjoy the event. So, anyways, with that I'm happy to answer any additional questions you may have and appreciate your time.

Mr. Coen: Thank you. Anything else for Mr. Payne? Alright, now Mr. Boswell.

Mr. Boswell: Mr. Chairman, I make a motion to approve CUP16151555.

Mr. Rhodes: Second.

Mr. Coen: We have a motion to approve by Mr. Boswell, seconded by Mr. Rhodes. Mr. Boswell, any comments?

Mr. Boswell: Just that, as Mr. Payne pointed out, this is in the Highway Overlay District. It's designated for this type of thing. As far as the traffic flow on the site, I don't really see a big problem with that. I don't really see where... basically that would be changing arrows around a little bit, and I don't really see where that has a lot of impact on when people decide which way they're going on. Once they are in the site they do pretty much what they want. The 2:00 a.m. timeframe, there are a lot of other businesses up there on 610 that are open, a few open 24 hours, many open to until 2:00 a.m. So I don't see the need in restricting this one to midnight and due to the applicants willingness to leave up the buffer until a building is put up in between the residents and this business. Those are my reasons for voting for approval.

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Mr. Coen: Okay. Thank you Mr. Boswell. Mr. Rhodes?

Mr. Rhodes: Nothing further sir.

Mr. Coen: Alright.

Ms. McClendon: Mr. Chairman, may I interject?

Mr. Coen: Yes.

Mr. McClendon: Based on the presentation by staff tonight and looking at the resolution that's in the packet, I would encourage the Planning Commission to remove condition number 5 from R17-100. That's the condition that goes to the architectural standards.

Mr. Coen: Okay. Do we need him to just amend his initial motion or make two?

Ms. McClendon: Amend the motion would be fine.

Mr. Coen: Okay. Mr. Boswell, it's my understanding that you're...

Mr. Boswell: So amended.

Mr. Coen: Okay. So he has altered his motion to demonstrate what Ms. McClendon has said. Mr. Rhodes, do you continue with your second?

Mr. Rhodes: If I can just confirm.

Mr. Coen: Yes sir.

Mr. Rhodes: So, we are striking the building shall be constructed in general conformance with the styles, colors and materials shown on the exhibit Steak 'N Shake Counter Service, Kingsland Square. That's what you're referring to? Okay, no I totally understand. Yes, I agree.

Mr. Coen: Okay. So that... everyone is aware of the motion? Alright. Any other comments? I understand, I have some concerns about the hours and whatnot and I can understand a desire to have a different type of venue. Unfortunately, I'm not quite certain that venue would be: a) feasible at this time; b) I'm not sure how many people would want to be sitting in a café looking out at Garrisonville Road. So, I think that while that might be a great... Ms. Clifton isn't here, but in beautiful downtown Falmouth, I'm not quite sure that would fit with that area of the Garrisonville Road area. And especially since the applicant has made the concession to leave the buffer up until there is actually something definitive that they are going to do. And as going forward, I hope the applicant remembers that there are homes back there. So even if it's a building that ultimately goes there, the back of the building is what many residents are going to see. So, I hope that they will continue to show such kindness in that regard. Alright, so we have a motion to approve with the removal of a certain condition. So please vote. And it passes unanimously with the two members absent (5-0, *Mr. Apicella and Mrs. Vanuch absent*). So thank you, we wish you well with your endeavor. We now move to the next public hearing for the evening which is the conditional use permit for the Town Center at Aquia restaurant. I'll say Mr. Harvey and they you'll say...

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3. CUP16151584; Conditional Use Permit - Town Center at Aquia Restaurant - A request for a Conditional Use Permit to allow a drive-through within the HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 21CC-2. The drive-through is associated with a restaurant use. The property is zoned P-TND, Planned-Traditional Neighborhood Development, and consists of 0.73 acres, located on the east side of Jefferson Davis Highway, in Aquia Town Center, within the Aquia Election District. **(Time Limit: July 21, 2017)**

Mr. Harvey: Mr. Geouge will be making this presentation as well.

Mr. Coen: Thank you Mr. Geouge.

Mr. Geouge: This suits my height a little better. Good evening again Mr. Chairman, members of the Commission, Brian Geouge here with the Planning and Zoning Department. The next presentation tonight will be the Town Center at Aquia Restaurant Conditional Use Permit. This conditional use permit request is for a drive-through facility within the HC Overlay Zoning District and within the Planned-Traditional Neighborhood Zoning District or P-TND, on Accessor's Parcel 21CC-2 with an area of 0.73 acres. The applicant is Carl Becker of Becker Venture LLC. Here is an aerial photograph of the site shown in red. The site is located on the west side of Commercial Boulevard about 360 feet south of Town Center Drive in Aquia Town Center. It's a cleared level pad site with shared travelways along the entire perimeter of the property and parking lots occupying the eastern half of the property. No recent site plans have been submitted for this property. Surrounding uses include a B-2 zoned restaurant to the north, that's the Ruby Tuesday's; B-2 zoned restaurant with drive-through to the west, that's the KFC; B-2 zoned businesses to the south, there's a Tires Plus and a dental office; and to the east there's a continuation of the P-TND zoned areas and there's Aquia 15 Apartments there. Here is a photograph of the site facing east towards the apartments. You can see the existing parking lot at the site and you'll see that there are quite a few cars parked here. Staff believes that most of these are cars going to the Tires Plus business that's adjacent to the site. I think they use this lot as overflow parking frequently. This property was rezoned to P-TND in 2008 following the establishment of the P-TND zoning classification in 2007. There are proffers associated with the P-TND rezoning which addressed development density, building height, site access points, and other factors which mitigate the impacts of the development. Staff has not found that this proposed use is in conflict with any of those proffers. What you see here is the regulating plan for Aquia Town Center and it establishes transect zones that guide the development of the districts. This property, shown in red, is within the SD-C or Special Districts - Commercial transect zone, which recommends commercial uses serving more than just the development and commercial uses that are located near major transportation networks. Here is the Generalized Development Plan for the proposed use as a restaurant with a drive-through. The proposal is for a 2,500 square-foot restaurant with a single lane drive-through shown here in red. Circling the building in a counter-clockwise direction with a menu board to the east of the building and the pick-up window on the north side of the building shown here. Site access will utilize the adjacent inter-parcel travelways. The site will access directly from those travelways. There's a combination of one-way and two-way traffic circulation on the site to the north of the building, and there's a one-way traffic pattern adjacent to the pick-up window on the east site. There's a two-way traffic pattern and with the south being a shared travelway, that's a two-way traffic pattern as well. Staff notes that the travelway to south which is proposed to be utilized to access several of the parking spaces for the property directly, that travelway now serves less of a use as it did previously. It previously served many businesses in this area, but with the development of Aquia 15 Apartments it now primarily only serves the Tires Plus and the dental office. You'll see sidewalks shown on this GDP as well. There's a Zoning Ordinance requirement in P-TND that sidewalk connections be provided to all streets that a property fronts, so the applicant has shown that on this plan. The loading space proposed is adjacent to the drive-through lane, in between the drive-through lane and the building here, and the dumpster pad is proposed to be on the

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northeast corner of the building. Also, on the east side of the property there is a FRED bus stop shown. This was a proffer requirement for the P-TND zoned area. And this bus stop is actually just a few months away from construction. There is no condition requiring general conformance with the GDP. The applicant expressed a desire to allow some flexibility in that since a tenant has not been identified. So, based on the exact tenant needs, this layout could possibly change. The conditions proposed for the CUP are intended to help mitigate any impacts to the development while still allowing some flexibility in site layout. As far as architecture, being that there is no tenant identified, there are no architectural elevations proposed for the restaurant. This image you see here is taken from the Aquia Town Center Neighborhood Design Standards Manual, which establishes architectural standards for all buildings and signage within the development. And this is intended to illustrate the types of architecture that would be appropriate in the town center and those include the use of brick, stone, or textured concrete with earth tone colors, the use of awnings to break up façades, and the use of parapet walls with cornices. Review and compliance with these guidelines would occur at the time of building permit submittal and staff also notes that signage would also be subject to those guidelines. There are several proposed conditions for the CUP: one limits loud speakers to just one for the entire site and that loud speaker cannot be directed in an easterly direction towards the apartments; there shall be no illuminated signage on the eastern façade of the building that faces the apartments; the monument signage shall be oriented to the western end of the property; the dumpster enclosure is required to be masonry in a style and color that's consistent with the primary building; and that no deliveries to the site shall be between 12:00 a.m. and 7:00 a.m.

Mr. Coen: Mr. Geouge?

Mr. Geouge: Yes sir.

Mr. Coen: Just to make sure for clarity sake, when we were discussing that there would be some flexibility in the GDP, those conditions are not flexible. Or are those also flexible?

Mr. Geouge: These are proposed conditions so these would apply.

Mr. Coen: So they would not be flexible.

Mr. Geouge: Correct.

Mr. Coen: Okay.

Mr. Geouge: A couple of other issues staff wanted to point out on this is one that I touched on briefly earlier. The parking deficits for adjacent auto service -- staff notes there is no parking agreement for this site and that the adjacent business would be responsible for accommodating all parking needs for their site within their site. Also, as far as the Comprehensive Plan, the land use concept for Aquia Town Center recommends this particular parcel for office and retail uses. However, staff notes that the proposed use is consistent with the established development pattern in the area. As for evaluations, there are several positives with this. The proposal is generally consistent with the Comprehensive Plan recommendations. It's consistent with the established development patterns, and regulations for the district will require architecture and materials to be consistent with Aquia Town Center. The one negative that staff notes is that there are potential noise impacts on the adjacent apartments, should the drive-through be in operation overnight. And just as a reminder, there's no condition proposed to restrict operating hours on this establishment. Staff is generally supportive of the application with conditions pursuant to R17-102, but suggests the Planning Commission consider a condition which limits hours of operation to mitigate those potential noise impacts on the adjacent apartments. I'll take any questions.

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Mr. Coen: Are there any questions for staff? Mrs. Bailey.

Mrs. Bailey: Have you had any further conversations with the applicant in regards to restricting the hours of operation?

Mr. Geouge: I have and the applicant expressed a desire to leave that open in case the establishment has a desire to operate 24 hours.

Mrs. Bailey: Okay, thank you.

Mr. Coen: Do you know if... staying on what Mrs. Bailey brought up about the hours, do we know if... what are the hours of other restaurants in that area?

Mr. Geouge: I believe the next closest one to the apartments, the Ruby Tuesday to the north, I believe on Friday and Saturday they are open until 11:00 p.m.

Mr. Coen: Okay, and then the Kentucky Fried Chicken, which I think is right...

Mr. Geouge: I'm not sure but I don't think they operate very late either.

Mr. Coen: 11:00?

Mr. English: And then Micks, I think, stays open until 2:00 and then, of course, you've got the hotel stays open all night and McDonald's is 24 hours.

Mr. Coen: Okay. Thank you. Alright, and no other questions? So the applicant, would the applicant like to come forward?

Mr. Foroughi: Members of the Commission, Ryan Foroughi, engineer, Bagby, Foroughi, Goodpasture. Please forgive me, I'm not as polished as Charlie Payne, so I may stutter and stumble through this, so please be gentle with me. I want to thank staff for the presentation. I think it accurately describes most of what's going on out here at the site. To start with Aquia Harbour... Aquia Town Center is being redeveloped now as we speak. There's been significant change throughout that parcel or the majority of that parcel. The new office building, obviously the theater has been demolished, the new apartment buildings that are coming in and the applicant is just trying to... the applicant is in the audience... the applicant is just trying to capture his share and be a part of this process and redevelop his piece of property. As you guys are aware, I think the site's been vacant for 10 years. It's been nearly a decade that it's been demolished. I think it was a Goodwill and it's been through several other things. So, the applicant is just trying to redevelop the parcel consistent with the rest of the development around it. The application is specifically for a drive-through only. The property is zoned P-TND. Again, many of the properties already around it are developed. We already mentioned the KFC, the Ruby Tuesdays, the El Gran Charro, Carlos O'Kelly's, McDonald's, I mean there's a litany of commercial retail completely around the project. The applicant admits they are being somewhat speculative; they have talked to two or three different national retail users. They are specifically trying to target a coffee shop. There's not... don't want to name any specific names, they've been talking to several. There's really not one on this side of Route 1; there's obviously the McDonald's, but they may be catering more to trying to attract that type of a user. We'll talk about hours of operation. That's why we are trying to have some flexibility with that. The site does have some limitations, we... as Brian has indicated, it's got travelways on it on all four sides. It makes it really challenging for buffering, but we would like to note that we are providing buffering on all three sides... or three of the four sides I should say. And we are

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providing buffering up against the apartment side as well. The applicant is not installing or improving the FRED bus stop but that is going to be on the eastern side of the property and, as a result, we are putting in a 5- to 7-foot buffer to help with screening. That's also why we placed the dumpster on that side to additionally help with screening from the apartments on the eastern side. Let me see here, anything else? So, to address some of the staff concerns regarding... throughout... provided in the presentation, the Tires Plus overflow, believe it or not the applicant is an owner, is a partial owner, is the landlord of the Tires Plus. They don't operate the facility but they own the land. There's already been discussions that this project is being redeveloped; that is going to cease and desist. So, they are working that out now so Brian is correct, that site is going to need to provide its own parking, its own storage and there has been discussion about providing potential site plans in the future to accommodate that, but that issue has been raised and is being addressed currently, as we speak. Signage towards Jefferson Davis Highway to the west, the applicant has obviously no issues with that. The parcel is one level off of U.S. Route 1, so they... and we've actually situated the building in such a way that we are not directly behind the KFC, so any signage, any visibility such as illuminated signage of advertising signage on the building, we would definitely not face towards the east. There would be no benefit in that as well because we would want to try to attract the users off of Route 1 and 95. And we hit on the dumpster over there. The applicant wouldn't have a problem obviously having consistent materials with the building structure, no problems there. And the hours of operation, similar to the previous application; they're trying to capture, you know, traffic on and off 95 and on and off of Route 1 and, you know, a coffee shop such as the Starbucks in the areas, you know, if it was something like that or a Dunkin' Donuts, I mean, they are well open till midnight, 2:00 a.m., and a lot of the existing commercial retail is already... McDonalds has a 24 hour drive-through, Carlos O'Kelly they say they close at noon, I swear there are still people out there at 3 o'clock in the morning, I live very close to that so I can attest. So, you know, they're just trying. I don't know that the intent would necessarily be that the restaurant has to be... the sit down portion has to be open 24-hours a day, but at a minimum a large chunk of the day needs to have the restaurant open and the drive-through would need to be... we would like to have the flexibility of having it be open for 24 hours. So, I believe that wraps up everything on our end. If there are any questions, I will be glad to field them.

Mr. Coen: Any questions for the applicant? Yes Mrs. Bailey.

Mrs. Bailey: Mr. Foroughi, I do appreciate the applicants talking to the proprietors of the Tires Plus, because that does alleviate a lot of the concern that I had about the parking that I noticed when I was over there. But I will tell you, the lack of having operating hours as a condition does concern me. And I do realize that we're right off of the Interstate at Aquia Town Center there, and so we're going to get a lot of travelers. It's in the Highway Corridor, I understand that; it's in the P-TND, I understand that. But I think more importantly I also have to weigh the residents that are pretty close by. So I would like to see some sort of thought on that from the applicant before we move forward. Would that be possible?

Mr. Foroughi: I believe so.

Inaudible from the audience.

Mr. Coen: Well come on down.

Mr. Becker: Hi, my name is Carl Becker. I am one of the partners with Becker Venture LLC. And I don't know where this notion of 24 hours came about exactly. We are really thinking this... the business that operates here would probably be open till midnight and open at 5:00 or 6:00 a.m., something in that range. There's another similar type of business off of 610 to the west of 95, and I believe they open at 4:30 in the morning, that's a Starbucks. That is the type of tenant we would

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consider for this or maybe a juice bar, Dunkin' Donuts, something like that with a lot of seating inside where people could hang out and gather, and then people in the apartments next door could maybe get a coffee or breakfast sandwich in the morning before they go to work. So, we think there's a lot of benefits to starting early in the morning. We don't think you need to be open between midnight and 5:00 a.m. however; that's not where we're thinking on this.

Mr. Foroughi: Would that be acceptable to you Mrs. Bailey?

Mrs. Bailey: Well, I was thinking more in lines of the Ruby Tuesday's and the El Gran Charro I believe are open until 10:00 a.m.

Mr. Coen: 10:00 p.m.?

Mrs. Bailey: 10:00 p.m., thank you Mr. Coen. Now, I don't know if on weekends they stay open a little bit later on weekends.

Mr. Foroughi: I believe they do.

Mrs. Bailey: Mick's is so far away they're not even close to the residential portion. McDonald's is not close by to the residential portion, there is a little bit of a buffer there, even though they are open 24 hours. So, you know, at least during the weeknights I'm not favorable to the 12:00 p.m. midnight.

Mr. Becker: Sure, and the establishment that I referenced on the other side, they are open until 10:30 p.m. and I could be open to your recommendations there.

Mrs. Bailey: Okay. Well, my thought would be 5:00 a.m. to 10:30 p.m. is what I would propose.

Mr. Becker: Sure.

Mr. Foroughi: Monday through Thursday?

Mrs. Bailey: All week, seven days.

Mr. Becker: Yeah, I'm fine with that.

Mr. Foroughi: Okay.

Mrs. Bailey: So we said 5:00 to 10...?

Mr. Becker: 5:00 a.m. to 10:30 p.m.

Mrs. Bailey: Okay.

Mr. Foroughi: Would you be flexible that Friday and Saturday they could be open a little later?

Mrs. Bailey: Well, I'd like to hear from the other Commissioners. I'd like for them to chime in.

Mr. Coen: Well, Mr. English is chiming.

Mrs. Bailey: Rather than me taking the whole floor here.

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Mr. Coen: Go ahead Mr. English.

Mr. English: Personally I think... well, I think it's restricting. I don't think we need to restrict them those hours like that because that gas station there is open 24/7, the McDonald's is open 24 hours, KFC I think it stays open until 11:00 on the weekends. Personally I think staying open until 12:00 and open at 5:00, I'm fine with that. I think it's too restrictive if you say 5:00 to 10:30. I don't think that's fair to the businesses. So, I'm open to... I'm even open for 24 hours.

Mr. Boswell: I am as well. Just my thought on the residents -- when you go and get an apartment there you kind of look around, I would hope, and see that there's 24-hour businesses operating there. So, I would hate for the applicant to lose a tenant based on, you know, you couldn't operate the business the hours that they wanted to and there are others in the area that are open 24 hours. So that's just my thoughts.

Mr. Coen: Okay. Mr. Rhodes, anything? I just didn't want to not include you.

Mr. Rhodes: Thank you for not leaving me out. My inclination would have been closer to the midnight to 5, just to keep the flexibility open. Not that a business is going to stay that long. But if that's what the demand and the customer bases goes for, I think you want to keep that option there. Certainly if the market doesn't demand it, they're not going to stay open that late just because they can. Mainly I'm driven by the fact that it's one of those corridor overlays. That's where we direct that kind of activity.

Mr. Coen: I sort of go with you, but then again I don't go out much at night other than these meetings. So, I sort of agree with you that 10:30 is fine. I think the idea of midnight would give them some flexibility as a sort of a compromise. I don't agree with the 24 hours. If memory serves me, and I may be wrong, like the McDonald's that they're saying, I don't think... I think the McDonald's was 24 hours before we did the whole Aquia Town Center thing.

Mr. English: I don't think so.

Mr. Coen: They weren't 24 hours (inaudible)? Okay.

Mr. English: You mean before they redid it?

Mr. Coen: Right.

Mr. English: Oh yeah, you're right.

Mr. Coen: Yeah. And I think, so, to a certain degree, some of the 24-hour ones were already in operation before we put in this whole concept of it being apartments and what not. And I think that's what Mrs. Bailey is sort of getting at, with it being a residential component that's sort of different. So, I would be okay with Mr. English's idea of midnight rather than 24 hours, but it's sort of your call. It's your district Mrs. Bailey, so I will go with whatever you want.

Mr. Foroughi: Mrs. Bailey, if I may... if I may add, I think the applicant's also willing to, as I think the Commissioners have stated, that usually the activity beyond that time is probably decreased anyway, so it's probably not a lot of noise level. And I think we have conditions put in place to restrict deliveries. You know, and that may be more noise generating than, you know, then maybe a couple getting a cup of coffee at 11 o'clock at night. So, maybe that would help. Maybe we could look at different avenues of restricting noise, maybe not so much by restricting the patronage hours.

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Mrs. Bailey: Alrighty, thank you.

Mr. Coen: Alright, thank you Mr. Foroughi.

Mr. Foroughi: No problem.

Mr. Coen: And so, now we go to our public hearing. And so, once again if anybody would like to speak they come forward, state your name and address. You have 3 minutes at the green light, 1 minute the yellow light, and at red we ask you to wrap up your comments. Does anybody wish to speak on this item? Seeing none, we now close the public hearing. And so, Mrs. Bailey, it is in your district; how feel thee?

Mrs. Bailey: Yes, Mr. Coen, I would like to make a motion to approve CUP16151584, but I would like to amend by adding to the conditions the hours of operation, Monday through Thursday 5:00 a.m. to 11:00 p.m., and Friday through Sunday... or Friday and Saturday, I'm sorry, 5:00 a.m. to 12:00 p.m.

Mr. Rhodes: Second.

Mrs. Bailey: Did I say that right? Did I get all the days in there?

Mr. Coen: You didn't include Sunday.

Mrs. Bailey: Alright, Sunday through...

Mr. Coen: Sunday through Thursday?

Mrs. Bailey: ...Thursday, thank you.

Mr. Coen: Certainly. Alright, so the motion made by Mrs. Bailey, seconded by Mr. Rhodes, if I heard correctly, is for approval with the additional condition Sunday through Thursdays, the hours of operation will be 5 in the morning till 11:00 p.m. at night. Friday and Saturday it will be 5 in the morning till midnight. Alright, any comment Mrs. Bailey?

Mrs. Bailey: Mr. Coen, I do appreciate the applicant's vision or the shopping center. I would love nothing more than to see that come to fruition. For the applicant, it's a real asset to the County to have that shopping center there with the residence and I hope that you can appreciate the fact that I want to take a... because it is mixed use, the apartment complex is really close by and if it wasn't for the fact that it was just a few feet away, I would probably think a little bit different. I do appreciate you working with me on that and I wish you all the success.

Mr. Coen: Okay, Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Coen: Mr. Boswell, English? I echo, I wish you well with this. I do hope that you'll think about with the signage to make sure that you're visible from Route 1, not going too high. I know that we have a sign committee that's looking into various signage and what not. But, we don't want to look like Massaponax (inaudible). But I wish you well. Alright, and so now we vote. And see, you didn't get attacked viciously.

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Mr. Foroughi: Thank you.

Mr. Coen: You're welcome. Alright, and this passes unanimously (5-0, Mr. Apicella, Mrs. Vanuch absent). Good luck Mr. Becker. Thank you Mr. Foroughi.

Mr. Foroughi: Have a good evening.

Mr. Coen: Nice meeting you as well sir. Alright, so that ends our public hearing part of the evening. We have two items that are... two public hearings that are being continued, but they're not being discussed this evening. And so we move on to Unfinished Business, which we have none, so then we go to New Business and that would be Ms. Baker. Good evening Ms. Baker.

4. RC16151347; Reclassification - Sycamore Grove - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the R-2, Urban Residential-Medium Density (88.27 acres) and B-2, Urban Commercial (10.17 acres) Zoning Districts, to allow for a mix of single-family detached residential units and commercial retail uses, on a portion of Tax Map Parcel No. 37-80. The portion of the parcel under consideration for rezoning totals 98.44 acres, is located on the east side of Centerport Parkway and north side of Mountain View Road, and within the Hartwood Election District. **(Time Limit: June 2, 2017) (History: February 22, 2017 Public Hearing Continued to April 26, 2017)**
5. RC16151459; Reclassification - Falmouth Village Commercial - A proposed zoning reclassification from the R-1, Residential Zoning District to the B-1, Convenience Commercial Zoning District, to allow for office and other commercial uses on Tax Map Parcel Nos. 53D-1-34, 53D-1-35, 53D-1-43, and 53D-1-43A. The property consists of 1.15 acres, located on the north side of Carter Street at the intersection of Gordon Street, and the east side of Gordon Street just north of King Street, within the George Washington Election District. **(Time Limit: June 16, 2017) (History: March 8, 2017 Public Hearing Continued to April 26, 2017)**

UNFINISHED BUSINESS

NONE

NEW BUSINESS

6. Amendment to the Zoning Ordinance - Proposed Ordinance O17-20 would amend Stafford County Code Sec. 28-35, "Table of Uses and Standards," to expand the list of prohibited uses in the FR, Falmouth Redevelopment Area Overlay District. The prohibited uses would specifically include adult businesses and nightclubs. **(Time Limit: June 30, 2017)**
(Authorize for Public Hearing By: May 24, 2017)
(Potential Public Hearing Date: June 28, 2017)

Ms. Baker: Hello. May I have the computer please? Good evening Mr. Chair, members of the Commission. Kathy Baker, Planning Department. I'll be talking about the Falmouth Redevelopment Overlay District. This is an amendment to the existing Ordinance. And just to give you a little refresher, this would amend the FR, Falmouth Redevelopment Overlay District to prohibit additional uses that are currently allowed. The FR District regulations were created back in October of 2016 and certain uses are prohibited and listed within that Ordinance. The Planning Commission, during prior discussion, recommended adding other prohibited uses to the Ordinance. And just to remind you, this is the location of the district, as you can see surrounded in the purple boundary. The zoning of the parcels

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within this district are B-2 and R-1 primarily and one B-3 property. The purpose of the FR District is to provide for suitable and sufficient opportunities for redevelopment within a Historic District and it would allow flexibility in new construction and reuse of existing buildings. It is proposed to maintain the historic nature and cultural context of Falmouth Historic District. The district does allow more by-right uses than in underlying districts, but also restricts certain underlying uses that are not compatible with the historic area. These are currently the permitted and prohibited uses in the FR District. If you see in the first column on the left, the additional uses that are permitted by-right in the FR Overlay and this is in addition to your existing by-right uses. So, you could have a commercial apartment, bed and breakfast inn, community use, farmers market, home business, a live/work unit, place of worship, and public art. In the middle column you'll see additional uses that would require a CUP in the FR District; any use which is currently permitted or conditional use which includes a drive-through facility, an adult daycare, fleet parking, hotels or motels, and wholesale business. And in the column on the right you'll see these uses that are prohibited anywhere within the district; automobile repair, auto service, car wash, lumber/building/electrical or plumbing supply, machinery sales and service, motor vehicle sales, outdoor flea market, plant and tree nursery or greenhouse, recreational enterprise, vehicle fuel sales, and a mini storage or a storage warehouse. So, the proposed Ordinance in your package, O17-20, was referred to the Planning Commission by the Board of Supervisors. It does add adult business and nightclub as a prohibited use as requested by the Planning Commission in your prior discussions. The resolution referring this to you all does give you the authority to add additional uses that you feel may be appropriate to prohibit. The Planning Commission did request staff to provide additional input on uses and in your packet we did make some additional recommendations. Those include convenience center, broadcast station, high intensity commercial retail, hospital, boat sales, fleet parking, marina, motor vehicle rental, and theater with more than 3,500 seats. And, as you can see in the right-hand column, all of these currently require a conditional use permit except for the convenience center which is permitted by-right. So, these uses have either a higher traffic generation or they have other factors that we felt just may not be suitable for the district. So, with that, I will open up to questions from the Planning Commission.

Mr. Coen: Alright, any questions for staff? Ms. Baker, could we get, and I've been zipping through my thing, but that chart you just showed us, which was phenomenal, can we get a copy of that sent to us?

Ms. Baker: The one with just the additional considerations?

Mr. Coen: Right, that... no the one before that. Yes, those.

Ms. Baker: This one?

Mr. Coen: Yes. Because that's phenomenal. And I also was mentioning this to Mr. Harvey, because when this whole issue came before us and then I watched when it came before the Supervisors, there was that great disconnect between what can they do automatically right now and what this is trying to prohibit. And I think this chart is really excellent in making that clear, so I appreciate that. But, if you could send that to the members of the Commission, that would be very much appreciated.

Ms. Baker: Okay.

Mr. Coen: Any other questions or comments? Alright. Now, Mr. Harvey, if memory serves me we need to come up with a specific list and then have a public hearing on it?

Mr. Harvey: Yes sir.

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Mr. Coen: And we already know that we are pretty heavy for the next meeting in April, so I will see if there's a feeling for the Commission for this. But also, two of the members of the Commission that are absent also were the ones that had many different uses that they had concerns with. And so, I would like to bring this back at our next meeting where we can discuss it, they can give their input, and then we can schedule a public hearing at that time when they've had their chance to give input. Is that the will of the body? I think staff has done an excellent job because we asked staff to do that and that's very much appreciated. So thank you Ms. Baker, thank you Mr. Harvey. But I do want to give them an opportunity because Ms. McClendon will remind me and tell me if I am wrong, but if we want the public hearing on list A today and they came to the next meeting, they could not add to the list, correct? Right. So, just out of consideration we'll defer that till...

Mr. Rhodes: The 26th?

Mr. Coen: ... our next meeting, yes.

Ms. Baker: And I will note you just need to authorize by May 24th and go to public hearing by June 28.

Mr. Coen: Yeah, and that way we are keeping on that timeframe. Mr. Harvey was very good to keep me on track on that when we were talking Monday. Thank you sir. Thank you Ms. Baker. Alright, and so that takes care of our New Business, so now we go the Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

❖ Develop Code Amendments for Parking, Drive Aisle, and Landscaping Standards

Mr. Harvey: Thank you Mr. Chairman. I only have one item for discussion today. The Board of Supervisors, at their last meeting, gave a referral to the Planning Commission asking for the Commission to start to dive into a number of issues dealing with parking, drive aisles, private streets, as well as landscaping. The Board has a committee that's looking at our process review for commercial development, and they solicited some public input from the development community. Some on the concerns that came back were in some instances maybe our parking standards haven't been looked at in a while, and may be a little bit out of date. In particular, for a number of parking spaces required for apartment units as well as for drive-through restaurants like we talked about today. The drive-through restaurant number is pretty high; it's 15 spaces per thousand. But when you think about drive-through restaurants, a significant number of people are not coming inside anymore; they're, you know, getting their food and going. So, it may be that that ratio is too high. But the Board felt it would be important just to look at all of our parking requirements for commercial uses. Similarly, we've had a number of issues in shopping centers, because our current definition of a street is anything that serves three or more uses. And sometimes with pad sites you get that with shopping centers and that forces people into building a road so to speak which doesn't necessarily jive with the configuration typical layout of your shopping center. So, there's need to revisit those kind of standards to see if we can deal with some inconsistencies and resolve some concerns. And likewise with landscaping, our landscaping standards have been in place since 2006. There's a couple of issues that the development community has recognized and the Board felt it'd be good to revisit that as well. So the Board did not send a specific amendment to the Commission; in fact, they asked the Commission to prepare amendments and then once the Commission had prepared changes you felt was important and things that were necessary, that you would send your recommendations back to the Board. The Board would evaluate them and if they concurred, move forward with the public hearing process. From a staff perspective, we recommend that the Commission consider establishing committees to work on these matters because they can get quite

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involved and, given the fact that we have some full agendas on future meetings, it may be difficult to have an extended discussion about a lot of detail during those meetings.

Mr. Coen: Thank you Mr. Harvey. Any thoughts by the members? Go ahead Mr. English.

Mr. English: No, (inaudible - microphone not on).

Mr. Coen: Right, and that was sort of my thought is because we already have two members that are serving on our sign committee. And so if we created two more subcommittees, one on the parking and one on the landscaping, we'll probably want to share the wealth and not just stick the people who aren't here tonight on it; that wouldn't be very fair.

Mr. Rhodes: They're not here, that means they have to do it.

Mr. Coen: Right. And also get their input. So if it's alright with the Commission members, may I suggest that Mr. Harvey put together some information for our next meeting so that we can move forward with specificity as to where we're going to have two subcommittees, what we mean by parking is, these sort of generalized areas, what we mean by landscaping, sort of meant by this, and that way we can have targeted and move forward with a little specificity that way? Does that make sense Mr. Harvey?

Mr. Harvey: Yes sir.

Mr. Coen: Okay.

Mr. Rhodes: But to confirm, so there's not a time limit on this one because it's not a formal request.

Mr. Coen: No sir. Right.

Mr. Harvey: Correct.

Mr. Rhodes: Cool.

Mr. Coen: And the amount of flexibility they gave to us is excellent and very much appreciated, let it be noted. And Mr. Harvey, if you'll relay that upwards, that we appreciate that.

Mr. Harvey: Yes sir.

Mr. Coen: I'm not certain if there are any official comments or minutes or, I'm not sure, from that meeting where the BOS members were talking about this, that might have listed or give us some thoughts of where they are going to as well. I don't know whether they keep minutes or not on that. But you understand what I am saying. That would help steer a subcommittee if the Supervisors are saying okay we're looking at it this way, it would help us to know that so we could be going in the right avenue. Does that make some sense?

Mr. Harvey: Mr. Chairman the... that subcommittee does not have minutes.

Mr. Coen: Okay,

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Mr. Harvey: However, staff is participating in those meetings so we could provide you with some feedback.

Mr. Coen: Okay, thank you. That way it helps, you know, sort of solidify the fact that we're not just going on some tangent, we're actually getting their input and moving forward with that. Alright, thank you Mr. Harvey. And so now we move to the County Attorney's Report.

COUNTY ATTORNEY'S REPORT

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

Mr. Coen: Alright, and now Committee Reports by our sign committee.

COMMITTEE REPORTS

★ Sign Ordinance Committee

Mr. Boswell: Thank you Mr. Chairman. On April 4th, myself and Mrs. Bailey traveled down to Richmond along with several County staffers and attended the Planning for Sign Code Success Seminar, which we both found very informative. I know this because Mrs. Bailey told me that earlier this evening. And we will be meeting again on April 13th at 3:00 p.m. If anyone out there has any issues pertaining to signs, we'd love to have you.

Mr. Coen: Okay.

Mr. Boswell: Thank you.

Mr. Coen: Did they, at that meeting or conference, have materials and what not? That they sort of went over and handed out?

Mr. Boswell: Yes, they gave us all a key. As soon as I figure out what to do with that I'll...

Mr. Coen: Alright, thank you. Okay, thank you very much Mr. Boswell and Mrs. Bailey.

Mrs. Bailey: I thought Mrs. Blackburn was going to make copies because Mr. Gibbons had asked about that..

Mr. Harvey: Yes, Mr. Chairman, we have them on our shared drive which we can forward to you. There's probably close to 20 different PowerPoint presentations. I'm not sure if the course had all those presentations, but it's very rich in information.

Mr. Coen: Okay.

Mr. Boswell: Very informative.

Mr. Coen: Thank you. Thank the both of you for going down there. And then we'll look forward at next meeting to hear what happens tomorrow at your meeting.

Mr. Rhodes: That's known as death by PowerPoint.

CHAIRMAN'S REPORT

Mr. Coen: Alright, so now we have our Chairman's Report. I have nothing exciting to report other than I'd like to reiterate that our deep appreciation for Mr. Harvey and his staff... all of you who are still with us, for all the excellent work... meaning they're in the audience still. All the excellent work you've done to help us over the course of these several months, and just letting you know that it is deeply appreciated. So thank you.

Mr. Harvey: Thank you.

OTHER BUSINESS

7. TRC Information - April 26, 2017 - Cancelled

Mr. Coen: Alright, so now we move... our TRC was cancelled for our next meeting. So we have...

APPROVAL OF MINUTES

February 22, 2017

Mr. Rhodes: I make a motion for approval of February 22nd minutes.

Mr. Boswell: Second.

Mr. Coen: ... the Honorable Mike Rhodes speed talking where he makes the motion to approve the minutes from our February 22nd meeting, seconded by Mr. Boswell. Any comment Mr. Rhodes?

Mr. Rhodes: No sir.

Mr. Coen: Boswell?

Mr. Boswell: No.

Mr. Coen: Anyone else? Alright, so now we will vote on whether to accept the minutes. And they are approved immediately (5-0, *Mr. Apicella, Mrs. Vanuch absent*). And so this meeting is adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:25 p.m.