

# **STAFFORD COUNTY PLANNING COMMISSION MINUTES**

**June 28, 2017**

The meeting of the Stafford County Planning Commission of Wednesday, June 28, 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, Crystal Vanuch, Sherry Bailey, Steven Apicella, Roy Boswell, Darrell English, Mike Rhodes

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Brian Geouge, Susan Blackburn

## **DECLARATIONS OF DISQUALIFICATION**

Mr. Coen: Now we move to any declarations or disqualifications that any members may have with any item on the agenda. Seeing none, we move onward. At this point, we have... I'll ask if there are any changes to the agenda. I haven't heard of any ahead of time. So, now we have presentations by the public. The public is allowed to come forward to speak. They have the opportunity to speak on any item at this point that is not one of the several public hearings that we have this evening. When you come up to the microphone, please state your name and your address. As you start speaking, the green light will turn on which means that you have 3 minutes to speak. At the yellow light, it indicates that you have 1 minute left. And at the red light, we ask that you wrap up your comments. So, if anybody would like to speak, if they'll come forward at this time.

## **PUBLIC PRESENTATIONS**

Mr. Gavan: Hello. My name is Gregory Daniel Gavan. Back in May 10<sup>th</sup> of 2017, counsel... this committee passed Resolution R17-64. It was a rather obscure ordinance regarding external lighting ordinances. I'd like to address some concerns I have with the resolution. After you passed it, there was some disturbing facts that I just wanted to present. I'd like to review from my last statements, if we could start, there was three misstatements made.

Mr. Harvey: Computer please.

Mr. Gavan: Jeff, if you could go to that title page possibly. There was Ms. Blackburn's misstatement -- I'm not going to go into it again because I already went into it last time; Mr. Hamilton's statements about public lighting -- it had nothing to do with private lighting that was talking about. I kind of review that as a misstatement. I really didn't like the dismissal of Mr. Dayton's letter. Mr. Harvey and I had been using that letter as the law for the past two years. It's a way to settle a rather modest argument. It turns out it unfolded all to this. It started with a small complaint that I filled out about, like I said, an obscure ordinance that I really didn't even know much about until I kind of got a little feedback from Mr. Harvey's department. But anyways, if we can go to the next slide please. Um, this is the letter that Mr. Dayton expressed the law, which is .5 lumens. You chose to raise the external ordinance by ten-fold. I questioned that. I was unsuccessful in talking you out of it. Ms. Blackburn was very successful in showing you that we really need these bright lights out in the... in the country and in my back yard. I really don't know. These are commercial value lightings that you've just installed in residential. I was just trying to ask you all... I'll ask the Board of Supervisors at the next vote in August that we really need residential lighting, we need commercial lighting. They're two separate things for obvious

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reasons. But if we can go to the next slide please. Um, this is what you voted for. That's really bright. I don't know how... that will be the edge of the property on my property. If you look at that shadows, that's horribly bright. Next slide please. There were problematic words, aimed at and pointed at. If I just read... these lights in the picture there, these lights demonstrate problems with the words aimed at and pointed at. They were described as pointed down. They were described as pointed down by a Stafford County official, and then they were described as pointed up by a more senior official. The light shines in my bedroom window on the second floor. It is pointed up. The lights are in violation of County Code 28-87, light trespass, trying to stand up for the rights of people not shining lights on my property. The law was never enforced. Aimed at is a subjective word, it's a poor word, unenforceable word, and argumentative word. It serves no purpose at all. If I can go to the next slide. These lights are pointed down; they are not in light trespass. Next slide please. The lights are on my property. I don't want them there. The law says they shouldn't be there; it didn't work out. If I can go to the next slide please? Next slide please? I went to Walmart to find out what Walmart has right there at their property line. They have .20. You've just voted to raise the property lighting limits in my back yard 250% above this. I was just asking that the Board of Supervisors votes no on Resolution 17-64. Thank you.

Mr. Coen: Alright. Is there anyone else in the chamber that would like to come and speak about any item that is not on the agenda for public hearing? Seeing none, I will wrap up the public comments and now we go to our public hearings. And so now I will turn it over to Mr. Harvey.

PUBLIC HEARINGS

1. CUP17151716; Conditional Use Permit - Panda Express Garrisonville Road - A request for a conditional use permit (CUP) to allow a drive-through within the HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 20F-A1-E. The drive-through is proposed to be associated with a restaurant use. The property is zoned B-2, Urban Commercial and consists of 0.69 acres, located on the north side of Garrisonville Road, approximately 200 feet east of Dunn Drive, within the Griffis-Widewater Election District. **(Time Limit: October 6, 2017)**

Mr. Harvey: Thank you Mr. Chairman. For the first presentation, we'll recognize Mr. Geouge.

Mr. Coen: Good evening Mr. Geouge.

Mr. Geouge: Good evening Mr. Chairman, members of the Commission. First presentation tonight is for a conditional use permit for a Panda Express on Garrisonville Road. This conditional use permit, as I said, is for Panda Express with a drive-through facility within the Highway Corridor Overlay Zoning District. The zoning district of the parcel is B-2, Urban Commercial, without proffers. And the property consists of 0.69 acres. The applicant is Janice Morriss of Panda Restaurant Group, and the primary contact is Ryan Foroughi. The site's located on the north side of Garrisonville Road, 200 feet east of Dunn Drive. It's now the location of a vacant Kinder Care Daycare Center, which is a 4,900 square-foot single-story building. It has playgrounds on the side and parking up front. There are two entrances currently to this site on Garrisonville Road. The site slopes downward gradually from Garrisonville Road. And all surrounding properties are zoned B-2 with a restaurant on each side. There's offices to the east; there's a commercial shopping center to the south across from Garrisonville Road. And also there's an inter-parcel access that stubs into the property here. The Generalized Development Plan depicts a single-story restaurant, 2,229 square feet in size, with Panda Express as the sole tenant. The two points of access for the proposed site include access from Garrisonville Road where the two existing entrances will be consolidated into a single entrance, and at the north end of the property, that stub inter-parcel connection they're proposing to connect to, that's a full-service connection and it will provide access to Worth Avenue. Parking spaces are located on the east and north ends of the building. The dumpster pad and loading area are located at the northwest corner of the building, and they would be screened from view by the building and by fencing from Garrisonville Road.

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And a single lane drive-through circles the building in a counterclockwise direction. The main intent of the CUP is to ensure that the drive-through traffic does not have a negative impact on the highway corridor. The drive-through window for this is located on the southern side of the building with the stacking lane that begins at the farthest point from the entrance to Garrisonville Road. So, the drive-through entrance is here and the order sign is here, and a by-pass lane also runs parallel to the drive-through lane. So, vehicles utilizing the drive-through would be required to circle around the building counterclockwise. This design allows for stacking links of 150 feet without vehicles blocking any internal drive aisles or parking spaces. And if vehicles do happen to stack beyond 150 feet, impacts would be only in internal travelways, not the highway corridor. And, as noted before, the inter-parcel access from Worth Avenue provides another access point in and out of the site. Although vehicles in this layout would be facing oncoming traffic on Garrisonville Road, the required 3-foot berm and landscaping along the road should prevent any glare issues from the use. And also, the site sits slightly below the grade of Garrisonville Road, so that'll help as well. A typical restaurant use with a drive-through generates approximately 1,600 vehicles per day. Uses generating over a thousand vehicles per day require a TIA. However, for several reasons, staff did not require a TIA for this application; the first being that the vehicles per day for the specific use would be less than the site averages because there would be no breakfast served. And hours of operation per the proposed condition would be limited between the hours of 10 a.m. and midnight. Also, left turn movements would be prohibited out of the site since there is a raised median along Garrisonville Road. Lastly, the nearest intersection is already signalized. VDOT has reviewed this plan and believes the site layout provides more than enough vehicle stacking to avoid impacts on Garrisonville. The proposed building design is shown here. Since the site is located in a Highway Corridor Overlay District, buildings must conform to the Neighborhood Design Standards Plan. The proposed design incorporates several architectural guidelines from the NDS Plan, including variation in parapet wall height, use of synthetic wood and architectural concrete masonry on the façade, variations in façade materials, use of low reflectance and subtle earth tone colors, and recess and projections along the façade.

Mr. Coen: Mr. Geouge?

Mr. Geouge: Yes sir.

Mr. Coen: Just real quickly because I know you've said back some answers to the questions I did, but I couldn't open that or it didn't get through to me. But the building, the restaurant, is only going to be one story even though the picture gives the impression of it having a second story, it's really just one story and that's just maybe a cathedral ceiling.

Mr. Geouge: That's correct. I expect it's most likely due to high ceilings within the restaurant and the parapet walls. But perhaps the applicant can speak more to that about why, if it's just purely aesthetic that it's so tall or if there's some other purpose for it.

Mr. Coen: Okay, thank you.

Mr. Geouge: Yep. Proposed conditions include that the development will be in conformance with the GDP. Hours of operation will be limited between 10 a.m. and midnight. Site access to Garrisonville Road is limited to the single location shown on the GDP. The inter-parcel access is required prior to issuance of occupancy permit. The building design will conform to the provided rendering, and dumpster enclosure shall consist of masonry materials with type and color similar to the primary building. Staff finds that this is consistent with the land use recommendations of the Comprehensive Plan; consistent with the established development patterns; the building design is consistent with the NDS Plan; and the proposed conditions will help mitigate impacts; and finds no apparent negative impacts. And finally we recommend approval with the proposed conditions. I'll take any questions.

Mr. Coen: Thank you very much. Any questions for Mr. Geouge? Mrs. Vanuch.

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Mrs. Vanuch: One quick question and you did mention this but I just wanted to clarify to make sure I understood it a hundred percent accurately. So, currently, there are two entryways off of Garrisonville Road to get into what used to be the daycare, correct?

Mr. Geouge: That's correct.

Mrs. Vanuch: And the proffer statement says that it's going to be limited to one access. So the second entryway will be closed?

Mr. Geouge: That's correct.

Mrs. Vanuch: Okay, that was my comment.

Mr. Coen: Thank you. Anyone else? Alright seeing none, thank you. And so now we normally ask the applicant if they would like to speak.

Mr. Foroughi: Good evening members of the Commission. Ryan Foroughi, Engineer, Bagby, Foroughi, Goodpasture, resident of Stafford County. Brian, thank you for the presentation, very thorough and I will just run through the highlights real fast, he has covered more than enough. But I just wanted to run through the CUP is for a drive-through only. It is an existing zoned piece of property with an existing building. The Panda Express, obviously they will be there for a drive-through, they will... in order to... in order to work with the drive-through configuration we did decide to close two entrances... close one of the entrances to combine them into one. We will provide the access, inter-parcel access to the back. As Brian said, VDOT has reviewed the application; they did not seem to have any issues with regard to circulation. And also the grading on the site... the existing grading on the site, I don't know if everybody can remember, this building kind of sits down in a hole a little bit, maybe five or six feet down. So the headlight glare, which is sometimes a concern along the highway corridor, definitely won't be this case and as you can see we don't even have a parking... usually you have parking up against the main corridor there, we won't even have any parking so headlight glare, anything, grade, multitude of reasons that I think from a headlight glare perspective that that's taken care of. Mrs. Vanuch, I think your question was answered by Brian. Unless there's anything else...

Mr. English: I've got one for you Ryan.

Mr. Foroughi: Sure.

Mr. English: Are you going to tear that building down or are y'all just going to renovate that building?

Mr. Foroughi: They are tearing it completely...

Mr. English: Completely torn down.

Mr. Foroughi: Complete demolition.

Mr. English: Okay, good. Okay.

Mr. Foroughi: Yes, yes, yes.

Mr. Coen: Alright, anything else for Mr. Foroughi? Alright, thank you sir. And now we will open up the public hearing. As with all our public hearings, the public has an opportunity to come and speak on this topic. When you come up to the front, you have three minutes. State your name and address, address this one public hearing item. When you see the yellow light come on you have 1 minute remaining and with the

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red light we ask you to wrap up your comments. So, if anyone would like to speak, please come forward at this time. Alright, seeing no one, we will close the public hearing and bring it back up... I believe this is in your district Mr. Boswell.

Mr. Boswell: Thank you Mr. Chairman. I would like to move for approval for CUP17151716.

Mr. Coen: Alright, we have a motion. Is there a second?

Mrs. Vanuch: I'll second.

Mr. Coen: Alright. Mr. Boswell?

Mr. Boswell: No further.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: No further comment.

Mr. Coen: Anyone else on the Commission? Hearing none, we will now take a vote for Mr. Boswell's motion for approval. And it passes unanimously (7-0). Thank you Mr. Foroughi and good luck. We now move to our second public hearing of the evening. Mr. Harvey.

2. CUP17151678; Conditional Use Permit - McWhirt Loop Convenience Center Firestone - A request for a conditional use permit (CUP) to allow for an automobile service facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts, on a 1.062-acre portion of Tax Map Parcel No. 44-120B. The property is located on the west side of McWhirt Loop at its intersection with Warrenton Road, within the Hartwood Election District. **(Time Limit: October 6, 2017)**

Mr. Harvey: Thank you Mr. Chairman, again please recognize Mr. Geouge for the presentation.

Mr. Geouge: Good evening again Mr. Chairman and members of the Commission, Brian Geouge again with Planning and Zoning. The next presentation tonight is for another conditional use permit. This one is for a Firestone Convenience Auto Service Center at McWhirt Loop. The request is conditional use permit for an automobile service facility. The zoning district is B-2, urban commercial, with proffers and it's within the Highway Corridor Overlay Zoning District. Both of these districts require conditional use permits for an automobile service facility. The site is 1.062 acres, the applicant is Bridgestone Retail Operations and the primary contact again is Ryan Foroughi. The site is located on the south side of Warrenton Road and the west side of McWhirt Loop. This particular section is the western most section of parcel 444-120B. The surrounding uses include the B-2 zoned Starbucks to the east that shares the same parcel as this one. There's an M-1 zoned industrial park to the south, an M-1 zoned cell tower immediately west of this piece, and a B-2 zoned church to the west of that. And across from Warrenton Road there is a B-2 zoned gas station and a B-2 zoned multi-tenant commercial building. So the zoning history for the site, this property was rezoned to the B-2 zoning district in 2014. At that time, a sit-down restaurant was envisioned for the western portion of this parcel, generally where the proposed Firestone is to be located. There are proffers associated with this rezoning which address transportation improvements, architecture, fencing, signage, and traffic generation from uses on the parcel. The proposed development, we find, is in keeping with these proffer requirements. Here is a slide showing existing conditions. We actually did not have an aerial photograph current enough to show actual existing conditions, so the next best thing was to use the Starbucks site plan, so that is what is shown here. The site is cleared and connected to existing drive aisles, both off of Warrenton Road and McWhirt Loop, which serve the adjacent Starbucks. There is an additional cleared pad site at the center of the property. And here is a photograph facing north from the existing entrance on McWhirt Loop. You may

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or may not be able to see, but the site slightly slopes downward from Warrenton Road. The generalized development plan provided by the applicant depicts a 7,700 square-foot auto service facility with eight service bays. A two-way drive isle connects the existing entrances on Warrenton Road and McWhirt Loop. There is parking to the east and south of the building. An inter-parcel connection is proposed between this use and the adjacent parcel to the west. A loading space and dumpster pad are at the southern end of the building, so the loading space is right on the edge of the southern end and the dumpster pad is down close to McWhirt Loop, so that they would both be adequately screened from the highway corridor. And finally there is sidewalks which connect to the existing sidewalks along Warrenton Road and McWhirt Loop. Staff does note that there may be issues with the mixing of traffic at the southern end of the property near McWhirt Loop. There is sort of some odd angles where traffic is going to intersect, especially if and when the adjacent parcel to the west is developed for commercial uses as well as the parcel, or the pad site, at the center of this parcel. So you have vehicles coming to Starbucks and this parcel and you have sort of a jog here getting into Firestone and then you have also two-way traffic coming from this future inter-parcel connection. Ideally those would all be sort of lined up and they would be a more manageable arrangement, but due to the layout of the building and space constraints at the site, that's basically the configuration they had to go with.

Mr. Coen: If I may add, right next to your connector is where you are saying that deliveries will be?

Mr. Geouge: That is correct, right here.

Mr. Coen: So you would have that in there as well.

Mr. Geouge: Yes. A TIA was not required for this application since the proposed use would generate less than a thousand vehicle trips per day. Staff also notes that the proposed use would generate less traffic than the previously proposed restaurant.

Mr. English: Brian? Right there where Mr. Coen said they would be delivering, right there where you showed me where some delivery will be...

Mr. Geouge: Yes sir.

Mr. English: ... at the Firestone. Is it possible that they could come to the left and make that a driveway where it comes around and not cause such a big problem with the intersection right there, with the traffic? In other words, come to the left of that building and just circle back around and tie into that exit. Do you follow what I'm saying?

Mr. Geouge: I think so. Are you saying, bring the inter-parcel access a little closer?

Mr. English: See where the red arrow is, and it comes out to the left? Can it go to the left side of that building and come around?

Mr. Geouge: Are you saying sort of...

Mr. English: No, go back now, where you started the blue pen...

Mr. Geouge: Yes.

Mr. English: Alright, take a left.

Mr. Geouge: Over here... left.

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Mr. English: Yes, there you go. And go around...

Mr. Geouge: Okay.

Mr. English: Can you go around... no, keep going...

Mr. Geouge: Go around like this?

Mr. English: Yes and then come around and it hooks right into there. Could that be possible to...?

Mr. Geouge: I expect that access would be too close to the access on McWhirt Loop...

Mr. English: Okay.

Mr. Geouge: ... so that you would have issues with vehicles stacked here...

Mr. English: But this is parking lot right there. Is that just parking lot right there or is that the dumpster?

Mr. Geouge: Right here?

Mr. English: Yes.

Mr. Geouge: Yes, that is just parking lot.

Mr. English: So they could shave that off a little bit to come in there? I am just trying to think for...

Mr. Geouge: We... the one suggestion we had for the applicant was look at potentially shifting this slightly down, maybe not as far down as here, but just sort of separating it from this intersection a little more.

Mr. English: Right.

Mr. Geouge: So that it is not quite so jumbled right there.

Mr. English: Yes.

Mr. Geouge: I forget what exact reasoning they provided for... I think it was site constraints or something to do with space requirements. But I am sure the applicant can elaborate on that a little bit more.

Mr. English: Okay, thank you.

Mr. Geouge: Okay, architectural renderings provided by the applicant depict the styles, materials, and colors to be used for the proposed building. Since this site is located within the HC Overlay District, buildings must conform to the Neighborhood Design Standards Plan. The building design provided by the applicant is consistent with some of these recommendations, including use of architectural concrete masonry and subtle earth tone colors. Staff notes that compliance with the NDS plan will be verified at time of the site plan or building permit review. Proposed conditions include the site to be developed in general conformance with the GDP; that all service be conducted within the bays; no inoperable vehicles or unlicensed vehicles parked on the property. And I would like to note that there was some concern from the applicant about this condition and concern that, okay, if there's a vehicle that is not operable that they are working on, there maybe needs to be some sort of allowance for that, to have a vehicle temporarily at the site that is inoperable. And the applicant can speak about that a little more. Also, restrictions to outdoor display or storage of tires and parts and that monument signs and dumpster enclosure must be constructed with similar materials of the

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primary building. Staff finds the positives are that this is consistent with the comprehensive plan recommendations, consistent with the established development patterns, the proposed conditions will help mitigate impacts to the surrounding properties. And the negative noted is that their potential conflicts with the proposed internal traffic pattern at the southern end of the site near McWhirt Loop. Finally, staff recommends that the project benefits outweigh the negatives and recommends approval with the proposed conditions. I will take any questions.

Mr. Coen: Alright, any questions for Mr. Geouge? No questions sir. Thank you.

Mr. Geouge: Thank you.

Mr. Coen: So now the applicant's person. I think we recognize Mr. Foroughi.

Mr. Foroughi: Members of the Commission, good evening again. Ryan Foroughi, Engineer, Bagby, Foroughi, Goodpasture. Representing both the applicant, who is Bridgestone Firestone, who are in the audience and the owner, Frontier Development, Jim Leach. Brian, thanks again for a great very thorough presentation. Again, I will just kind of hit the highlights and then we can address the couple of concerns that were brought up during the presentation by Brian. A little of history of the project, we... I was involved with the original rezoning. I know Darrell, you and I had lengthy conversations about this. The existing Starbucks that is there now, the entire parcel was envisioned to have three individual pad sites. One of the pad sites is obviously used now or occupied by Starbucks, so we have two other pad sites. So part of the site configuration, which I will get to about the access, is that we are still trying to envision, or have the ability I should say, to keep the second pad site viable. Keeping our fingers crossed for a sit down restaurant on U. S. 17. So that is part of the reason that we are... we do have some site constraints that we are trying to deal with. The frontage improvements that Brian spoke about, all of those frontage improvements are there, so the additional through lane that drops in to a right turn lane, all of the entrances that are there. This site, I think two weeks ago, was released by Stafford County from bond for the Starbucks and all of the development is there. So really just envision this as a pad site development. We don't really have any access to and from the public right-of-ways. We just literally kind of, and you can see from the slide... from the picture, it is a very gradual slope. The site has been developed, so literally just plopping a building in a vacant space, right now. The only other thing that I wanted to discuss with you guys was the space constraints regarding the loading space and the travel way. So, one thing that is not shown very well, it's never easily shown on a two dimensional plan is the grade that is coming in off of McWhirt Loop on to this site. I did the design plans for this. There is about an 8%, 10% grade from McWhirt Loop up to the developed area of the three different pad sites. So making your connection as you were saying, coming around, coming it down, the grades just aren't going to lend itself to that. And the reason we try to do that is, we are trying to make sure we get the buildings up, out of the ground. This is a very prominent intersection on 17 and we want to make sure that we can keep the buildings up and not depressed, so we have a really good visual cone, you know, from cars coming in both directions. I know we do have access to a signal, but we are... we are have a...we do have a... we don't have a grade separated median there, so we don't have access really from a left-in in a traditional fashion. So we want to make sure to keep the site up. So, to your question, Mr. English, bringing it around just won't really work from a three dimensional grade perspective. And Brian touched on it briefly, VDOT requirements are for a one lane ingress/egress out entrance. You have to have a 50-foot offset before you can have another entrance, even if it is just a private travel way. So, that also would be a conflict with the VDOT requirement for that entrance. And, the last thing that we would like to discuss is... have a little bit of discussion about the condition regarding the inoperable vehicle. This applicant, Firestone, they are not a... we want to make sure we paint a very clear picture. This is not a collision repair facility; they are a total care maintenance facility. They don't do heavy repair, they don't tear down rebuild engines. They don't do... people come here to get their tires replaced, they get their fluids drained, they get their fluids replaced, air filters. This is not a... this is not something where tow trucks are going to be come... somebody is not going to get an accident and they are going to come and drop this vehicle here, drain all the fluids out of it and it's going to sit there for three months. The reason the concern



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about the inoperable vehicle component is, say for example a part is on backorder for three days or five days, you know they need that... they need that to replace an air filter or an oxygen sensor, something to pass inspection or something to pass emissions. If they need to get that part, it needs to sit there. I guess technically by the letter of the law, it's inoperable if it doesn't have valid registration or valid state inspection. But those are things they would be working towards. But this is not a collision repair facility where they are dropping, you know, severely damaged vehicles or replacing transmissions or rebuilding engines or anything like that. It's just very much a just you come and quick maintenance, in and out. And that... and that's... and that's the intent of the... of the use. And with that I will take any questions.

Mr. Harvey: Mr. Chairman, I could probably add some light to that subject matter. The County Code in Chapter 15 addresses inoperable vehicles. And I guess it really wasn't much of a focus on us as we were talking about the conditions. But there is a definition of inoperable vehicle and our office works with the Sheriff's Department for enforcement. I could read the definition if you are interested.

Mr. Coen: Yes please.

Mr. Harvey: Inoperable motor vehicle is one that is not in operating condition. It's a vehicle that has been partially disassembled or evidence by the removal of its wheels and tires, engine or one of more of the components that is essential to the operation of the vehicle shall be considered not in operating condition. So typically an inoperable vehicle in that description, you not see at this type of facility.

Mr. Foroughi: Correct, yeah we are not going to have the engine pulled out of it or sitting on cinder blocks.

Mr. Harvey: Also it does not display state license plates or display state license plates that have been expired by more than 60 days. It does not display a state motor vehicle inspection decal or displays a state motor vehicle inspection decal that has been expired for more than 60 days. So in most cases their type of operation you are not going to see something that is going to be qualified as...

Mr. Coen: Right.

Mr. Harvey: ... an inoperable vehicle. But from a practical standpoint, whether it's a condition or not, it's still something that is enforceable by the County Code.

Mr. Coen: Right. Well I guess my question would be, and I may be wrong -- and fortunately I have never been in this situation -- but if your car fails its inspection, don't you get a temporary thing that says...

Mr. Foroughi: You do get a little rejection sticker.

Mr. Coen: So even if it was sitting at your lot waiting a part, it still would have that label that says they are operable.

Mr. Foroughi: That is correct.

Mr. Coen: And even theoretically the person could still drive it...

Mr. Foroughi: That is correct.

Mr. Coen: ... until you get the part in. So if we use the County Code, which is inoperable means basically you are not having an engine in there or there is no tires on it whatsoever, that wouldn't apply to yourselves either.

Mr. Foroughi: Yes.

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Mr. Coen: So everything that's in the condition really doesn't apply to what you would be doing.

Mr. Foroughi: Correct.

Mr. Coen: So the condition is okay to be there.

Mr. Foroughi: As long as that definition is okay. We were initially okay with this, I will tell you Bridgestone's attorney... they looked at it so I think their preference would be just to make sure that everything is there a hundred percent okay. If the definition of inoperable vehicle changes in the County Code, I think their preference would be to have that removed. But you guys... but the County is still protected by the definition that Jeff...

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Coen: Okay.

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Coen: Okay...

Mr. Foroughi: That would be the applicant's... that would be the applicant's preference.

Mr. Coen: Alright, okay.

Mrs. Vanuch: (Inaudible - microphone not on).

Mr. Coen: Okay.

Mr. Rhodes: The code is still applicable regardless.

Mrs. Vanuch: Yes.

Mr. Coen: Yes, the code is going to be... so you might as well...

Mr. Harvey: Yes Mr. Chairman, the code is applicable and also standard language in the use permit says it they violate the code, the permit could be...

Mr. Coen: Revoked.

Mr. Harvey: ... revoked.

Mr. Coen: Right.

Mrs. Vanuch: And if we update the code (inaudible - microphone not on).

Mr. Coen: Alright. Any other questions for Mr. Foroughi? Seeing none. Alright, thank you sir. We now open this up to the public hearing. Once again if you would like to come forward, give your name and address, you have 3 minutes to speak. Green light you start, yellow light you have 1 minute left, red light we ask you to wrap up your comments. Anyone wishing to come forward, please come forward at this time. Seeing none, we will close the public hearing. There is nothing really for staff or Mr. Foroughi to address so this is in your district Mr. English.

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Mr. English: Yes.

Mr. Coen: How say ye?

Mr. English: Mr. Chairman, I make a motion to approve CUP17151678.

Mr. Coen: Okay, we have a motion to approve.

Mr. Boswell: Second.

Mr. Coen: Seconded by Mr. Boswell.

Mrs. Vanuch: Really quick question. Do we need to say approve with the striking of that proffer?

Mr. Coen: I think...

Mr. English: We are just going to leave it in there.

Mr. Coen: ... Mr. English was going for approval with it staying in there.

Mrs. Vanuch: Okay, got it.

Mr. Coen: Mr. English, any comments?

Mr. English: No, no.

Mr. Coen: Mr. Boswell? Anyone else? Okay. Just from my standpoint, if that is the code we might as well keep the code in there. And if for some reason it changes, we can address it at that time. But I don't see the need to pull out that one element when it would apply anyways. So that is why I was sort of saying it makes sense just to leave it there. So... alright seeing no other comments, we have a motion for approval. If everyone will take this chance to vote. And it passes unanimously (7-0). Congratulations again Mr. Foroughi.

Mr. Foroughi: Thank you.

Mr. Coen: Alright Mr. Harvey, we move now to item number 3 and we get to see the same gentleman again.

3. CUP17151689; Conditional Use Permit - Hartwood Freestanding Emergency Center - A request for a conditional use permit (CUP) to allow for a hospital in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts, on Tax Map Parcel No. 44Y-15C. The property consists of 1.73 acres, located on the south side of Warrenton Road and north of the intersection of Banks Ford Parkway and Watson Way, within the Hartwood Election District. **(Time Limit: October 6, 2017)**

Mr. Harvey: Mr. Geouge again please.

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

Mr. Geouge: Good evening again Mr. Chairman, members of the Commission, Brian Geouge again with Planning and Zoning. The last presentation for tonight is a conditional use permit for the Hartwood Freestanding Emergency Center. The request is a conditional use permit for a hospital within the B-2 Urban Commercial Zoning District with proffers and within the Highway Corridor Overlay Zoning District, both of

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which require a conditional use permit for a hospital. The site is 1.73 acres, the applicant is Spotsylvania Medical Center Incorporated. The agent is Debrae Karnes of Leming and Healey. The site is located on the south side of Warrenton Road, northwest of the intersection of Banks Ford Parkway and Watson Way, so this is just to the west of the last CUP we were discussing. The surrounding properties are zoned B-2, which include a Merchants Tire and Auto immediately to the west, Cornerstone Church to the east, that's here, a used auto dealer to the north and a vacant pad site to the south. This property and many of the surrounding properties were zoned... rezoned to the B-2 Zoning District in 2008. At that time a bank with a four lane drive-through was envisioned for this parcel. There are proffers associated with this rezoning which address transportation improvements in the area, architectural standards, signage, landscaping, and stormwater facilities. And also note, although it was not mentioned in the staff report, there was an approved conditional use permit for the drive-through for the bank. We find that the proposed development is in keeping with the existing proffered conditions. Existing conditions, you will see an aerial photograph here, the upper left. This is a cleared level pad site with shared private streets along the southern property line and a paved inter-parcel connection from the adjacent Merchants at the north end of the site, that's here. And the lower photograph is a view from Warrenton Road. You will see that there is also an existing monument sign for the development, at the corner. The Generalized Development Plan depicts a 10,820 square-foot freestanding emergency center or FSED. The main site access is from Watson Way that is the shared private street at the south end of the parcel. There are two-way drive aisles surrounding the building with parking at the north and east ends of the building. There is an inter-parcel connection proposed to the adjacent Merchants drive isle, generally in the same location as the existing paved connection. There is an ambulance canopy at the south end of the building, let's see... yes an ambulance canopy at the south end of the building and a public pick-up/drop-off canopy at the north end. There is also signage which directs the public traffic entering the site to the north end of the building for parking and use of the emergency canopy there and that directs emergency vehicle traffic immediately east to the south end of the building where the ambulance canopy is located. There is also two proposed emergency vehicle parking spots that would be signed and designed as such. And there is also some striped area adjacent to the ambulance canopy which could be used as temporary parking areas for emergency vehicles. Since the... excuse me... also one other thing, the applicant is proposing sidewalk connections to the existing sidewalks along Warrenton Road and Banks Ford Parkway. Also there is an existing piece of sidewalk at the adjacent Merchants, so they are proposing a connection from the existing sidewalk on Banks Ford all the way to that existing sidewalk. The dumpster pad and loading space are located at the southern end of the building and would effectively be screened from view from Warrenton Road.

Mr. English: Brian, question for you.

Mr. Geouge: Yes sir.

Mr. English: You've got an ambulance canopy and you got an emergency canopy. What is the difference? Why is it... what's the ambulance and what's the emergency? This is the emergency room right? So is it two emergency entrances?

Mr. Geouge: Basically one is a dedicated canopy for emergency vehicle drop-off or pick-up from the site and that is at the southern end of the building. For general public who is driving to the site and has an emergency or they are picking up someone, they would utilize the canopy at the north end of the building. So it's just a way to separate the area where emergency vehicles need to be ingressing and egressing, and preventing any conflicts from regular traffic who are utilizing the canopy.

Mr. English: So if they... EMS comes in with an emergency they are going to go to the back of the building to the emergency entrance to drop off, correct?

Mr. Geouge: That is correct.

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Mr. English: So... and if somebody's got a... they got to go... since this is an emergency room, they've got serious injury they come in as a heart attack, they have got to be transported to Mary Washington Hospital or the next closest hospital, so they would use the ambulance entrance?

Mr. Geouge: Yes, so if an emergency vehicle, an ambulance had to pick up someone and transfer them to a hospital nearby they would use that emergency... the ambulance canopy as well.

Mr. English: Okay, thank you.

Mr. Geouge: Since the site is located within the Highway Corridor Overlay District, buildings must conform to the Neighborhood Design Standards Plan. The applicant has not submitted architectural renderings for the proposed building; however, compliance with the NDS Plan and the existing proffered conditions relating to architectural design would be verified at the time of site plan or building permit review. Also, a TIA was not required with this application since the proposed use would generate less than a thousand vehicle trips per day. Staff also notes that the proposed use would generate less traffic than the previously proposed bank. A couple quick slides showing the bigger picture of site access, here's some sort of flow arrows showing how traffic would enter the site. So basically eastbound traffic could either enter on this also shared private travel way down to Watson Way and enter the site from the south end. They could also turn on Banks Ford Parkway and take a right on Watson Way to enter that way.

Mrs. Vanuch: Quick question Brian. Is there a light at Banks Ford Parkway?

Mr. Geouge: Yes there is.

Mrs. Vanuch: At the intersection of Warrenton Road and Banks Ford?

Mr. Geouge: Yes.

Mr. Coen: I have another question. But to the left of the star, sort of between the star and your multiple lines there... we just got rid of them. That building you said was a Merchants?

Mr. Geouge: Yes sir.

Mr. Coen: Okay. Does that have direct access off of 17?

Mr. Geouge: No it does not.

Mr. Coen: Okay. So this gets to... your other thing you had an inter-parcel connector between that and the one before us tonight.

Mr. Geouge: Yes.

Mr. Coen: So I am trying to see the rationale for... I mean somebody's not going to come in, down that road that you just pointed to us and then go up through Merchants to come through the inter-connector, right?

Mr. Geouge: That's right. I think from an emergency standpoint, I think fire and EMS would like to see an alternate access to the site. I agree that most traffic is not going to be using... they are not going to be going through Merchants to access the site. Also note, I believe, that with the conditional use permit for the Merchants the inter-parcel access to this particular site was a condition of that CUP.

Mr. Coen: Thank you.

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Mr. Geouge: Westbound traffic on Warrenton Road would most likely take a left on Banks Ford Parkway and enter in from Watson Way. As far as exiting the site, if traffic needs to head eastbound on Warrenton, probably the best option would be to exit on Banks Ford Parkway south and then turn down McWhirt Loop because there is no U-turn here. Otherwise they could go back to the west and come up this right in/right out entrance, shared travel way to head east.

Mr. English: When you are doing the... going east and come out... that right there isn't that a restaurant right there? That's Bojangles right?

Mr. Geouge: That is Bojangles, correct.

Mr. English: Okay.

Mr. Geouge: For westbound traffic exiting on Warrenton Road, they could exit out Watson Way down to McWhirt Loop and then up Celebrate Virginia Parkway where there is a signalized intersection. A couple of additional things, there's a zoning determination and an appeal for this property. A little history on that -- the applicant submitted a Zoning Administrators Determination application on October 2016 in order to determine if the freestanding emergency department met the County Code definition as a medical clinic. I will note the medical clinic is a by-right use in the B-2 Zoning District. And it is not subject to a conditional use permit approval when located within the Highway Corridor Overlay Zoning District. The Zoning Administrator issued a determination finding that the proposed use would be considered a hospital and the Zoning Ordinance, since the facility is required to be licensed through the Virginia Department of Health. The applicant then filed an application to appeal this determination in February 2017. The Board of Zoning Appeals voted in May of 2017 in favor of the Zoning Administrators determination, upholding the classification of the proposed use as a hospital. The applicant is then therefore required to obtain a conditional use permit for the proposed use. The second is a Certificate of Public Need. Spotsylvania Medical Center applied for and received a Certificate of Public Need from the Virginia Department of Health to allow a CT Imaging Center to be located at this proposed facility. The review for the Certificate of Public Need evaluated the merits of the additional CT scan including geographic considerations, the availability and utilization of other CT scans in the area, and the potential to encourage beneficial competition. Proposed conditions are for the site to be developed in general conformance with the GDP, that no new access points from Warrenton Road or Banks Ford Parkway will be constructed. That at least two parking spaces dedicated for emergency vehicle use will be provided. That the dumpster pad and loading area will be located at the south end of the building and effectively screened. The monument signs and dumpster enclosure will be constructed of similar materials to the primary building and also standard for signage. Staff notes the positives, that this development is consistent with the Comprehensive Plan recommendations. It is consistent with the established development patterns in the vicinity and the conditions will help mitigate impacts on surrounding properties, and there are no negative aspects noted. Finally, staff recommends approval with the proposed conditions.

Mr. Coen: Alright. Any other questions for...? Yes Mr. English.

Mr. English: I am going to wait until after I hear from the applicant.

Mr. Coen: Applicant... Alright anyone else for staff? Alright, seeing none, thank you sir. And we bring up... I do recognize that that is not Ms. Karnes. So Mr. Healey come on down.

Mr. Leming: Mr. Healy, thanks a lot.

Mr. Coen: Go ahead Mr. Leming.

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Mr. Leming: Hi, I'm Clark Leming. Actually there was a Judge who used to refer to me as Mr. Healey.

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

Mr. Leming: Good evening, I'm Clark Leming and I'm here on behalf of the applicant. I was hoping that Ryan Foroughi would do my presentation for me, he is doing so well tonight. I think that what I would like to do is to limit what I have to say to a brief explanation of what a freestanding emergency department is, to the extent that there are any Commissioners not familiar with the concept. Is that helpful?

Mr. Rhodes: Sure.

Mr. Coen: Go right ahead sir.

Mr. Leming: Alright. Freestanding emergency departments started to pop up in the 1970s and there are now about 600 of them over the country, throughout the country. Most are affiliated with specific hospitals; about 20%, according to recent journal articles, are independent. Technically, a freestanding emergency department is simply a facility that receives patients for emergency services that is structurally separate and apart from the hospital. Now, two obvious points of comparison that are discussed in the literature. What is an urgent care? What's the difference between them? Well, one is the degree of acuity involving the services and the types of injuries or emergency situations that are treated by the facility. Urgent care facilities typically are dealing with low to moderate acuity. Emergency Departments are dealing with moderate to extreme. The staffing is more sophisticated in that respect, the diagnostic equipment is more sophisticated in that respect. For instance, the CT scanner that is... that would be available and that has been approved by the State for inclusion at this particular facility. CT scanners would be extremely rare at a urgent care center. We found one in the State of Virginia, an urgent care center that had a CT scanner. So that is really what it comes down to. They are comparable, very comparable to the emergency departments that you would find located, collocated at hospitals in the area. Now, the nearest freestanding emergency department is located in Spotsylvania County approximately three miles from Spotsylvania Regional Hospital; it is operated by Medicorp. It has been there a number of years; it is operated in a 3-story building. As I understand it, the bottom floor is the freestanding emergency department; that floor is about 17,000 square feet. There are freestanding emergency departments in Richmond, in Fairfax and Loudon counties. This proposed facility is about 10,000 square feet; that is mid-range. I have only come across a couple that were smaller than that for this kind facility. So that is what they are. The freestanding emergency department went through a state review, as I indicated for the CT scanner. That was approved and a Certificate of Public Need was issued as was indicated by ... by your... in your presentation earlier. The... I will touch just briefly on the issue of the BZA appeal because that was brought up in your staff report. In this day and time, there are a number of ways that land use attorneys are required to consider to attain the objectives of their client. When this application begun, there were some... some of you may be aware, there were some pretty positive comments about the application made by some of the Supervisors. Those comments changed within a month or so, meantime when the process started the engineering firm that put together the GDP had requested the opinion from the Zoning Administrator as to whether this was a medical clinic or a hospital under the zoning ordinance. And there is not in between, there is nothing in between medical clinic and hospital. Now, the result of that was that the Zoning Administrator determined that under the ordinance, this was a hospital. And there was a lengthy, as Mr. Apicella knows, there was a lengthy hearing at the Planning Commission and a good bit of debate at that level and the Zoning Administrator was upheld. Now this application had been filed long before any of that proceeded, so we keep... we try to keep all options open. So that is the reason I stand here before you tonight having appealed the Zoning Administrator's determination, thinking that to

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be in the best interest of my client and stand before you tonight asking that you consider the conditional use permit application, which is on an entirely separate track. So those are the main things that I wanted to cover. I am happy to answer questions. I think I have an engineer here to assist if we need assistance in that regard. I think most of the planning issues have been covered by the staff and I don't think there are any particularly difficult planning issues. As was indicated this use generally generates less traffic than the use that was already approved for the site, so there was no TIA. As far as the architectural are concerned, the applicant simply hasn't gotten to the point of developing a specific model for this facility. And not to say that they will not do that or could not do that, they simply haven't at this point. However, between the proffer and the guidelines that you have for the overlay district, I think that architectural are fairly well established. I would also point out that under the CUP we are required to build the layout that is show on the GDP, minor modifications for engineering issues that may come up. But what you see on the GDP is what you get here. So there is not much room for flexibility there. That really is all I wanted to cover in my presentation. I am happy to answer any questions that you may have.

Mr. Coen: Okay, thank you Mr. Leming. Any questions? Mrs. Vanuch.

Mrs. Vanuch: I have a couple of questions. Is this freestanding emergency clinic going to be associated with any of the area hospitals?

Mr. Leming: Yes, it is associated... I am sorry I thought that was clear. It is associated with Spotsylvania...

Mrs. Vanuch: Spotsylvania.

Mr. Leming: ... Regional Medical Center.

Mrs. Vanuch: And so will they be providing physician care onsite 24-hours while it is operating?

Mr. Leming: Well, it's an emergency care center. It does not permit patients on an overnight basis. Emergency... surgery, as a rule is not provided. However, stabilization procedures, and a doctor would have to tell you exactly where the line is between stabilizing someone and sending them to the hospital and providing emergency treatment for someone. So it is not intended as an overnight facility, where someone would be operated on and then released. However, in the case of a broken leg, you know certainly there would be things that could probably be done at that facility and a patient released.

Mrs. Vanuch: So one of the questions I have because healthcare is kind of my business is a lot of... nationally there have been a lot of issues with some of these freestanding clinics and issues of public safety. A couple of different issues arise, one of the major issues is that some of the stated do not regulate that a physician be onsite 24-hours or whenever the facility is actually open. So I am just curious if the Virginia... if you know what Virginia State law is in regulation and will this particular emergency center will always have a physician on site during operating hours. Or will it just be nursing staff?

Mr. Leming: This... yes, this facility will have a physician or more on site during... you mean operating of the facility, not operating on the patients... yes.

Mrs. Vanuch: Yes.



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Mr. Leming: Yes, yes, 24 hours, yes. And no problem with a condition to that affect. I will be happy to find out whether state law requires that but it is the intent that this facility be... have physicians available on a 24-hour basis.

Mrs. Vanuch: Okay, and the second issue and you may have to do a little research and get back to us, is being that its situated with a local hospital, Spotsylvania Hospital, will they accept Medicare in that particular hospital?

Mr. Leming: Yes.

Mrs. Vanuch: Because that is another issue with freestanding clinics is that they don't accept Medicare so patients actually get routed there and then they find out that they will be facing massive out of pocket costs because they are not insured. Because freestanding clinics do not get reimbursements from CMS unless associated with a hospital.

Mr. Leming: I think some of the stories that you read about that have to do with the independent clinics. Independent freestanding emergency departments that are not affiliated with hospitals.

Mrs. Vanuch: With a hospital, yes.

Mr. Leming: Of course the payment system there would be completely different. Because this is affiliated with a hospital the payment for the services here would be the same as they would be at the parent hospital, including Medicare.

Mrs. Vanuch: Okay.

Mr. Coen: Any other questions? Mr. English.

Mr. English: Yes, I have one. You said this standing is going to be Spotsylvania correct? Spotsylvania Medical Center, is that what we are calling it? Freestanding Spotsylvania...

Mr. Leming: Well the name of it is going to be the Hartwood....

Mr. English: Okay, but it's going... it's affiliated with Spotsylvania Hospital.

Mr. Leming: That is correct.

Mr. English: Now you bring in... somebody has a heart attack, they come into that facility. The closest hospital they are going to go to is going to be where? Where would they transport... they are not going to able to keep the heart attack patient at this clinic or this freestanding clinic so they are going to have to transport them. Where are they going to transport this person?

Mr. Leming: My understanding is that there are two considerations there..

Mr. English: Yes.

Mr. Leming: And, as I guess everybody can figure out there would be three potential places...

Mr. English: Okay.

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Mr. Leming: ... of a patient needed to be admitted, where they could go. Stafford Hospital, Mary Washington or Spotsylvania Hospital.

Mr. English: Right, I think they have to go to the closest hospital.

Mr. Leming: Yes and as the... as I understand what the regulations... the pertinent regulations would be, number one what is closest, number two what are medical needs of the patient...

Mr. English: Correct.

Mr. Leming: ... in relation to those facilities and number three, what is the preference of the patient.

Mr. English: Right.

Mr. Leming: If the patient has a preference...

Mr. English: Well if they have had a heart attack, I would think they are probably going to want to go to the closest one, but let me ask you this question. I had a heart attack, I didn't but I did and I go to this Hartwood Medical Facility, you can't treat me, I am serious so now I have got to go to the closest hospital which is going to be Mary Washington Hospital. So now I've got an emergency room bill here at Spotsylvania Hospital, it probably (inaudible) bill or whatever, and now I am going to have another emergency room bill going to Mary Washington Hospital. How is that going to work? Because I know my insurance, I have got to pay \$350 right up front if I go to an emergency room. So am I going to get hit twice...

Mr. Leming: Um hum.

Mr. English: ... because the facility? And if that's the case I am definitely not in support of that. Because I can't afford \$300 to go to the emergency room, I have to go to patient first, because I can't afford that. Because that is one of my main concerns because people that have heart attacks are probably on a fixed income anyway and so you are going to hit them twice, double hit them. So I need to know that answer.

Mr. Leming: Alright, I can find that out for you. I don't know the answer off the... that is beyond my pay grade. I don't know what the answer is.

Mr. English: Okay. That is serious question that I need to be answered.

Mr. Coen: Okay, Mrs. Vanuch.

Mrs. Vanuch: Yeah, no I was just going to kind of echo Darrell's comments which is sort of what I was getting at earlier on the physician payment schedules at these acute care facilities. I think understanding the payment model, if you were to check into this emergency facility...

Mr. Leming: Sure.

Mrs. Vanuch: ... and who would be picking up the bill. My assumption is that potentially, especially if you are a Medicare patient if they didn't have any tied payment to the hospital system, if you were not admitted into Spotsylvania, let's say you are that heart attack person they would essentially charge you

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full out of pocket to see this emergency facility, if you were then to go into Mary Washington a non-affiliated hospital. So just getting clarity on that.

Mr. Leming: Yes, I would be happy to do that.

Mrs. Vanuch: And you can do that on the CMS position fee schedule.

Mr. Leming: Sure.

Mr. Coen: Alright, any other questions for Mr. Leming? Seeing none, thank you sir.

Mr. Leming: Yes sir.

Mr. Coen: We now move to our public hearing. As with the last two public hearings, I have... if you would like to speak, come forward to the microphone. You have three minutes to speak. At the green light, state your name and address. At the yellow light you have one minute left and then at the red light we ask you to wrap up your comments. And we have somebody coming down for... so we do have at least one person for this public hearing.

Eric Fletcher: Good evening, thank you. My name is Eric Fletcher, I am here actually representing Mary Washington Hospital, the parent of Stafford Hospital located at 2300 Fall Hill Avenue in Fredericksburg. I wanted to talk for a minute, this evening, about the county's comprehensive plan. And you all are well aware, that plan establishes the goals and objectives and policies that shape the future direction of the community as well and the county's vision for anticipated growth. And specifically it talks about things like transportation and housing and public facilities and infrastructure, natural and cultural resources. But in essence that plan operates as a guide upon which development proposals are evaluated to insure conformance to the desires of the community and the County. Stafford County obviously has a comprehensive plan, it's a very good comprehensive plan and Spotsylvania's Medical Center proposed emergency department is not consistent with the county's plan. There is one place in the county that is zoned for hospital facilities; it's the ground that Stafford Hospital sits on. That is because the county planned for hospital facilities to be there within the county, to coalesce the resources of hospitals so that we wouldn't have diluted and disparate facilities across the county. Over 10 years ago Mary Washington Health Care began working with Stafford County officials to place the hospital in Stafford County at a cost of over a hundred and seventy million dollars. And for that unprecedented level of investment Stafford Hospital became an embedded and important part of the comprehensive plan. So the impact of a second hospital facility becomes an important consideration to understand from a land use perspective. In fact, Stafford Hospital is community service facility that provides an important service to citizens of the county. In fact Virginia Code Section 15.2-2223(C)2 specifically identifies hospitals as the type of community service facility to be addressed in the comprehensive plan. In addition to being inconsistent with the comprehensive plan, the proposed emergency department is also incongruent with the County's 2015 Economic Development Strategic Action Plan, which identifies the Courthouse area as a priority area of focus. There are four pieces of development in the Courthouse area, Stafford Hospital Campus is one of those. So the County has planned for the economic development opportunities around Stafford Hospital and the Courthouse area. That would be undermined by this proposal. It would have a significant negative impact on the hospital facility, and that impact needs to be understood and analyzed carefully, given the public health, safety and welfare roll the hospital plays in the community. In fact Stafford Hospital just continues to grow, since it opened its added advance radiation therapy for cancer patients, its added vascular surgery to treat circulatory diseases, level 2 neonatal intensive care unit to treat our sickest infants, we've added urgent care and primary care throughout the county, we employ over 500 Stafford County residents. And additional future growth and development of services related to Stafford County residents and the jobs in this community are at risk if the county allows the Hospital Corporation of America, Spotsylvania Medical Center's parent, to build hospital facilities which will harm Stafford Hospital and are not in alignment with the County's plans. So in closing I respectfully

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ask the Planning Commission to deny Spotsylvania Medical Center's application for the conditional use permit because it does not meet the letter or intent of the comprehensive plan or the development plans of the county. Thank you.

Mr. Coen: Thank you Mr. Fletcher. Good evening.

Ms. Yablonski: Good evening, how are you.

Mr. Coen: Very well and you?

Ms. Yablonski: Good. My name is Cathy Yablonski, I live in Stafford County and I am also the Administrator for Stafford Hospital. The staff report comments on the comprehensive plan currently recognizes Stafford Hospital Center as the only hospital to be in existence in the County. The new freestanding ED site would be the second hospital facility in the county. Due to the proximity to the existing highway oriented businesses and the surrounding traffic volume staff believes that the proposed use for this would be a good fit for this area. I strongly disagree. I would like to highlight two key points that did not see... that I did not see in the staff report. The second hospital facility will be detrimental impact on the existing hospital that is identified in the Stafford County Comprehensive Plan. There is a move in the healthcare industry to actually decrease the use of emergency department visits due to the high cost of the level of care. There was a quote from a Dallas publication called DCEO in May 2016, the ER is the most expensive place to receive care and one of the industries oldest challenges how to steer patients to a more affordable care site when their condition affords them that chance. A 2010 study in health care affairs pegged the nations cost savings at a whopping 4.4 billion dollars, if patients could actually seek care in a different setting. The proposed facility will not expand services to our community, it will only increase the care of cost of healthcare and it will just relocate patients. The proposed second hospital facility will have a profound impact on Stafford Hospital's Emergency Department. We see nearly... we feel the impact would be almost 2,000 patients a year and almost 200 admissions. Seventy-four per cent of hospital admissions come from an emergency department. Stafford Hospital has been in existence for 8 years, this type of impact to a new and growing facility is divesting the care in our community. Stafford Hospital is built for expansion and growth and I feel that the second hospital facility will only have a negative effect on our community hospital and the ability to further expand the growth of this (inaudible) Stafford is built to do for our community. There is also a patient convenience issue here that's not addressed. If a patient at the proposed Spotsylvania Medical Center Freestanding ED requires transports to a hospital for a high level of treatment than offered at the proposed Freestanding ED the medical transport will be a delay in getting the patient to the hospital with a higher level of care. Which will be most likely Spotsylvania Regional Medical, they will receive two bills. Or one bill if they go to Spotsy, if they go to another facility they will get two bills. This is also further complicates for our community. Families of patients who would have to be admitted would have to leave our county and go to a Spotsylvania based business to get care. That was not the intent of the comprehensive plan.

Mr. Coen: Okay. Thank you Ms. Yablonski, (inaudible) wrap up.

Ms. Yablonski: I just want to say that, you know, because the proposed Spotsylvania Medical Center Freestanding ED will be a department of Spotsylvania Regional Medical Center, a business located in Spotsylvania County. The revenue generated by this Spotsylvania based business by the residents of Stafford County will be used primarily to support Spotsylvania Regional Medical Center in Spotsylvania County. It will be built under Spotsylvania Regional Medical Center.

Mr. Coen: Thank you Ms. Yablonski.

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Ms. Yablonski: Thank you.

Mr. Coen: Thank you. Alright, yes sir.

Mr. Brown: Good evening. My name is Phil Brown, I live in Stafford County. I also work for Mary Washington Healthcare in the Strategic Planning Department. And I have read the staff report and I believe that there are some transportation impacts that need to be considered more carefully. A transportation analysis wasn't provided as stated in the staff report because of the low number of vehicles per day that would be accessing the site, but I think there are some things that need to be considered. One is that the Stafford Hospital Centers Emergency Department, the peak volumes within an emergency department comes between the hours of 4:00 p.m. and 7:00 p.m. It doesn't... there is not an even flow of traffic in an emergency department throughout the day. There is a peak time when patients arrive and that's between 4:00 p.m. to 7:00 p.m. And that is typical of not only Stafford Hospital ED but it is also typical of other freestanding EDs as well. So the majority of the proposed patients or the patients that would be accessing this proposed facility would be arriving at a time of day when the traffic is at its peak also on Highway 17. I think that needs to be considered. Also the number of traffic flow and parking, the parking needs to be considered. As stated the original intent behind this property, the original proposal for this property was banking, well the typical banking transaction takes about 5 to 10 minutes. A person can be at an emergency visit for at least an hour, so ... and again with patients queuing between that 4:00 to 7:00 p.m. time period, there could be some parking issues that need to be... again that could create problems. Also the staff report talked about the signage issue and they said a dedicated signing monument is proposed, but they noted that fire and rescue staff expressed concerns that the use of Spotsylvania in the facility name or signage would lead to confusion. And I know that it says that the proposed name is Hartwood Freestanding Emergency Center, but there is a CMS regulation that states that a facility that is listed or organized as a department of a hospital, a bigger facility, has to have the name of the parent in all of their correspondence as well as their signage. So that is something that I think staff needs to look at, that CMS regulation because according to that regulation the name Spotsylvania would need to be somewhere in the signage, based on my understanding of that rule. And I do have a copy if staff is interested in the article... the memorandum from CMS. So again I would recommend that the Planning Commission deny... denial... this application for the conditional use permit because it is only going to create additional traffic issues as well as confusion for fire and rescue as well as confusion for the consumer.

Mr. Coen: Thank you Mr. Brown. Alright is there anyone else that would like to speak. Seeing none we will close the public hearing. Mr. Leming, as always we give the applicant a chance to respond.

Mr. Leming: Thank you Mr. Chairman. I am sure it will come as no great surprise that Mary Washington Healthcare opposes Spotsylvania Hospital coming into Stafford County in any respect. It's somewhat disingenuous because Mary Washington Healthcare operates a freestanding emergency department in Spotsylvania County, three miles from the hospital. And perhaps the answer to some of the questions that were posed, such as, is there double billing, how are patients referred, where are patients referred out of the Spotsylvania Freestanding Emergency Department by the example set there. But we are happy to provide the information that we can about how this facility would operate. But there is a precedent out there; I think that is the point. Precedent established by Mary Washington Healthcare. Now as far as the comp plan is concerned, I will defer to staff. Staff has told you that this is consistent with the comp plan. I think that is a misreading of the comp plan. The only respect... the only place in which the hospital is specifically referenced in your comprehensive plan is in Chapter 6, which is entitled *The People and the Place*, and it inventories existing facilities, what's here now. But there is absolutely no prohibition, and again I defer to staff, no prohibition in your comprehensive plan about health care facilities being located somewhere else. Now the purpose... the primary purpose of a

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freestanding emergency department, and not to say that there are not issues that arise with those as I assume has been the case down in Spotsylvania County. But the primary purpose is to get patients to the emergency room sooner. Most patients getting to... is a good thing, to get to the emergency room sooner. Stafford is not an easy an easy place to get around. If you have an emergency on Route 17 right now you have two choices. Go all the way down Route 17 and head north to Stafford Hospital or south to Mary Washington. That is it. This provides an alternative. Now I will tell you that these issues, the issues about competition, the financial issues that were alluded to were addressed at the State level. At the same time that Spotsylvania Hospital applied for a CT scanner Certificate of Public Need, so did Stafford Hospital. They were both granted. And in the context of that discussion and the full report staff has and can be made available to you. In that report Mary Washington argued at the State level before the State Health Commissioner that the proposed freestanding emergency department would result in significant decreases in emergency department visits, in patient admission, outpatient CT scans and so forth and that that would have a financial effect. However the adjudication officer recommendation notes that Stafford Hospital opposed this on that very ground, but then says that *I have considered the possibility of an instance of unhealthy market encroachment, I have found no compelling evidence that approval of the SRMC, not just talking about the CT scanner, but the facility would be substantially harmful to any existing resource.* Simply stated, we need as many healthcare facilities as we can invite into a community, the more the better. And the Commissioner goes on to say that *the encouragement of this kind of healthy competition between healthcare centers is a good thing.* That benefits the patient. So, that issue the issue of need, the issue of financial detriment to existing facilities has been addressed by the state office that is authorized and provides these kinds of analyses. So that... let's see if there is anything else that I want to... oh signage. We... frankly they would rather have and when they first came in they said Spotsylvania Regional Medical Center Freestanding Emergency Department, it was quickly pointed out that may cause some confusion. So the plan for the design is certainly to indicate at the bottom of the sign that there is an affiliation with Spotsylvania Regional Medical Center. But to keep the name that the emergency... Stafford Emergency staff has indicated would be more appropriate and may prevent some kind of confusion about direction. So I don't think the... the issue of whether there is any dilution of the existing services has been addressed at the state level. If you want to find out... the best place to find out about how this kind of system works is right down with your neighbor to the south, where the same situation has already set up and appears to be working. At least we don't hear that it's not working or that patients are being sent to Mary Washington on a disproportionate basis as opposed to the closer facility in Spotsylvania County. So hopefully medical staff do what they are bound to do and that is what is in the best interest of the patient. And that is the primary factor that determines how patients are treated and where they end up going. And the other issues such as finances don't get in the way of that, and I trust that has been the case down in Spotsylvania County as well. If that generated any more questions... I will get back to you on this issue of the double payment and find out more about the payment model for you. I am sorry, the CFO had an emergency that he had to attend to tonight and could not be here. He could answer the question, I am not in a position to answer that.

Mr. Coen: Thank you Mr. Leming.

Mr. Leming: Yes sir.

Mr. Coen: Any questions for Mr. Leming? Seeing none. Alright, thank you sir. Mr. English, this is in your district.

Mr. English: Yes, I have a few questions that I need... that I would like staff to address if they would. The first one is the billing issue, if you could find out about the billing issue. Also if they are going to be double billed, somebody's got to transport them from that facility to the other facility. So there is

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another cost that I think is going to be involved. So there is going to be a transportation cost, I need... like to find that out. The CMS that the gentlemen was talking about, the regulations for Spotsylvania Hospital (inaudible) has to be on the sign, is that law, I would like to know about that. Also I would like to know if... I would like to know if you can find the number of trips that Stafford Hospital and Mary Washington get from Stafford residents, if that is possible... their ER, how many residents that go to those ERs for emergency care, number of trips that they make in a year. I am also concerned about the traffic impact that is going to be on that facility. I would like some more information on that, what that is going to generate. Because it looked like spaghetti to me when you were showing all that. Because that is a confusing intersection up there, the way that comes in and out up there, and you can get turned around real quick up there, so I would like some more information on that. The law on the closest hospital, is there a law that they have to go to the closest hospital... the nearest hospital if they had to transport out of that facility, do they have to go to the closest... nearest hospital. So those are some of the questions that I needed answered so.

Mr. Coen: Alright, Mrs. Vanuch.

Mrs. Vanuch: A couple of comments and just to reiterate your last question on the law where they have to go to the closest hospital that would be a state and federal regulation. So make sure we have the answer to both and which one dictates where they would end up going in Virginia. And I just want to say in regards to timing, I know we have a lot of research to do and there's lots of questions, I did quickly look up on CMS's public website that the relevant fees schedules that would be determining what the 2018 perspective payment models would be as the physician fee schedule, the hospital and payment schedule and the Medicare fee schedule to see if they have addressed these emergency facilities being built in the hospital care setting. Those usually are published in July of 2017 with a 60-day comment period where we would probably want to have some time to review those. They are typically hundreds of pages long, so I personally would want a little bit of time to be able to really dive into that to address what the potential payment issues would be.

Mr. Coen: Before we go to that Mr. English, Mr. Harvey did you got all those questions?

Mr. English: Stacie...

Mrs. Vanuch: Yes Stacie.

Mr. Harvey: Yes sir Mr. Chairman.

Mrs. Vanuch: She's writing over there.

Mr. Coen: And then lastly, with your fees and you said transportation ambulance fees would sort of be another term. And I am just curious, I am not certain where I saw this in various pieces of documentation, but was the count... traffic count done for this as a clinic or was it done as a hospital? Because I think that the traffic count may be different for different types of facilities. So I just would be curious on that. And so now we throw the ball back at the honorable Mr. English.

Mr. English: There was one more to for staff, one more question. How many other emergency facilities are there in that surrounding area that this is going to be put... like Urgent Care or Patient First? How many is in that area? I would say probably go back within a maybe 5 to 10 mile radius to see how many it is. Mr. Chairman, my motion is to... with what Mrs. Vanuch says I think that I would like to defer this until at least seven... I mean October... I mean I'm sorry, September the 13<sup>th</sup> and also I would like

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to leave the public hearing open. So my recommendation is to defer this until September the 13<sup>th</sup> with the public hearing open on CUP17151689.

Mrs. Vanuch: Second.

Mr. Coen: So we have a motion and seconded. Ms. McClendon and Mr. Harvey, so you see anything before we move forward?

Mr. Harvey: Mr. Chairman that should be fine since you have announced a date certain to continue the public hearing until. Your deadline for action is...

Mr. Coen: October.

Mr. Harvey: ... October 6<sup>th</sup>.

Mr. Coen: Yes sir, I thought so. Alright, Mr. English, any more comments?

Mr. English: No sir.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: No further comments.

Mr. Coen: Alright, anyone else on the Commission? Seeing and hearing none, the motion is to defer until out September meeting, the first meeting in September. And it passes unanimously (7-0). Alright, thank you.

Mr. Leming: Thank you for hearing us.

Mr. Coen: Thank you sir. Alright, now we move to the next item. Mr. Harvey, if you take over this... Mrs. Vanuch I'm going to pass you the gavel because I have to make a phone call relating to something that I have to do tomorrow.

Mrs. Vanuch: Okie dokie.

4. Amendment to the Zoning Ordinance - Proposed Ordinance O17-08 would amend Stafford County Code Sec. 28-33, "Districts generally;" Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" and Sec. 28-128, "Types permitted in agricultural and residential districts (A-1, A-2, R-1, R-2, R-3, and R-4)," to create the new R-5, Age-Restricted Housing Zoning District. The R-5 district would provide areas of high-intensity residential uses designed and intended to be multi-family dwellings for persons age 55 and older, in accordance with all federal and state laws and regulations. Such districts are to be located within the designated Urban Services Area and outside the military impact areas in the Comprehensive Plan, where public water and sewer are available and transportation systems are adequate. The proposed Ordinance would provide for the following uses permitted by-right—assisted living facility, community use, multi-family dwelling, and retirement housing—with a density of up to 24 dwelling units per acre, gross tract; and provide other development standards for the R-5 district. Lastly, proposed Ordinance O17-08 would provide regulations for signs in the R-5 district, which would be identical to sign regulations for the agricultural and residential zoning districts in the County. **(Time Limit: August 24, 2017)**

Mr. Harvey: Madam Chairman, if you would please recognize Susan Blackburn for the presentation.



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Mrs. Vanuch: Mrs. Blackburn.

Mrs. Blackburn: Madam Chairman, Planning Commissioners, tonight you are to consider proposed amendments to the Stafford County Code Section 28-33, Districts Generally, Section 28-34, Purpose of Districts, Section 28-35, Table of Uses and Standards, and Section 28-128, Types Permitted in Agricultural and Residential Districts, A-1, A-2, R-1, R-2, R-3 and R-4 to create a new R-5, Age Restricted Housing Zoning District. Mr. Janney, a local developer, currently owns a tract of land in south Stafford and he proposes to construct two age restricted apartment buildings with a community center for use for the future residents. Currently there is no zoning district that can accommodate this type of development and Mr. Janney proposes this new development or at least he intends it to be uses for infill development. The Zoning Ordinance does allow for retirement housing by approval of a conditional use permit in the R-2, Urban Residential, medium density, R-3, Urban residential, high density and the PD-1 and PD-2, Planned Development districts. It allows for retirement housing as a by-right in the Lifecare and the Recreational Business Campus District. All of these districts either have densities that are too low, the lowest is 3.25 going all the way up to 15 dwelling units per acre in the Lifecare or they have large minimum acreage requirements. So, none of these districts really will accommodate this type of a housing development. During the discussions for the previous amendment staff was asked to exclude the military impact areas, as shown on the comprehensive plan, from the areas where the zone would be appropriate and place a minimum and maximum acreage for these districts. This exclusion was included in the current proposed amendment along with the acreage limitations. Staff was also asked to research the density levels permitted in the neighboring jurisdictions and other 55 age communities. Fairfax County and Prince William allow for densities of 16 to 30 dwelling units per acre and there is no age restriction on those. Spotsylvania County allows for up to 13 dwelling units, with a minimum of four acres of land and up to 16 dwelling units in a mixed residential development. Hanover County allows for up to 15 dwelling units for multi-family dwelling developments, Henrico County is 14.5 to 19.8 dwelling units for multi-family developments and Loudoun County provides densities of 16 to 24 dwelling units in residential districts, but... and that is the only one where the ordinance actually states it is used for infill development. None of these counties require any kind of restriction for age of the occupants. And when staff looked at the 55-plus communities, particularly in the greater Fredericksburg area, they consisted of large communities with mixed developments consistent of single detached homes, townhouses and apartments and included such amenities as golf courses, club houses with pools and these kind of developments really are not what this ordinance is designed for. Comments we received from Fire and Rescue though, did not support this proposal. The statements from Fire and Rescue stated according to the National Fire Protection Association older adults, 65 and older, are more than twice as likely to die in a fire as compared to the remainder of the population. Unlike assisted living buildings or nursing homes that have stringent codes and standards the building a fire codes applicable to these multi-family structures are nearly just the bare minimum that would require for any apartment building. Mandatory evacuation drills which help identify residents' concerns or mobility issues before an emergency could not be required by the Fire Marshal's Office for multi-family dwellings. In contrast the Lifecare Retirement Community would provide at least some level of supervision and onsite resource to assist monitoring and evaluating the safety of the residents as they age overtime. And according to the National Fire Protection Association older adults represent about 13% of the population, but 30% of all fatal fire victims. So this was their comments, now also this portion of our community is expected to grow in the future and it is essential that the facilities provide for at risk populations are configured with future residents and their safety in mind. And this district would also allow the density of the development to the calculated on the gross acreage of the tract. This term gross acreage... gross tract was inadvertently excluded from the original draft version and that is why you are hearing it again tonight, sent from the Community and Economic Development Committee to the Board. The applicant believes that this wording is critical to the text amendment and to his project for it will allow for the full use of the land while still preserving the areas that are determined to be conservation areas. Currently density is calculated as allocated density in all the zoning districts permitting residential units except the RDA-1, Development Area 1, Boswell Corner and the UD, Urban Development District. Allocated density is calculated on the remaining land after excluding acreage of wetlands, floodplains and slopes greater than 35% of the gross area. If

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adopted, the proposed R-5 Zoning District could be applied to many of the areas... many areas of the county's Urban Service Area and staff notes that the comprehensive plan does contemplate development densities only as high as 12 dwelling units per acre in the targeted growth area. And should this amendment proceed to the Board, and they decide to create it, staff does suggest that consideration should be made for an amendment to the Comprehensive Plan to accommodate this style of development. And proposed Ordinance O17-08 would provide the regulations for signs in the R-5 District also, which would be identical to the sign regulations for the agricultural and residential zoning districts in the county. On March 22, 2017 the Planning Commission acted on a version of this proposed amendment that allowed only 12 dwelling units per acre and did not specify that the density would be calculated on the gross tract acreage instead of allocated density. The text amendment referred to the Board was not the same as the request original sent from the CEDC, as I stated earlier, and the CEDC considered this text amendment at its meeting of November 2016 and voted 3 to 0 to send the matter to the full Board for consideration. This was discovered by the applicant after the Planning Commission public hearing and prior to the Board's scheduled public hearing on April 18<sup>th</sup>. The original request included the density of 24 dwelling units for the gross tract. And due to this omission the Board voted May 16<sup>th</sup> to resend the original request back to the Planning Commission for your consideration. And staff recommends approval of this proposed ordinance. And this ordinance, you may make recommendations to but you may not make changes.

Mr. Coen: Thank you Mrs. Blackburn. Any questions for staff? Seeing none we will open up the public hearing. As I have said several times this evening, 3 minutes, come up state your name and your address. When you see the yellow light you have 1 minute, when you see the red light, time is up and we ask you to wrap up your comments. Come on down sir.

Mr. Hundley: Good evening ladies and gentlemen, I am Steve Hundley. I am the Community Plans and Liaison Officer for Marine Corps Base Quantico and I am primarily here to answer any questions you might have about the military impact area and incompatible land uses. But I also want to take this opportunity on behalf of Colonel Murray, the Base Commander, to thank the Planning staff and the Planning Commission for considering the concerns of Marine Corps Base Quantico as it relates to this rezoning, consistent with the Joint Land Use Study and the County's Comprehensive Plan by excluding the age restricted housing zoning from military impact areas. As you know this type of land use, along with some other uses, are incompatible with sudden impact noise and vibrations that can emerge from military training areas. Also, I thought today's report in the Free Lance-Star was very timely in considerations of this, talking about the population forecast for Stafford County. It's going to be 30% increase by 2040 and most significantly for this amendment, the article noted that 65 and older projected to double by 2030. So this is not only a good amendment for Stafford County, it will help keep Marine Corps Base Quantico a viable training base into the future. And I will answer any questions you may have.

Mr. Coen: Thank you and thank you for everything you do at Quantico.

Mr. Hundley: Thank you.

Mr. Coen: Alright, anyone else wishing to speak? Okay, seeing none we will close the public hearing. I am going to turn the gavel over to Mrs. Vanuch.

Mrs. Vanuch: Thank you Mr. Coen. What is the will of the Commission?

Mr. Coen: Mrs. Vanuch, I would like to make a motion for approval of O17-08.

Mrs. Vanuch: Okay, so we have a motion for approval of O17-08. Do we have any seconds?

Mr. Rhodes: Second.

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Mrs. Vanuch: Mr. Rhodes seconds. Mr. Coen, do you have any comments?

Mr. Coen: Yes, just one. As Mrs. Blackburn very nicely articulated we can't change it and what not, but just a couple of things that... first of all, my notation would be, and other people can say whether or not they have dissenting opinions. But my notation would be that to make sure that other applicants, other individuals, other legal spokes people understand that this type increased density is for this category because of the particulars that this type of senior dwellings would have as an impact to the County versus other types of zoning categories. That is why this category, being seniors, is different. I also, just as one of the many reasons before this, since we last took this up have spoken with numerous people who are interested moving into this type of facility or apartment complex. And their mindset is that they no longer want a full-fledged house, but they are not at a certain point in their life where they need to be in a Falls Run facility, that they want something in between, and so that this type of apartment would address those people that are 50, 60, 70-ish in that situation. In as a CUP in this, if the applicant wanted to make it an assisted living, it could be done by a CUP and our Fire Marshal would be very happy with that aspect, because that would meet all their demands. And if this is as the many people who are talking about this, are saying it's mainly apartments then it really doesn't fit what the concerns are with the Fire Marshal, because they are not talking about people in wheelchairs and in that situation. So I think the way this is being thought out, both by people who want to do it as well as the people who want to live it in, it fits into a niche that is needed, as the gentleman from Quantico pointed out, is needed in our population.

Mrs. Vanuch: Thank you Mr. Coen. Mr. Rhodes?

Mr. Rhodes: No ma'am.

Mrs. Vanuch: Any other members of the Commission want to comment? Okay, we get to vote now. I swear I pushed the button, okay. Okay, motion passes 6 to 1 (Mr. Apicella voted no). There you go Mr. Coen.

Mr. Coen: Alright Mr. Harvey, we move onward. Thank you Mr. Janney for all your work. Now we move on to any unfinished business. We have no Unfinished Business. Any New Business? We have none, so now we move to the Planning Director's Report.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

- ✧ Subcommittee Name Change Request to rename the Parking and Drive Aisle Standards Committee to the Parking and Drive Aisle Standards Subcommittee and Landscaping Standards Committee to Landscaping Standards Subcommittee (to ensure that it is not confused with Board-appointed committees)

Mr. Harvey: Thank you Mr. Chairman. I have a few things to note tonight. One is a name change for two of the committees from the Commission, one dealing with parking and drive aisles and the other dealing with landscaping. There has been some question about the term committee. It's recommended that the Commission start using subcommittee because the Board of Supervisors has some committees and they are

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concerned that there might be some confusion amongst the public as to who is doing what. So that was the recommendation that you all adopt your names as subcommittees. The second item I had was...

Mr. Coen: Mrs. Vanuch, did you want to say something?

Mrs. Vanuch: Why is the Sign Committee so special? I'm just kidding, it was a joke.

✧ PD-2 Zoning District

Mr. Harvey: Mr. Chairman, well... bring to the Planning Commission's attention that the Board has referred a zoning text amendment to the Planning Commission for consideration. It would allow modifications to the PD-2 zoning category, which would allow people that had parcels less than 500 acres to apply to the PD-2 zone and have that attached to and become part of a larger PD-2 project. As you may recall, that zoning category is designed to create neo-traditional type community and as such it is very large in scale, between 500 and 850 acres. We only currently have one in the county right now, and that is the Embrey Mill project. There is a proposal for the adjacent Ebenezer Church to do an expansion and they would like to acquire some land as part of the Embrey Mill project. In doing so they also need to rezone their property to allow less open space requirements so they can fully build their proposed expansion. This combination of events requires a code amendment and that's what's being referred to you. Staff would recommend the Commission consider authorizing a public hearing tonight for your August meeting.

Mr. Coen: Alright, Mr. Harvey. I know one member will be away during the August meeting, correct? No, okay. So I don't think anybody will be away during the August meeting, so are we alright with a public hearing in August on this?

Mr. Rhodes: Motion for a public hearing.

Mr. Coen: Alright, we have a motion by Mr. Rhodes.

Mr. Boswell: Second.

Mrs. Vanuch: Second.

Mr. Coen: Second by Boswell, quickly right before Mrs. Vanuch. Any other discussion? Okay, we will vote. We no longer say tally the votes. And it passes unanimously (7-0). Mr. Harvey, do we have to formally take anything... action or do I just have to say we now change the names of those Committees?

Mr. Harvey: Mr. Chairman, it is at your digression.

Mr. Coen: Oh, the power. Then I will formally say that we are changing the names of the Committees to Subcommittees.

Mr. Rhodes: I object.

Mr. Coen: Then we have to have a vote then. Alright, go ahead Mr. Harvey.

Mr. Harvey: Mr. Chairman, a couple of other updates for the Planning Commission. At the last Board of Supervisors meeting, the Board approved the Cool Springs Mini-storage rezoning application. As you recall, that was a leftover piece of A-1 zoned property off of Cool Spring Road and they went to the light industrial classification. The Board also approved the Winding Creek project for a rezoning and conditional use permit for 97 more houses in that general area of the county. They also approved the Falmouth Village Commercial project. And the Chairman asked me to address the Commission regarding a newspaper article in today's

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Free Lance-Star, specifically dealing with population growth. I don't know, you may or may not have seen the article today but it looked at new Weldon Cooper Center projections. Weldon Cooper Center is associated with the University of Virginia and they do projections for growth. The Chairman wanted me to compare that with our growth projections in our Comprehensive Plan. I would say in general we are very close in numbers. Looking at the year 2020 there is just around a 2,000 person difference, which equating to dwelling units is probably less than 700, and it's between a 1 and 2 percent difference overall in numbers. When you project out the 2040, I should say Weldon Cooper projects out to 2040. We don't go that far but when we look at the farthest we match up with numbers, 2030... excuse me 2035, we are less than 2,000 population difference. So Weldon Cooper has dialed back their projections for growth in the state as well as Stafford County and they are tracking very closely to what our Comprehensive Plan is projecting.

Mr. Coen: So in effect, the Zuraf method is pretty much close to even what the latest numbers from them are at.

Mr. Harvey: Yes, and our...

Mr. Coen: Let Mr. Zuraf know it's duly noted.

Mr. Harvey: I will pass it along. Some things that staff would like to note for the Commission is, they compared Stafford County to Newport News and Alexandria. And those two jurisdictions are much smaller in size or very more urbanized. It was saying how we will be at the same population level as they are, but we definitely won't look the same. We are definitely a different place than those two locations are.

Mr. Coen: And wouldn't Alexandria, being a City, have far different regulations than we are allowed to do?

Mr. Harvey: Yes, they have an urban form of government. So with Stafford, we will continue to be suburban in scale and have some urbanized areas and also some rural areas, hopefully based on what we planned for in our Comprehensive Plan.

Mr. Coen: Thank you Mr. Harvey. Thank you for getting on that so quickly this morning.

Mr. Harvey: And that concludes my report.

Mr. Coen: Alright. County Attorney's report?

**COUNTY ATTORNEY'S REPORT**

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

**COMMITTEE REPORTS**

- ✧ Sign Ordinance Committee  
*Next Meeting: TBD*

Mrs. Bailey: Mr. Boswell, I will handle this one. Mr. Boswell was not able to attend that meeting. We did meet on June 15<sup>th</sup> and we just continued to review our sign ordinance in comparison with other jurisdictions. We hope to have everything wrapped up maybe in two more meetings, so by the end... by September we should be finished, we hope.

Mr. Coen: Okay. Thank you Mrs. Bailey and Mr. Boswell. So now we move to the Parking and Drive Aisle Standards Subcommittee.

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- ◇ Parking and Drive Aisle Standards Subcommittee  
*Next Meeting: June 26, 2017 at 4:00 p.m.*

Mrs. Vanuch: We actually had our June 26<sup>th</sup> meeting this week and took care of reviewing all of the jurisdictions... neighboring jurisdictions and likewise county's parking and drive aisle standards. Staff is working on a comprehensive list of comparison for us to be able to hold another public meeting with more public in site right before the August Planning Commission meeting... August 12<sup>th</sup> I think, is that correct? 9<sup>th</sup> August 9<sup>th</sup>? Okay.

Mr. Coen: That's what they told us.

Mrs. Vanuch: Yeah.

Mr. Coen: Because we couldn't go at that same time.

Mrs. Vanuch: Oh we got that time slot before you guys?

Mr. Coen: Yes you did. You got the time slot before we did. Alright, Landscaping Standards Subcommittee. Mr. English, do you want to start?

- ◇ Landscaping Standards Subcommittee  
*Next Meeting: June 28, 2017 at 4:30 p.m.*

Mr. English: Yes, we met this evening at 4 o'clock and we had a long list of things for staff to help look at in reference to changes in the landscaping. I don't think it's going to be a whole lot, but just a few issues that we're going to come across to address.

**CHAIRMAN'S REPORT**

Mr. Coen: Alright, thank you. As far as Chairman's report, I don't have anything to report thanks to Mr. Harvey being wonderful and taking care of it from today's paper. TRC, we have one on July 12<sup>th</sup>, actually three, Embrey Mill, Kellogg Mill and North Stafford Office Complex. I believe everybody got their bundles of joy already. So now we move to...

**OTHER BUSINESS**

- 5. TRC Information - July 12, 2017
  - ◇ Embrey Mill PH IIB Sec 10 - Garrisonville Election District
  - ◇ Kellogg Mill Subd - Hartwood Election District
  - ◇ North Stafford Office Complex (Autozone Store No. 5104) - Rock Hill Election District

**APPROVAL OF MINUTES**

*April 26, 2017*

Mr. Rhodes: I make a motion to approve the...

Mrs. Vanuch: Second.

Mr. Rhodes: ... April 26, 2017 minutes.

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Mr. Coen: ... Michael Rhodes speaks quickly part of the meeting. Mr. Rhodes says move for approval of the April 26<sup>th</sup> meeting minutes. And he has been seconded by Mrs. Vanuch. All those in favor will vote accordingly (7-0). Okay, come on Rhodes.

*May 10, 2017*

Mr. Rhodes: Mr. Chairman, I make a motion for approval of the May 10<sup>th</sup> minutes.

Mr. Coen: May 10<sup>th</sup>, was a motion made by Mr. Rhodes, seconded by Mr. Boswell. Any comments?

Mr. Rhodes: No sir.

Mr. Coen: Seeing none, we will now proceed to vote. Alright that passes unanimously (7-0).

*May 24, 2017*

Mr. Rhodes: Mr. Chairman, I make a motion for approval of the May 24<sup>th</sup> minutes.

Mr. Coen: And Mr. Rhodes followed by...

Mr. English: Second.

Mr. Coen: ... Mr. English. Any comments? Seeing none, and we vote (6-0-1). Okay, Mr. Boswell abstained because he was unable to attend that meeting if memory serves me correctly.

Mr. Boswell: That is correct.

Mr. Coen: My only comparing before we adjourn, remind everyone of the Fourth of July weekend coming up and then on July 15<sup>th</sup> we have the awards... the memorial being dedicated for our veterans and families of veterans. Mr. Harvey is waiving at me.

Mr. Harvey: Yes Mr. Chairman, there is one other item I wanted to bring to the Commissions attention. Mrs. Stinnette has reminded me that we have had a change in scheduling. Some applications that we thought might move forward to public hearing for your July 12<sup>th</sup> meeting have not been able to be completed and be put in a posture for a hearing. So we have no scheduled hearings or scheduled business for that July 12<sup>th</sup> meeting.

*(Inaudible - microphone not on).*

Mr. Coen: Alright, if... I hear some individuals saying it's acceptable. I know one member will be away, so that...

Mrs. Vanuch: For July 12<sup>th</sup>?

Mr. Coen: For July 12<sup>th</sup>. So therefore, and that's my prerogative, I can make that decision, right?

*(Inaudible - microphone not on).*

Mr. Coen: Alright, so I hereby cancel the July 12<sup>th</sup> meeting. So we will be like the Board of Supervisors and not meet again until August.

*(Inaudible - microphone not on).*

*Planning Commission Minutes*  
*June 28, 2017*

Mr. Coen: I know, really. Two things tonight. Alright, without any other hands waiving at me, we are adjourned until August. Have a happy, safe summer.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:23 p.m.