

STAFFORD COUNTY PLANNING COMMISSION MINUTES

August 9, 2017

The meeting of the Stafford County Planning Commission of Wednesday, August 9, 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 (6:34), Roy Boswell, Darrell English, Mike Rhodes

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Rysheda McClendon, Stacie Stinnette, Mike Zuraf

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: Are there any declarations of disqualification from anyone? Seeing none...

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: Not a declaration of disqualification, but I would just like to qualify as I did before when... on another application earlier. I do attend on occasion, not nearly frequent enough, Ebenezer United Methodist Church. I am not a member, I am not a member of any committee or planning element there, but I do on occasion attend there. So, I just wanted to have that on the record. But I do not believe that in any way that would preclude me from acting appropriately on these items that are before us tonight. Thank you.

Mr. Coen: Okay, thank you Mr. Rhodes. Anyone else? Alright, at this moment, before we go to public presentations, I just wanted to say that when we met last was prior to the actual dedication ceremony for the memorial for the Stafford County Armed Services Memorial that's located behind where we're sitting, or technically probably in front of the building, between us and the Sheriff's Department. If you have not had a chance to see it, it is an extremely moving and wonderful memorial. It's even more moving at night, if you can see it at night. Many of us on this panel have either bought bricks or supported it in some way, shape, or form, and I do want to call attention to one person in particular; Mr. Rhodes secured the flag that is flying over it. And that flag has flown over the White House, over the Capital, and over the Pentagon, which is a rarity and it's really terrific that you arranged that for us and I wanted to make sure people were aware of that. And it adds very much to the whole monument. So thank you sir. Alright, so now we go to the public presentation part of our meeting. At this point, if you wish to come up and talk about anything other than the public hearings that are before us, and those would be items 1, 2, and 3 on the agenda, so if you would like to talk about anything else, you can come up here at this time. When you come up, please state your name and your address. The little light will go on; the green light goes on, when it turns yellow you have a minute left, and then when the red light blinks at you we ask that you wrap up your comments. So, does anybody wish to comment on anything other than the public hearings this evening? Seeing none, I will close the public hearing... the public comment period of the evening. Welcome Mr. Apicella, who has fought the traffic so successfully. And so now we go to our public hearings for this evening, and I'll turn it over to Mr. Harvey.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - Proposed Ordinance O17-27 would amend the Zoning Ordinance, Stafford County Code Sec. 28-34, "Purpose of Districts," and Sec. 28-53, "Planned Development Regulations," to exempt expansions to existing PD-2 zoning districts from the minimum acreage requirement when a proposal meets the following conditions: (1) The property is located on land adjacent to PD-2 zoned land; (2) The development is compatible with the surrounding community; (3) The development will not adversely impact roads; and (4) The development will not create additional residential units. **(Time Limit: October 6, 2017)**
2. RC17151649; Reclassification - Ebenezer United Methodist Church - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the PD-2, Planned Development-2 Zoning District to allow for an expansion of an existing place of worship on Tax Map Parcel No. 29-49J ("Property"). The Property consists of 7.59 acres, located on the north side of Embrey Mill Road, approximately 1,350 feet east of Eustace Road, within the Garrisonville Election District. **(Time Limit: November 17, 2017)**
3. RC17151648; Reclassification - Ebenezer United Methodist Church Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel No. 29-53G ("Property"), zoned PD-2, Planned Development-2 to replace proffers associated with the development of Embrey Mill with new proffers that commit to expansion of an existing place of worship. The Property consists of 3.94 acres and is located on the north side of Embrey Mill Road, approximately 1,350 feet east of Eustace Road, within the Garrisonville Election District. **(Time Limit: November 17, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Staff will be combining presentations for items 1, 2, and 3. Mike Zuraf will be giving the presentation.

Mr. Coen: Good evening Mr. Zuraf. And before you start, if I can give you a moment of praise. Several members of the Commission were tooting praise that the latest projections that came out that many communities look at were very much in line with what you had used in your own methodology. And, in fact, that your... Mr. Zuraf's methodology, the Zuraf Way, is proving to be as accurate as we thought it was. And I just felt you deserved the recognition for that. So, thank you sir.

Mr. Zuraf: Thank you. Good evening Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. I'm here to present... do a combined presentation for items 1, 2, and 3 as they are kind of somewhat inter-related. If I could have the computer please. So, this includes three separate issues to consider; a zoning text amendment, a zoning reclassification, and a proffer amendment for the case known as Ebenezer United Methodist Church. There are three applications; the first, a zoning text amendment, would exempt expansions to the existing PD-2, Planned Development-2 Zoning District, from the minimum acreage requirements that currently exist -- and I'll go into details. The second item is a reclassification from the A-1, Agricultural Zoning District to PD-2 Zoning District on a single property. And then the third item is a proffer amendment to amend proffered conditions on a property that's already zoned PD-2 on a separate piece of property. And the applicant is the Trustees of Ebenezer United Methodist Church with Clark Leming of Leming and Healy as the applicant, or the agent for the applicant. So, the purpose of this request is the Embrey Mill development had previously gifted a 3.9-acre portion of their site to Ebenezer United Methodist Church to allow for expansion of the facility. You can see the location of the gifted parcel on the image on the screen. The

Planning Commission Minutes
August 9, 2017

open space requirements on the original parcel, which is zoned A-1, would not permit for further expansion of the church on the current site. The church desires to rezone its property to PD-2 to support the expansion in a manner that would be compatible with the adjacent Embrey Mill development. The PD-2 district has a minimum acreage requirement though of 250 acres, and the Zoning Ordinance does not permit expansions of the PD-2 zone on parcels less than 250 acres. The concurrent rezoning applications propose a rezoning of the original church site to PD-2 and amending the proffered conditions on the gifted parcel that's already zoned PD-2. So, looking a little bit more in detail on the first item, the zoning text amendment, the proposed amendments are to two sections of the Stafford County Code, specifically the Zoning Ordinance Section 28-34, Purpose of districts, and Section 28-53, Planned development regulations. The amendments exempt expansions to the existing PD-2 zoning districts from the minimum acreage requirements when a proposal meets several conditions that are listed out. The conditions include that the expansion of the property is adjacent to land currently zoned PD-2; the development is compatible with the existing design standards of the original PD-2 district and the surrounding community and development will not adversely impact area roads; and the development will not create additional residential units. Regarding applicant justifications, the applicant considered other zoning districts for reclassification of the church property but determined that the PD-2 district would be the best alternative. Common issues encountered in looking in to other zoning districts included open space requirements, limiting the expansion potential, and the site not necessarily being consistent with the purpose of other zoning districts such as B-2, Urban Commercial, or M-1, Light Industrial Zoning Districts. Regardless of any of the other zoning districts considered, the PD-2 requirement for a district perimeter buffer of 50 feet, or 25 feet if there's a fence or berm, would minimize buildable area and create a separation between the church and the Embrey Mill community. The request was reviewed by the Board of Supervisors, their Community Economic Development Committee, and on June 6 the full Board approved Resolution R17-155 to refer the proposed zoning text amendment to you for your consideration. So, this and the next several slides help to further explain how the PD-2 buffer requirements are one of the primary factors for rezoning the entire site to PD-2 and thus requiring these zoning text amendments. This is an image from the General Development Plan for the concurrent zoning applications that identifies the proposed expansion of the church onto the recently gifted parcel. The gifted parcel is in red at the bottom of the screen; the original site in blue at the top. And also on the image is the limit of the PD-2 Zoning District. So, this image, the currently required type C 50-foot buffer at the limit of the PD-2 Zoning District is highlighted in yellow. And this, of course, under the current condition would conflict with the proposed church expansion plans that they have in mind. So, should the original church property be rezoned to the PD-2 Zoning District, as proposed, the type C transitional could be shifted to the perimeter to the original site adjacent to the Autumn Ridge subdivision. As proposed, the applicant would be able to provide a reduced buffer width of 35 feet in this location with the inclusion of a fence. And just to clarify, if the applicant -- and I didn't create an image for this -- but if the applicant looked to rezone the entire site to another zoning district, say B-1 for example, the applicant would have to maintain a class E buffer around the perimeter of the site generally in this location. And so this area would have to be retained as class E buffer. And then they would have the rest of the area usable.

Mr. English: Mike, so that's like 35 feet... would that be 35 feet what you marked in blue?

Mr. Zuraf: Well, the standard buffer would be 50.

Mr. English: So it'd be 50 feet...?

Mr. Zuraf: But they could potentially reduce it if they had a 5-foot tall berm or a solid fence, they could reduce it down to 25 feet.

Planning Commission Minutes
August 9, 2017

Mr. English: Okay.

Mr. Coen: So, Mr. Zuraf, since Mr. English started it, the part that you just scribbled out on the bottom, that buffer, initially that was 50-foot and the picture I think was all trees. So, by rezoning and redoing all three of these, it becomes basically no buffer or? I mean, it's not 50-foot, it's not trees, and maybe this is because we were at the landscaping thing this morning that it's stuck in my head, but I'm not seeing any real... I mean, what of our landscape ordinances and standards and bylines is actually going to apply to this or does it mean nothing to us?

Mr. Zuraf: What you would have is a street buffer, so, and they are proffering a smaller berm and street buffer would still be provided but just it wouldn't be as hefty as what would be required under the current rules.

Mr. Coen: And do we have any timeframe for the... on the bottom, it says future Crab Apple Drive. Do we have any timeframe of that?

Mr. Zuraf: That's been constructed, yes.

Mr. Coen: Okay, so it is there. The map says future but there is not future; it's existing.

Mr. Zuraf: Yes, it's there now.

Mr. Coen: Oh, okay.

Mr. Zuraf: The future is now. So, Embrey Mill is the only land in the County that is zoned PD-2, the Embrey Mill development. The PD-2 district covers a total of 750 combined acres and is highlighted on this zoning map in the darker gray surrounded by blue. The Zoning Ordinance limits a PD-2 zoning district to no more than 850 contiguous acres. With the current 750 acres and the proposal for expanding the PD-2 by 7½ acres on the current church site, additional expansions to the PD-2 zoning district that would be made possible under this amendment would be limited to 92½ additional acres of land that could potentially expand through future zoning actions to PD-2. Identified four general areas that could potentially be added to the PD-2 zoning district. Parcels not immediately adjacent could be included if they're combined or zoned at a later date. And also note that not all of these areas could be expanded in total. The expansion would be limited to a total of 100 acres of these locations. And so just to kind of highlight these specific areas and make some points on the issues, this first area, this is a 25-acre area on the northern side of the PD-2 district. It's a standalone parcel adjacent to Embrey Mill. It is undeveloped and includes a planned street connection from Embrey Mill stubbing into this property. And it also is fronting on Eustace Road.

Mr. English: That backs up to the school, doesn't it?

Mr. Zuraf: Yes. Yeah, that's Poole Middle School.

Mr. Apicella: Mike, what is that zoned currently?

Mr. Zuraf: That property is currently zoned A-1.

Mr. Apicella: So, how many houses could be put on there?

Planning Commission Minutes
August 9, 2017

Mr. Zuraf: That would be I guess generally probably about 7 or so, just giving road right-of-way and there's RPA along the one end I believe as well. So, probably 6 or 7 lots.

Mr. Apicella: Okay, thanks.

Mr. Zuraf: So, the next area going down the screen, this 100-acre area, this area consists of parcels located along Embrey Mill Road and does include the Embrey Mill church parcel. These parcels include a mix of undeveloped and single-family residential uses. The area would require assemblage of multiple parcels which may prove challenging. Then moving down to the 75-acre piece, this is a series of parcels that are similar in character to the 100-acre area, with undeveloped and single-family residential uses. The parcels do not include a planned connection into Embrey Mill as is currently shown on the preliminary plan. So, it would not qualify for rezoning to the district without a street connection being added via an amendment to the preliminary plan. And then the last area, down by... along the southern part of the district, it's adjacent to the southern end of the PD-2 zone. It includes a collection of several parcels; a total of 90 acres. Most of these properties are already zoned and planned for commercial development and I think therefore less likely to be rezoned to PD-2 as they already kind of have that right associated with them. So, in summary, staff does recommend approval of the proposed Ordinance O17-27. Staff does believe the amendment limits the scope of potential expansions of the PD-2 district and only supporting expansions if development would be compatible with the adjacent community and keeping with the intent of the PD-2 district. So I'm going to go into item 2, the zoning reclassification, and summarize that. Item 2 is a request to reclassify property from the A-1, Agricultural Zoning District to the PD-2 zoning district. The site itself is highlighted in red. It covers 7½ acres. It's on the north side of Embrey Mill Road and approximately 850 feet east of Eustace Road. This is an image of the zoning map for around the site. The site itself, again zoned A-1, does not have any proffers associated with it. In 1990, a site plan was approved for the initial construction of the church on this site. Subsequently, two expansions to the church occurred in 2000 and 2005. The site is surrounded by PD-2 zoning to the east, which is the Embrey Mill community, and R-1 to the north and west, that is the Autumn Ridge residential community, and A-1 to the south. The 57,000 square-foot existing church includes a 2-story wing with a preschool associated with it. There are two access points that exist along Embrey Mill Road. Parking areas are located to the north, east, and west of the current buildings. The site slopes gradually downwards from Embrey Mill Road to the north and stormwater management is provided in the northeast corner of the site. An existing landscape buffer is located around the perimeter of the site providing screening from the Autumn Ridge residential neighborhood. And here are two images; an image of the church from Embrey Mill Road and of you looking east along Embrey Mill Road towards the Embrey Mill community that is now developing. So, the GDP represents a potential for an additional 54,000 square feet in two or more phases, with an ultimate floor area of 111,000 square feet. The expansions are proposed at the east and north of the existing buildings over current parking areas. Those are shaded in the darker and lighter gray areas in these locations. The majority of the new and relocated parking spaces will be provided to the east on an adjacent undeveloped parcel that's subject to the proffer amendment. The existing entrances will be retained and upgraded and a new entrance will be provided onto Crab Apple Drive on the bottom end of the screen. A landscape berm is proposed along Crab Apple Drive to screen parking areas from the proposed residences in Embrey Mill. And pedestrian accessibility will be provided with a sidewalk being installed along Crab Apple Drive and a portion of Embrey Mill Road, and a sidewalk connection through the parking area in line with Coneflower Lane to the church entrance. Also, the plan highlights site vistas to the church from points within Embrey Mill. Those are noted with these arrows; I'll kind of highlight site vista points. The application estimated that the proposed expansion would increase the daily vehicle trips by 553 trips per day on Sundays. Since the increase noted is less than a thousand vehicles per day, no traffic study was required. I will note that since the preparation of the report, there was a question raised about the number of trips estimated due to the fact that the building area will be

Planning Commission Minutes
August 9, 2017

increased by 100%, pretty much doubling, yet the vehicle trips is shown to increase by approximately 50%. So, there was a question about the validity of that information. The staff had kind of raised this information and question to the applicant. The applicant did provide just today, because the kind of request came about late, the application provided staff with a more detailed explanation of the trip generation numbers. But we have not been able to thoroughly review this new document prior to this evening. So, if the Planning Commission does want staff to confirm this data, we can have this addressed in advance of your next meeting.

Mr. Apicella: Mr. Chairman?

Mr. Coen: Yes Mr. Apicella.

Mr. Apicella: I think that would be helpful because it does seem like there's a disconnect in the numbers.

Mr. Coen: Okay, thank you.

Mr. Zuraf: And another point that's consistent with the Transportation Plan, Embrey Mill Road was recently improved as a 2-lane undivided roadway upgrade, and there already exists adequate right-of-way which was dedicated in the last few years by Embrey Mill and the church. So, I'm going to jump ahead to item 3 and I'll get to the proffers and recommendation at the end. So, item 3 is a request to amend proffered conditions on parcel 29-53G to replace proffers associated with the development of Embrey Mill with new proffers that commit to expansion of an existing place of worship. The site is immediately to the east of the rezoning area and covers 3.94 acres. It's on the north side of Embrey Mill Road and west side of Crab Apple Drive. Here's the zoning map again. In 2001, the property, as part of Embrey Mill... of the Embrey Mill development, was rezoned to the PD-2 district with proffers. Embrey Mill itself is a mixed use development that includes over 2,000 dwelling units and a variety of commercial areas, civic and community sites, and public facilities. In 2013, the proffers that applied to the site were amended to reposition proffered school and park sites to allow for development of the Embrey Mill Park. In general, the proffers established limits to the amounts and type of development permitted, phasing requirements for the installation of infrastructure and amenities, design requirements for the site and buildings, public land dedications, cash contributions, and natural resource preservation requirements. A preliminary plan was approved in 2003. Since then there were several technical modifications approved to the plan. The latest was approved last year. This is an image of a portion of the latest version of the preliminary plan. The subject parcel is highlighted in red, and on the preliminary plan it is designated as a civic use site for the church. So, the site is largely undeveloped and forested with a mix of evergreen and deciduous trees. The eastern edge of the site has already been cleared in association with the completion and construction of Crab Apple Drive. And the terrain is generally level and gradually slopes downward to the west and north. And there are no known sensitive environmental resources on the site. Here are images of the site from the intersection of Crab Apple Drive and Embrey Mill Road, and an image looking to the south along Crab Apple Drive on the bottom. And the site itself is on the right-hand side. The area of the GDP subject to the proffer amendment is highlighted in red. This portion of the site would accommodate much of the additional required parking as part of the expansion. So, for the proffer amendment area, the applicant's proposing proffers that would replace the Embrey Mill proffers. The current Embrey Mill proffers would continue to apply to the remainder of the development, but these proposed proffers would apply to... they're exactly the same for both the proffer amendment site and then the newly... the proposed area to be rezoned. So, just to summarize the proposed proffers, it would limit the use of the property to a place of worship and associated activities, require substantial conformance with the General Development Plan, require expansion of the church facility in two or more phases so it's not done all at once, limit vehicle access to

Planning Commission Minutes
August 9, 2017

the site to the two existing full-service access points off of Embrey Mill Road and one future access point on Crab Apple Drive -- and that would be subject to approval by VDOT, and establish signage standards that would allow up to two monument signs in the location shown on the GDP and include the relocation of the existing sign along Embrey Mill Road. It also would require all building expansions to employ similar design features and materials as the existing building. And then require design and landscaping to provide a viewshed between the property and the Embrey Mill subdivision, and require retention of existing trees within the existing buffer areas. So, looking at the summary of positive... there are several positive findings. The proposal supports integration of the use into the adjacent community with sidewalk improvements; require consistent buildings materials and design and provide viewshed considerations. The use is consistent with the land use recommendations in the Comprehensive Plan. Proffers would ensure continuation of the existing place of worship as a civic amenity for the nearby residents. And the proposal is consistent with the established development patterns in the vicinity. And staff doesn't find any apparent negative aspects with this request. With the recommendations for items 2 and 3 for the reclassification, staff recommends approval of the Ordinance O17-33 subject to approval of both the concurrent Zoning Ordinance amendment and proffer amendment. And then for the proffer amendment, we recommend approval as well of that Ordinance subject to approval of the Zoning Ordinance and reclassification. And I'll take any questions at this time.

Mr. Coen: Alright, any questions for Mr. Zuraf?

Mrs. Bailey: Mr. Zuraf, do we know what the timeframe is for the build-out? Is this something that's immediate, within the next year or two? Is this like over a 5- or 10-year period do we know?

Mr. Zuraf: I'd have to defer to the applicant on the timeframe for expansion.

Mrs. Bailey: Okay. And I was reading through the proffer amendment and it looked like we were generally supportive, staff was generally supportive of the proffer amendment?

Mr. Zuraf: Yeah, that may have been an error. We're recommending approval.

Mrs. Bailey: Okay, I just wanted to clarify that because the others were...

Mr. Zuraf: That was copied from another report.

Mrs. Bailey: Okay. Okay, good. And you mentioned the traffic, so I'm just curious. I was sitting here thinking, because Mt. Ararat underwent a very big expansion and I know that there were some traffic woes with the members there. I mean, I think it's great when churches expand, you know, but I'm curious as to what the requirements would be if any and at what point in time there might ever be some sort of a stoplight requirement. I know it's rather close to the corner of Embrey Mill and Crabtree and I don't know how that would all work out. But in the event it is at full capacity, how would that be dealt with?

Mr. Zuraf: Well, that's where if, I guess, should the findings of the traffic study kind of follow through and no traffic study be provided... be require, then there wouldn't necessarily be any evaluation as it relates to this expansion. But if for some reason it's deemed that there needs to be some traffic evaluation on the site, that's something that would get looked at. But, you know, if it proceeds as currently stands, then the... a traffic light would end up being a future consideration following, you know, future events and requests likely from residents. And at that point then it would be something

Planning Commission Minutes
August 9, 2017

that is picked up as, you know, part of our general... it wouldn't be something required of the church, it would be provided and installed by VDOT likely.

Mrs. Bailey: Great. Okay, thank you.

Mr. Coen: Okay, anyone else? Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'm supportive of the church's efforts to expand. I'm a little concerned about the method chosen to get there, so I've got some questions in that (inaudible). Mr. Zuraf, if the PD-2 ordinance is changed as proposed, could this open the door to other property owners who have land abutting any PD-2 zoned parcel to have their property rezoned to PD-2?

Mr. Zuraf: Potentially, yes.

Mr. Apicella: Okay. Can you pull up the chart that shows the surrounding parcels? Okay, so the staff package identifies several unimproved parcels of varying size around Embrey Mill, and they're displayed here. And I think you indicated at least one of these parcels is zoned A; I presume some others might be zoned A or R?

Mr. Zuraf: Yes. Those other two areas within the 100 acres and 75 acres, much of that land is zoned A-1.

Mr. Apicella: Okay. And the staff report also identifies a few scenarios; I think there were four that were listed on page 6 and 7. So, is it possible that any other scenarios might occur? Not necessarily that bulk rezoning could occur, but that say a 3-, 6-, or 10-acre parcel that's Agricultural or Residential could seek PD-2 zoning?

Mr. Zuraf: Yes. The one area I failed to include in this is on the south side of Courthouse Road in this location. You know, there could be some potential for these properties as well to expand to PD-2.

Mr. Apicella: And as a result of expansion, they could convert from residential to a commercial use, is that correct?

Mr. Zuraf: Correct.

Mr. Apicella: So, we could end up with offices, convenience stores, restaurants, lower medium intensity commercial uses on parcels that are now zoned residential?

Mr. Zuraf: Yes, as long as they kind of (inaudible)...

Mr. Apicella: They meet the criteria.

Mr. Zuraf: ... to Embrey Mill and kind of are integrated into the Embrey Mill development. So that's one... I point out that area south of Courthouse Road; that might be challenging to get that proposal to fit in to Embrey Mill since it's on the south side of Courthouse Road which is going to be expanded. So, that I think is less likely to maybe meet the criteria, but I guess it's a possibility.

Mr. Apicella: Right, but as long as a parcel is PD-2, and my concern is potential leapfrogging. So, you have 3-acre parcel or a 6-acre parcel that abuts another parcel, including a parcel that's across the road

Planning Commission Minutes
August 9, 2017

on Courthouse Road, so the south end of Courthouse Road, then you could have the potential of PD-2 moving in that direction.

Mr. Zuraf: You could.

Mr. Coen: Well, Mr. Apicella one second -- so on that domino theory, could somebody on the other side of your blue line now that the blue line is PD-2 say they want to become PD-2?

Mr. Zuraf: If it's not... you know, again there's a 100-acre limit, but yeah, if it's...

Mr. Coen: If it's somebody has a 100-acre limit then... okay. So it actually... it's not just the ones that are in red, I mean, now blue, but in theory it could permeate past even up on your red up above there's some A-1 property near that 100-acre parcel. They could go... I mean, we're not just saying just Courthouse, but it could permeate further. Okay, thank you.

Mr. Apicella: And, again, it could either happen piecemeal or an entity or several entities could buy several parcels and start trying to convert those to PD-2 that are not currently PD-2, is that...?

Mr. Zuraf: Correct.

Mr. Apicella: And this point in time we can't know what the future holds. We can't know what other property owners are going to want to do...

Mr. Zuraf: Right.

Mr. Apicella: ... regardless of what the church's intentions are. Somebody else may have some different intentions downstream 5 or 10 years from now. Is that possible? Okay. Can you... I think you talked about it, but can you sum up the main issue or issues driving items 1 through 3 tonight?

Mr. Zuraf: Well, the issue is... the big issue is under the current property it's zoned A-1. The church wishes to expand and under A-1 the open space requirements are too steep to allow them to make any more expansions, so they wish to rezone to a zoning district that would support higher density development. And they see PD-2 as an opportunity to do so.

Mr. Apicella: Right, but in reading the package I thought the transitional buffer was really kind of the central issue here?

Mr. Zuraf: Well, that, too, yes. As far as...

Mr. Apicella: Driving to this particular sought after solution.

Mr. Zuraf: Right, right. Yes. The PD-2 has a requirement that a 50-foot buffer be located around the perimeter and so, as it currently stands, going to other zoning districts would require some sort of provision of providing that buffer.

Mr. Apicella: And who currently owns the property of record for the subject 4-acre parcel?

Mr. Zuraf: The church does.

Planning Commission Minutes
August 9, 2017

Mr. Apicella: Okay, and previously did this parcel include the required transitional buffer for Embrey Mill at Crab Apple Road?

Mr. Zuraf: Yes.

Mr. Apicella: So, effectively Embrey Mill gave away its required transitional buffer as part of this gift.

Mr. Zuraf: Well, on the parcel, they gave away the parcel; that still included that buffer.

Mr. Apicella: So, if I understand how this would shake out, if Ebenezer Church were rezoned to PD-2, the transitional buffer would move to the east side of Crab Apple where the church abuts Embrey Mill?

Mr. Zuraf: It would move to the west.

Mr. Apicella: To the west, I'm sorry.

Mr. Zuraf: Adjacent to Autumn Ridge.

Mr. Apicella: Okay. Do you have a question?

Mr. Coen: No, but I don't remember it being 50-foot. I thought you said it just had to be a regular street buffer?

Mr. Zuraf: That would be required along Crab Apple.

Mr. Coen: Right.

Mr. Zuraf: (Inaudible) the 50-foot PD-2 buffer moves to the west.

Mr. Coen: Right, but is it on any of our maps? That's what I'm trying to...

Mr. Rhodes: Yeah, it was on one of the charts. It was the yellow where it showed (inaudible).

Mr. Coen: But that's the initial one; but if he...

Mr. Rhodes: No, right here. That one right there.

Mr. Coen: Up there. So, okay, so it's up there... okay. It's less than 50.

Mr. Rhodes: Thirty-five (inaudible) fence.

Mr. Coen: Right, so that's why I'm saying, I wasn't seeing a 50-foot buffer anywhere. And so, right, there is no longer a 50-foot buffer. Gotcha. Thank you.

Mr. Zuraf: It could be reduced.

Mr. Harvey: Mr. Chairman, if I can clarify a little bit -- a street buffer is only required on a collector street. So Crab Apple will not be a collector so it'll end up having perimeter parking lot landscaping and street trees. There will be a landscaped area that would be required. The street buffer would still be required along Ebenezer Church Road, if you went with other zoning categories.

*Planning Commission Minutes
August 9, 2017*

Mr. Coen: Right, okay.

Mr. Apicella: Mr. Chairman, I just beg your indulgence; I have a few more questions.

Mr. Coen: Certainly.

Mr. Apicella: So, if it's the transitional buffer that's driving this proposed PD-2 Ordinance change, have the parties sought or could the parties seek either an agent approved alternative under Section 142 of the DCSL manual? Or failing that, could they pursue a PC approved, a Planning Commission approved, departure from the design standards under Section 143?

Mr. Zuraf: They have not sought an alternative. The... sorry, the terminology escapes me, one second... the alternative compliance they have not sought that. And just for clarification, I'd kind of given you some information in advance of the meeting and the alternative compliance is required at the time of site plan, so that's something they could not seek at this point. But the departure from design standards is something that potentially could be sought and they have not requested that.

Mr. Apicella: So, that is one potential path forward that has not yet been discussed or considered.

Mr. Zuraf: It has not been requested.

Mr. Apicella: Okay. And, as another alternative instead of expanding the properties that fall under the PD-2 Ordinance that's been proposed, could there be some other limited change to the PD-2 Ordinance or some other ordinance that fits this circumstance, a tweak of which could accommodate this particular situation? I mean, I don't have a particular solution but what strikes me is that a church falls under, you know, it falls under PD-2, it falls under B-1, it falls under A-1, all those zoning categories; it seems to me that we might be able to come up with a creative solution for this particular circumstance since it fits under many different zoning categories.

Mr. Zuraf: We'd have to think about that and I don't have an answer right now, but we would have to think about what other options might work, as far as amendments to further refine this.

Mr. Apicella: Okay. Can you tell me why wouldn't or how could B-1 zoning work for the church to give them most or all of what they're trying to achieve?

Mr. Zuraf: B-1 would work here. You know, you would still... so if the applicant sought out B-1 zoning, you would have to, and on this image I've identified, you'd have to still... and I kind of mentioned this... you'd still have to retain some sort of class C buffer along the limit of the PD-2 zoning district. So, in that case, where the blue scribbly border is that I've marked in roughly, that would have to be retained as PD-2 zoning, and then the remainder of the site above that could go to B-1 zoning. So you'd have kind of a split zone of the property.

Mr. Apicella: And that buffer could be as small as 25 feet or, as I look at it, about 10% of the width of the gifted parcel?

Mr. Zuraf: Yeah. It could be reduced... it could potentially be reduced to under 25 feet through an action of approval by the Planning Commission.

Mr. Rhodes: Is it 25 or 35?

Planning Commission Minutes
August 9, 2017

Mr. Zuraf: It could... well, through a departure from design standards, it could even be lower than 25.

Mr. Rhodes: But I'm just asking because your chart there says 35 feet and you had referenced a 15-foot reduction if there was a fence, so 50 minus 15 would be a 35-foot would be the normal expectation with the fence?

Mr. Zuraf: I wrote in 35 just because that's what they actually have there.

Mr. Rhodes: So, it's 25 is as far as it can go down with the fence mitigation?

Mr. Zuraf: Right, right.

Mr. Rhodes: Okay.

Mr. Harvey: Yes, Mr. Rhodes, the ordinance allows the agent, in this case the Planning Director, to allow a reduction of up to 50% of the buffer width provided that the applicant still meets the plant unit requirements and provides either a fence or a buffer... or excuse me, a berm.

Mr. Coen: Okay, since we're still on this map, just so I can get clarity, because it seems as though where you have up in the top where it says proposed type C transitional buffer, I'm looking at the one that you have before that, but you're sort of saying that that 35-foot is already existing. So...

Mr. Zuraf: Well, yeah, except it does not include a fence.

Mr. Coen: It doesn't have a fence, but the tree line and whatnot, the landscaping aspect is already there.

Mr. Zuraf: Correct.

Mr. Coen: So, I was right where I said there's no 50-foot buffer anymore because there's already... all that would be needed to comply with this is just to put the fence up to the existing tree line, right?

Mr. Zuraf: Right.

Mr. Coen: Okay, thank you. That's what I was trying to get my head around because it didn't sound like...

Mr. Harvey: Yes, Mr. Chairman, I think the big difference is with the difference uses of zoning is that the buffer, even if it went down to 25 feet, it would still be wider than the landscape strip and street trees that would be required along Crab Apple Street. So, it's going to eat into the usable area of the parcel that was gifted to the church.

Mr. Coen: I gotcha. We talked about this during the subcommittee; yeah, I get that aspect of it. Mr. Apicella.

Mr. Apicella: So, I thought I heard you say that they could seek a departure and it could actually reduce that, potentially, reduce that buffer to less than 25 feet. But, failing that, as long as they put in a fence, 25 feet would be the maximum that they would be required to do.

Mr. Zuraf: Correct.

*Planning Commission Minutes
August 9, 2017*

Mr. Apicella: Without going to a PD... without rezoning the entire, I'll call them two parcels to PD-2.

Mr. Zuraf: Right.

Mr. Apicella: Okay. So, I guess what I'm hearing, the bottom line is that expanding the County's PD-2 Ordinance is really not the only option here and that there might be some other alternative approaches that would give them, again, most of if not all of what they're trying to do without expanding the potential that other property owners abutting PD-2 parcels might seek that rezoning downstream.

Mr. Zuraf: Correct.

Mr. Apicella: Okay, thank you.

Mr. Coen: Okay, any other questions? Alright, I have a few if I could. And that is... and thank you. I mean, we went back and forth, several of us, Mr. Harvey and you and I went back and forth on different questions and, quite honestly, most of what you're telling me completely throws everything that I was understanding from the emails on its head. So I appreciate that. So, I just want to get... what's the zoning category for Autumn Ridge which this is abutting?

Mr. Zuraf: That's R-1.

Mr. Coen: Okay. And then, I have a question because it said that that buffer, that 50-foot buffer of trees, was also designated as civic use.

Mr. Zuraf: Right.

Mr. Coen: So, was this an instance where... I mean, it seems as though the requirement for this PD-2 was a 50-foot buffer, but then they gave it to the church which the church thinks it can use for X, but it really is theoretically is counting for... it seems like it's being counted for two different things at the same time and I don't think that's fair to the church.

Mr. Zuraf: Well, if it wasn't over... I guess, under the church's control, there could be some use... there'd still be the buffer requirement, there'd be I guess more limited use, but, yeah.

Mr. Coen: Right, I mean, but I'm just sort of going from this morning's conversation. But if as part of this category I am required to have a buffer of X, and then I turn around and give it to an entity and they call it for something else but it's really not for something else, it was supposed to count for this, it just seems... I don't know, maybe it's just me. That just seems weird to try to call it two things at the same time. Yeah, it's a loophole. Okay. You answered that one with Mr. Apicella. Then the last proffer where you listed the new items in this proffer, it said something along the lines of require existing trees in the buffer. Do you remember that slide?

Mr. Zuraf: Yes.

Mr. Coen: Okay. But, so I'm trying to figure out which buffer area you're talking about requiring the trees. You mean require the trees up in your type C buffer up at the top?

Mr. Zuraf: That is specifically... if you go back to the computer screen please... that specifically is talking about this area...

Planning Commission Minutes
August 9, 2017

Mr. Coen: That one chunk, gotcha.

Mr. Zuraf: ... where there's still the ability to retain the existing trees (inaudible).

Mr. Coen: Okay, in that one (inaudible), alright. Because you understand where if it says the existing trees in that whole area where they're putting parking is trees, it didn't match.

Mr. Zuraf: I was not referring to that.

Mr. Coen: Earlier today, and correct me if I'm wrong, no matter what they wanted to do here, they'd have to rezone.

Mr. Zuraf: Correct.

Mr. Coen: You know, if they want to do... so no matter what. So, as Mr. Apicella said, there may be other categories we could do besides expanding the PD-2, but no matter what they'd have to...

Mr. Zuraf: Right.

Mr. Coen: ... and they'd have to go through the process, okay.

Mr. Zuraf: Short of changing the A-1 open space requirements.

Mr. Coen: Right. Okay, thank you sir. Alright, if there's no more questions, we'll welcome the applicant's Ms. Debrarae.

Ms. Karnes: Good evening Mr. Chairman, Planning Commissioners, and staff. My name is Debrarae Karnes; I am an attorney and land use planner with the law firm Leming and Healy. Our office and my home is in Stafford. I have a presentation that I plan to do on all three applications combined. I do want to directly answer one of the biggest last questions. We worked extensively with staff before filing these applications to determine the appropriate zoning categories we would seek. The biggest problem... well, the two biggest problems were the open space requirements in A-1 and the PD-2 buffer. As the staff report says, a rezoning to any district will require that 50-foot buffer which, as staff has indicated, can be reduced to 25 feet with a fence. That 25 feet buffer is more than the current GDP is required to provide under PD-2 and will eliminate some areas of the parking lot which, in turn, will mean that the new sanctuary will have to be reduced in size. So, there is a definite impact if we rezone to anything but PD-2. And I'll go over this in a little more detail, but that's the reason.

Mr. Apicella: But how about the departure? Have you thought about that?

Ms. Karnes: We'll talk about that.

Mr. Apicella: Okay.

Mrs. Vanuch: How many parking spaces are you over? Just out of curiosity, if you were to go with the 25-foot buffer, how many parking spaces would you be short?

Ms. Karnes: I don't know that I have an exact number, but I will bring the engineer up at a later point and he'll discuss some of the impacts.

Planning Commission Minutes
August 9, 2017

Mrs. Vanuch: Because consequently we are reviewing the parking and drive aisle standards, so that might be able to be addressed in that subcommittee if it's not an astronomical number.

Ms. Karnes: And the thing is that the parking requirements are linked to the number of seats in the sanctuary. And so that's where this all comes from. Okay, let me give you a little bit of background about the church. The Ebenezer United Methodist Church has existed on this Embrey Mill Road site since 1991, but it didn't start there. Ebenezer has been a church in the County for 161 years and has firm contacts with the North Stafford area. It was on, what, Ebenezer Church Road near Onville Road where the Korean Church now is. They typically attract 1,100 people on a typical Sunday for services. They encounter approximately 2,000 people a month, and about 30% of that is children. And they do have a preschool on the site with serving about approximately 160 children. They have searched for years for expansion possibilities and nothing has worked out for them until they were gifted this what we'll call the expansion site for Embrey Mill. And someone posed the question what benefit, if any, did Embrey Mill get from the gift. And I'm not here representing Embrey Mill; I do not know if there was any benefit. I can tell you what Embrey Mill did not get -- they did not get the ability to build any additional residential units. And if there's one thing I need to say throughout this meeting, nothing proposed will allow Embrey Mill... I'm sorry, will allow Ebenezer, will allow any adjoining property owners that may seek to rezone and get Board approval of a PD-2 expansion. Under these proposals, none of that will result in additional residential units. Okay. The one other thing that Embrey Mill gets is assurance that the lot and the building on the lot will be consistent with the architectural standards of Embrey Mill and a viewshed is created from the church through the historic areas of Embrey Mill and vice versa, which is certainly in line with the current neo-traditional planning that an architectural standards that I think Stafford County embraces. Okay. At some point in this presentation, I'm going to ask your indulgence to allow the Senior Pastor of Ebenezer to speak, but let me go ahead and discuss this eta first of all. Okay. PD-2 is the only zoning district that requires this 50-foot buffer. Call it 25-foot with the fence. It's the only zoning district in the County that does that. If the zoning... if Ebenezer had to utilize this 50-foot buffer, 25-foot with a fence, it's going to interfere with pedestrian connectivity. It's not desirable. I would not be here advocating the PD-2 district tonight if I didn't feel that it was the single most desirable district for this expansion and is consistent with all of the smart planning principals I know you strive for. What I'm hearing is a concern not... I don't hear a concern that it's inappropriate for the church. I'm hearing a concern that it may be inappropriate because it might lay the groundwork for other lots to expand into PD-2. Any such expansion would require a rezoning and consent to the Board. But furthermore, the standards are in your hands. If you feel that the standards for which parcels can be added onto the PD-2 district allow the possibility of too many additions, perhaps we need to look at making the standards tighter. Now, I'm going to need remedial help here with this monitor, but can we show the map of the parcel with Embrey Mill? You will see, if we can kind of zoom in to the Ebenezer site -- I'll let Mike help me here -- the expansion parcel has Embrey Mill property on three sides. Perhaps what needs to be done is the zoning text amendment language revised to accomplish the Planning Commission's goals here. That's just my suggestion. We're willing to work with the Planning Commission to achieve these purposes. I do believe that the standards set forth in the proposed zoning districts governing what properties could be reclassified PD-2 is appropriate and, as staff said, it appropriately limits the scope but we'd be glad to work with you guys if you feel it is... it needs to be narrowed some. Now, as to the rezoning and the concurrent proffer amendment, one issue that arose yesterday around four o'clock was the question on the amount of traffic generated. And I have to ask staff, Mr. Zuraf, was the memo we submitted at 1:30 today given to the Planning Commission? Okay. So, I'm just going to briefly summarize the findings. There are two ways traffic can be calculated; one is by an average based on square foot of the addition. That is usually done when you have a use that generates a fairly consistent amount of traffic throughout the day. Picture a 7-Eleven that is open all day, all night. That's the best use for that measurement. There is another measurement that is more precise and actually recommended for use by VDOT and the County

Planning Commission Minutes
August 9, 2017

policies that calls for very sophisticated mathematical equations to calculate traffic from those uses that generate very... traffic at very limited points of the day, such as a church. You know, a church on Sunday will generate almost all of its traffic in a limited number of hours. Our traffic engineer reviewed the question and found that the calculation of traffic generation under a thousand vehicles per day was correct, and staff is now looking at that. The engineer is here and... the general engineer, Lance Kilby, is here and he could answer questions. I've got to tell you, we're looking at very complicated algebraic equations and, even though I took all the higher math courses at Stafford High School back in the day, I don't trust myself to explain that to you. But I think staff plans to give you a more thorough report once they have time to review it. The other questions on the rezoning and the GDP involved architecture, which will be consistent with Embrey Mill and consistent with the established building, and questions concerning landscaping. We meet all the landscaping requirements and the thing about the alternate compliance, that focuses primarily on reduction of plant units. I'm not sure we're going to qualify for a reduction of less than 25 feet with the fence. And so I think your question that you need... that maybe needs to be examined is what's the most important thing here, connectivity and maintenance of the landscaping under PD-2 or recommending another zoning district be used even though that will be limited... that will be limiting the design of the expansion church area.

Mr. Apicella: Have you looked at the manual?

Ms. Karnes: Yes.

Mr. Apicella: Okay, so I'm going to read for you Section 143. *Departure from Design Standards. If relief from the amount of plant units requirements for a section or sections of this document is needed, a request for a departure from design standards is required. If a request for alternative compliance was not approved, then a departure to reduce the width requirements for buffer yards and planting areas or the minimum square footage requirements for planting areas may be submitted.* So the way I read it, Jeff can tell me otherwise, it's not just about plant units; it's also about the minimum buffer width.

Ms. Karnes: I understand.

Mr. Apicella: So you could seek a departure from the buffer width.

Ms. Karnes: Mm-hmm. It's my understanding that that's at site plan only after we would pursue the rezoning which interjects a high degree of uncertainty in the process. I will, however, Chairman Coen, revisit the issue and be able to get you a definite answer.

Mr. Apicella: Okay, thanks.

Mr. Coen: Thank you.

Ms. Karnes: Could I have your indulgence to bring up the Senior Pastor who is newly arrived and lives and works here in Stafford. His name is Senior Pastor Bob Lough... I hope I have that right... to say a few words.

Mr. Coen: Okay. Welcome sir.

Pastor Lough: Good evening. So, my name is Rob Lough and yes, my family and I, we are recently moved to your area from the Roanoke community. Ebenezer Church was founded in 1845, 171 years ago. In 1991, they moved from the Onville Road campus, as was stated a moment ago. Their average worship attendance was about a hundred when they moved to the Embrey Mill campus. Today we see

Planning Commission Minutes
August 9, 2017

over 1,100 people in worship, a growth percentage of over a thousand percent, and God is good. What I want you to know is that we believe that the best days of Ebenezer Church are yet to come. And when we began this process, and I wasn't here but I've been brought up to speed as you can imagine, when we began this process, we honestly asked what would be the best course of action for us. And the staff here at the County made the suggestion that PD-1 is the way that we should go. PD-2, I apologize. We've spent about \$100,000 in legal fees and planning purposes to bring it to this point. Nobody in your group would say, you know, churches are unimportant in our community. I know that. I don't need to make that point. I know that you know that. What I would say is I don't envy you the task of... I imagine it must feel like trying to tame a lion, looking at the growth around here and having to come up with the processes by which you can maintain that growth in a healthy way. I thank you for the work that you're doing, and ask you on behalf of our church as we really are dreaming about a bright and beautiful future, a future in which we can continue to feed the youngest and most vulnerable people in your community, in our community. We can help tutor some of the most (inaudible) students in this community. These opportunities are available to us in greater numbers as the church continues to expand and have a greater footprint in the community. I know that no one doubts the importance of that. But we would greatly appreciate that this matter could be dealt with well, but also expeditiously, so that we can move on to do what we are feeling called to do as a church. But thank you, thank you, thank you for your time. I do want to acknowledge my friends who are here from Ebenezer Church today. We invited members and Chairpersons of our major committees to come and be part. So if you're one of the Ebenezer folk, would you stand up here? I think that's going to be most everybody. So, thank you again for your time. And my wife and I and my two children are very, very excited to be part of your community and to see what Ebenezer's going to do and what Stafford's going to become in large part thanks to the hard work you all are doing. Thank you.

Mr. Coen: Thank you sir. Anything else Ms. Karnes?

Ms. Karnes: Just a couple comments. I think early on someone asked about the timeframe. I'm told 5 to 10 years would be a good estimate of the timeframe that the church is anticipating. Two other small things; one other disadvantage to going to another zoning district would be the cost. I believe that we would be talking at minimum a technical change to the Embrey Mill preliminary plan which is really something that would benefit Embrey Mill, but I believe that planning staff may request it of the person causing the change. Additional cost. Not the primary reason to make a planning decision, but just something that you guys know about. Secondly, we're very willing to agree to a deferral. The one concern we have is we would hope that any future hearings would be done expeditiously enough to allow us to get to the Board this year so we don't have to go through the same education process with new newly appointed Planning Commissioners or newly elected Board members. But I'll be very happy to answer any other questions you have, meet with any of you, or bring up the engineer to answer any specific questions on the GDP. And finally, although staff didn't say so in their outline, the proffers do restrict this property to a church and its accessory uses. I think you.

Mr. Coen: Thank you Ms. Karnes. Any questions for Ms. Karnes? Seeing none, thank you ma'am. At this point I will call and open the public hearing. During the public hearing, any members of the public that wishes to talk on -- and since we're doing all three of these together, Ms. McClendon, it would be on all three of these items -- any of these three items, to come down. You have 3 minutes. State your name, your address, as we stated at the beginning when the green light goes on, state your name, address; you have 3 minutes. When you see the yellow light you only have 1 minute. At the red light we ask that you wrap up your comments. So, is anyone that wishes to speak on this item? And we see someone in the back of the room. Good evening sir.

Mr. Wells: Good evening. How are you all?

*Planning Commission Minutes
August 9, 2017*

Mr. Coen: Very well, and you?

Mr. Wells: Doing great, thank you. My name is Milton Wells. My whole reason for being here is because I received a letter that I had to sign for and so I'm just trying to understand why I needed to be here, what was the impact of this letter. You know, how it affected me and my family. So if someone can really explain that to me. I have no problem with the church. I appreciate the church in the community. To be honest with you, my son happened to have attended on occasion there. I think the church is located in a great area. I applaud them for expansion and everything. Like I said, my whole reason for being here is I want to understand why I received a letter that I had to sign for.

Mr. Coen: Okay. And if, after we're done with the public hearing, I'm sure Mr. Zuraf will be glad to fill you in on any of that so.

Mr. Wells: Okay then.

Mr. Coen: Thank you Mr. Wells, appreciate it. Okay, anyone else wishing to speak? Yes sir.

Mr. Kilby: Hi. I'm Lance Kilby, I'm the civil engineer working on the project. So I just wanted to address a couple things real quickly. One of the items that we were talking about was, the question came up as how many parking spaces would be lost if we did go to a different zoning district. If you go to a B-1 zoning district or one that would require a 50-foot buffer that can be reduced to 35 feet based on putting a fence in, and then additionally have a departure from that, you would be losing about 60 parking spaces. You would lose the whole row of parking that would be in front which would reduce the sanctuary size. So, I just wanted to clarify that because I know there were some questions on that. The other item that I wanted to touch base with is the actual equation used for the transportation. The calculation is based right out of the ITE manual. There are two ways to do that which is submitted in the report. And basically there are two graphs; there's a logarithmic graph, which is a curve, and there's also an average. The average goes from the bottom of the curve to the top of the curve. There's also an equation that's based on logarithmic equals $.59 \log x + 4.77$, so forth and so on. That's all in the traffic study, it's actually in the report and it shows the values for that. That is allowed by the TIA and also by VDOT and also by the scoping formed by Stafford County. So, I just wanted to address those couple things. That's really all I was here for.

Mr. Coen: Thank you Mr. Kilby.

Mr. Kilby: Sure, no problem.

Mr. Coen: Anyone else wishing to speak? Alright, seeing none we will close the public hearing aspect of this. There really was nothing, Ms. Karnes, that you would need to address. Usually I forget that part, so I actually remembered it today. Mr. Zuraf, do you want to address anything?

Mr. Zuraf: Sure, I guess to specifically address the comment from Mr. Wells and how it would affect him, this... I guess how it would affect him and any other residential property along and abutting the church site is, this is just our standard process is to notify all abutting properties so they're aware of any zoning changes. This would change the zoning district on this church property that would allow for a higher intensity use. It allows for the church to expand. It's proposed to double in size, so it adds additional building, it adds additional parking, increases traffic, but as it affects the properties in Autumn Ridge the expansion is moving away from Autumn Ridge and the associated parking with that as well.

Mr. Rhodes: Mr. Chairman?

*Planning Commission Minutes
August 9, 2017*

Mr. Coen: Yes Mr. Rhodes?

Mr. Rhodes: Mr. Zuraf, it's correct to say though that every abutting property owner received probably a similar letter to the one Mr. Wells received, correct?

Mr. Zuraf: Correct, yes.

Mr. Rhodes: Because it is part of the requiring process when there's going to be a public hearing on anything abutting your property, to make sure those property owners are notified.

Mr. Zuraf: Yes. And an additional note is as proposed, a fence would be added to the existing buffer that's between the Autumn Ridge properties and the church.

Mr. Coen: Okay. Alright, Mr. English.

Mr. English: Mr. Zuraf, I've got a question. If they did a technical change on that, what's the cost on that if they had to do a technical change? Just ball park, you don't have to give me...

Mr. Zuraf: I'll defer that to Jeff.

Mr. Harvey: Mr. English, the cost of a technical change for the preliminary plan is \$500. And that would be required because they'd be eliminating part of the property from the overall project, so the plan would have to reflect a change in the calculations of acreage, open space ratio, things of that nature.

Mr. English: Okay.

Mr. Coen: Since we have you, I'm looking at the various maps in the now paved lovely Crab Apple Drive and the gifted parcel. And I'm just curious, as you go up Crab Apple Drive and this parcel stops and there's that one part of the buffer that you were saying has to stay, treed? Who owns the land that's further up to the right?

Mr. Zuraf: Can you go back to the presentation?

Mr. English: Embrey Mill.

Mr. Coen: I would think it's Embrey Mill.

Mr. English: That's what it looks like.

Mr. Harvey: Computer please. This is the Generalized Development Plan and you can see, Mr. Coen, there are lots in that immediate vicinity, in this area here.

Mr. Coen: Okay.

Mr. Harvey: To be residential lots, that's why they were keeping the existing vegetation.

Mr. Coen: Okay. But those lots haven't been developed yet.

Mr. Zuraf: No.

Planning Commission Minutes
August 9, 2017

Mr. Coen: Okay. They're under construction? Alright, thank you. Okay, thank you Mr. Zuraf. And so, Mr. Rhodes, this is in your district.

Mr. Rhodes: Mr. Chairman, I did have a few follow-on questions from the discussion. I appreciate the thoughtful discussion this evening. I know that this Commission is always careful about any secondary effects that may come from any actions that we take, and so it's certainly worth that deliberate discussion and consideration. I am curious that maybe from Mr. Harvey or Mr. Zuraf, if there was a desire and an action to change this, reapply, and make it go to B-1, can the action to... by the Planning Commission to decrease or eliminate the buffer requirement, can that be taken concurrently with the rezoning to B-1? Or does it have to wait to a subsequent time to act on that?

Mr. Harvey: Mr. Chairman, Mr. Rhodes, I believe the departure could be handled at the same time as the zoning change. The risk for the applicant is that right now the site has not been fully engineered. So if what the Planning Commission approves ultimately can't get built, they may have to reapply again for a revision once they have full engineering of the property.

Mr. Rhodes: Okay, thank you. And I'm not... it's not lost to me also that if that was a course taken, the Planning Commission would make a determination to eliminate a buffer requirement or buffer waiver in its own right since another form of a precedent if we're willing to eliminate those requirements in certain conditions. Then, also, if... so if I could ask from a calendar perspective, if we just work on this a little further and go to our next meeting, our next meeting's the 13th of September I believe?

Mr. Coen: Yes sir.

Mrs. Vanuch: Yeah.

Mr. Rhodes: Okay, the 13th of September, if we were to act on it then, then what does that do to the timing of the action going forward? What happens after?

Mr. Harvey: Well, Mr. Chairman, Mr. Rhodes, this could go to the Board of Supervisors potentially at their first meeting in October. If it got deferred to the second meeting in September, it would put it back to potentially the second meeting in October for the Board and that's pushing the Board into sort of the last possible meeting for them to take action on a land use matter this year based on their by-laws.

Mr. Rhodes: Okay. And so there is, if we were to act and dispose of the action on the 13th of September, that does give an opportunity to act on it in October if it were done.

Mr. Coen: Yes sir.

Mr. Rhodes: Okay. One other variation on the calendar clock, probably Mr. Harvey, just so I make sure I've got this in my head. If there was a desire to go to B-1, that's a re-advertising dynamic, correct? If we took that approach?

Mr. Harvey: Yes, Mr. Chairman and Mr. Rhodes, that would require the applicant to amend their current application. It would require a new public hearing because you're asking for a different zoning category.

Mr. Rhodes: Right. And so that would have to be advertised by probably two weeks from now? Roughly?

*Planning Commission Minutes
August 9, 2017*

Mr. Coen: Yeah, so the 30th.

Mr. Rhodes: Yeah, somewhere in there.

Mr. Coen: The 23rd of August, yeah.

Mr. Rhodes: The 23rd. So everything would have to be resolved by then to be advertised in time.

Mr. Coen: Right.

Mr. Rhodes: Okay.

Mr. Apicella: May I ask a question?

Mr. Rhodes: Please.

Mr. Apicella: So, if this is a project that's going to take 5 or 10 years, and it gets delayed for further review and has to be pushed off till after the election, I'm just trying to understand -- is that a show stopper?

Mr. Rhodes: Nothing's ever necessarily a show stopper in my mind. I just... I hate delaying things if it doesn't have to be delayed. If it has to be delayed (inaudible).

Mr. Apicella: Right, I understand. But I think we're all trying to look for a positive outcome here.

Mr. Coen: I'm going to defer from normal and I think the minister is either getting a calling and wanting to give a sermon or he wishes to come up. And so we'll go for the latter and not the former.

Pastor Lough: I appreciate our counsel and her efforts here tonight. I, as the Senior Pastor, I would tell you that 5 years is the furthest out that we could possibly... I could consider. We just had a neighborhood open next door that has 2,500 new homes. We have 1,100 people on a Sunday morning and 2,000 people that are individual adults, not including 30%, so 600 additional children we see throughout the course of a month; that's 2,600 people in our space, and we have a sanctuary that seats 500 people. I don't want to artificially introduce a sense of urgency. At the same time, I think it is a misunderstanding to suggest that it's 5 to 10 years away. That does not represent (inaudible).

Mr. Coen: So, ideally, less than 5 years.

Pastor Lough: Yes sir.

Mr. Coen: Okay. But still, to a certain degree, it still goes to Mr. Rhodes' point. And we understand this little... if anybody watching at home doesn't understand, the Supervisors cannot take things up after the election such as this, and so that's why we're dealing with this, for our millions of viewers at home.

Pastor Lough: I also think that it is a worthy point to restate that in the course of our honest attempt to be faithful stewards of your time and the time of your staff and frankly the money of the people of Ebenezer, what we tried to do was locate the appropriate zoning in advance and we were advised that this was, from the staff of the County, that this was the course of action. And so we spent about \$100,000 to get us to this point. And that's a piece that's going to be hard for me to take back to

Planning Commission Minutes
August 9, 2017

Ebenezer if we are sent back to square one. I know you have a hard job; I'm not saying you don't. Thank you for your time.

Mr. Apicella: Mr. Chairman? Just two points. The first point is, when would the first opportunity come post the election for this matter to come back up, if it got delayed to that point?

Mr. Harvey: Mr. Chairman and Mr. Apicella, the Board of Supervisors typically in the first meeting of the calendar year do not take up public hearings. They usually focus on establishing their Boards and Commissions and reconstituting a new board with new committees. So, typically it would be your second meeting in January which would be the 3rd Tuesday... thank you, January 16th would be the earliest possible time.

Mr. Apicella: Okay, thank you. And Mr. Zuraf, it's my understanding you did present B-1 as an option to the, at least the agent if not the church, as an option.

Mr. Zuraf: Yes.

Mr. Apicella: So it's not new, it's just that their desired path was ultimately PD-2.

Mr. Zuraf: Correct. We discussed a lot of different options.

Mr. Apicella: Great, thanks.

Mr. Coen: And just to tag in, the Planning Commission is not stymied by that rule, so that we could still keep moving forward in November and/or December and then give it to them by their meeting in January. So, it's only the body that. Mr. Rhodes, you were still talking?

Mr. Rhodes: I was just going to share certainly any other thoughts folks have. I had not thought about but was intrigued by the thought of potentially looking at maybe a little bit tighter redefinition associated with the PD-2 that if we were going to change that we could tighten the construct of that so that it would be less concerning should there be any other parcels. Actually, it may be good to have the ability to add in a few other parcels. There may be other things abutting that might be smart to do over time. Things change over time and we have to look down the longer horizon. I'm not sure that I'm terribly concerned about a very controlled and constrained but means to possibly add abutting properties that would complement the development in the community. So, I don't know that I'm terribly concerned about that but I was intrigued by the thought of working in a very focused fashion over the next few weeks to possibly work to more tightly develop the construct of the verbiage associated with a PD-2 change. And my thoughts have been involving during the course of this discussion but I'm almost more inclined towards that way possibly for an accession versus complete restructure to a B-1 which changes the construct of the layout and how they might be there versus being a much more inclusive PD-2 and being truly a part of the community in the construct. But that's where I'm inclining. Certainly I won't try to make a motion at this moment if the others want to have a comment.

Mr. Coen: Okay. Any comments before we move to a motion?

Mr. Apicella: I'm intrigued by Mr. Rhodes' thought that we should potentially expand this zoning category. Maybe we should expand other zoning categories, B-1, B-2, if you an adjoining parcel that's residential, let's have at it.

Mr. Rhodes: Sure, let's go for it!

Planning Commission Minutes
August 9, 2017

Mr. Apicella: A free for all. Let's kind of throw out all planning constructs altogether.

Mr. Rhodes: You got it; let's throw it all out.

Mr. Apicella: So, again Mr. Chairman, I think a course of action is for the parties to again think of a creative solution from my perspective that would not expand PD-2. I don't think that's a desirable outcome because if you meet the criteria, I'd like to know when we're going to say no to somebody who meets the criteria who's got an adjoining parcel. If we treat the church one way, are we going to treat another party a different way when they come forward with a rezoning proposal. So, I don't think it hurts to take time to go back and reconsider what options there are; I think there are a couple, including a mixed rezoning of B-1 and PD-2, a departure request, and maybe changing the PD-2 requirement regarding those transitional buffers. The agent said... the applicant's agent said it's the only zoning category that requires a 50-foot buffer. Maybe we need to rethink that, I don't know. I think there may be a creative solution that doesn't have the downstream effect of encouraging other parcel owners to rezone their parcels to PD-2 in the surrounding area, and there are a lot of parcels that could fall under that potential dynamic. So I think we all need to move forward smartly and I think I heard Ms. Karnes say we ought to be using good planning principals. And I agree. And I'm concerned that this approach may not necessarily invoke good planning principals; it may actually do the opposite by encouraging unintended consequences that we can't foresee 5, 10, 12, 20 years from now. Thank you Mr. Chairman.

Mr. Coen: Okay. Any other comments?

Mrs. Bailey: Yes, Mr. Chairman.

Mr. Coen: Yes Mrs. Bailey.

Mrs. Bailey: I understand Mr. Apicella's concerns with the PD-2, but I think the applicant has already mentioned that they have already examined thoroughly, they've spent about \$100,000 in that process, to come up to where they are today. I agree with Mr. Apicella though on the PD-2 it looks like that as a compromise, we could look further at some of the language for that amendment to see if we can come up with something that might be a little bit more restrictive and take care of that issue.

Mr. Coen: Thank you Mrs. Bailey. Anyone else? Okay. I just have a question to Mr. Harvey. Is it possible to, if we defer this, to do it on a dual track mentality of looking at the PD-2 language, but also looking if there are other more creative solutions? Is staff able to do that? I mean, we do have a window since we only have one meeting in this month, we do have that window before, and if there is actually a better way to go forward that that could go forward which is what Mr. Apicella is saying. Staff could discuss and maybe find it rather than just sticking to the one. Is that something that's possible or does it have to be one or the other?

Mr. Harvey: Mr. Chairman, it is possible to look at other alternatives. I would note that based on the timelines that are outlined, the deadline for action on the Ordinance amendment would be essentially your last meeting in September, because it expires October 6. So that's sort of one issue to consider in looking at alternatives is you have basically a month and a half to make a decision on this ordinance amendment as it's proposed. The Commission could come up with other alternatives if it involves an ordinance amendment. If it doesn't involve an ordinance amendment, you can again ask the applicant to consider the other alternatives.

Mr. Coen: Okay. I mean, I would think... the way we've been talking anyways is that our preference is, if possible to come up with something intelligent, creative, and/or defined by so that this gets done

Planning Commission Minutes
August 9, 2017

this year, if possible. If that's not possible, then when this would come back, and I'm assuming Mr. Rhodes you're leaning towards the first meeting in September, then individuals that feel that the avenue that was taken, if it's the PD-2 one, is not the right way to go and they would just vote against it. And then, you know, they advocate something different and then we'd be going from there. So I think it's... from my standpoint, I think it's valuable to look at both avenues and see if there's something if what waivers or whatnot could be done. I mean, if we're already talking about a waiver on the PD-2 with a buffer, then there's going to be other -- we heard all this this morning -- about different waivers and things as well. So I just think there may well be a better path than the PD-2, but we also can look if there's a better way to put the language in the PD-2. That's just my feeling. But we don't have a motion yet. Anyone else for anything? Then I'll ask Mr. Rhodes, do you have a motion?

Mr. Rhodes: Yes, Mr. Chairman. I'd make a motion for deferral until the first meeting in September.

Mr. Coen: Okay, just a clean... this thing as is?

Mr. Rhodes: I was going to make my comments after is what my thoughts were; I was just getting a motion out there to be able to rework it. I can go ahead and describe. In my mind's eye, I know I would want to very quickly work with staff and with the applicant on looking at the PD-2 language. I'd certainly invite Commissioner Apicella to join with us and with staff and we can see if there's something to explore in the B-1. I note that on the B-1 if we were going to re-advertise for that we'd need to do so probably in the next couple weeks to be able to develop that up. So that would be immediate work on that. I'm happy to join in discussions with the applicant and staff on if there's something that is actually a better approach in that manner as well. But certainly my desire and intent would be able to have something that we can act on in the first session in September.

Mr. Coen: Okay. So, if you can (inaudible) with me but I'm just trying to make Stacie's job a little easier. So, the motion is to defer this until the first meeting in September, which is the 13th, so that staff and members can look to explore other options in the language of the PD-2 as well as other options for this item, for these items.

Mr. Rhodes: Yes sir, I agree, and noting that if it were something that required another advertisement for public hearing, that's something in the next couple week we'd want to meet on it very quickly.

Mr. Coen: Right. Okay, is there a second?

Mrs. Bailey/Mr. Apicella: I'll second.

Mr. Coen: Everybody seconds that one. Any of the many seconds want to say anything? Alright. I just would like to sort of clarify, this is the thing that Mr. Rhodes started, well at least I saw when he was Chair and Mr. Apicella followed it, so I'll continue it, so that staff knows what we're sort of looking at. We also would like to get the evaluation of the transportation information that came today. I personally would like to get some more clarity as far as the landscaping on Crab Apple so that we can wrap our heads on that. And then, just from a personal... I think I got this from Mr. Apicella and couple other people nodding... I'm just curious in all those parcels, Mr. Zuraf, that you had in red, if we could get sort of an analysis of under the zoning they are now, how many units it would be. I know one of them we were saying seven. So, if under the current zoning it would be X, but then under changing this so that theoretically people could make it PD-2, how many more units that in theory would be.

Mr. Rhodes: They can't be homes.

*Planning Commission Minutes
August 9, 2017*

Mr. Coen: Well, right, that's what I want to make sure we get nice clarification as to exactly.

Mr. Rhodes: I mean, I almost asked that as a formal question just to confirm. They can't be homes; they can be added acres to the PD-2 but not as homes?

Mr. Harvey: Mr. Chairman, Mr. Rhodes, the amendment stipulates that there could be no increase in dwelling units.

Mr. Rhodes: Okay.

Mr. Harvey: So, if they were removing one part of the project that had dwelling units, they could basically transfer them to this expansion area in theory, but the total number of dwelling units would not change.

Mr. Rhodes: Yeah. Can't grow homes.

Mr. Coen: Okay.

Mr. Apicella: It might still be helpful to know what the current zoning is on each one of those parcels and how many homes would exist on those parcels if (inaudible).

Mr. Coen: That wouldn't hurt us in general. Okay, alright. So everybody's... all staff is clear? Ms. Karnes? Mr. Zuraf?

Mr. Rhodes: Mr. Chairman, just to confirm or to clarify, on anything dealing with transportation, I would just remind staff that currently the participants at the church are only exiting out west on Embrey Mill Road because they haven't been able to go through. I think that's just now been opened. So you've actually got more opportunities to disburse the traffic in a future count so they ought to be considering that if they are looking at any implications.

Mr. Coen: And I'd be curious, if they come out Crab Apple, how would that impact those other roads that aren't being impacted at all now? Can they go other avenues? Alright. So, we have the motion before us, if everyone will take a moment and vote. And it passes unanimously, so thank you. Thank you Reverend, thank you Ms. Karnes, thank you all the members who came out. Thank you Mr. Wells; we appreciate that you got the letter and you came.

Mrs. Bailey: Yes, thank you.

Mr. Coen: We always wonder if anybody gets these notifications. Alright, so that takes care of our public hearings for the evening. Item number 4 is deferred until September. We have no Unfinished Business. We have no New Business. Planning Director's Report; Mr. Harvey sir.

4. 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) (History: June 28, 2017 Public Hearing Continued to September 13, 2017)**

UNFINISHED BUSINESS

Planning Commission Minutes
August 9, 2017

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

☆ Yearly Expenditures

Mr. Harvey: Thank you Mr. Chairman. Included in your information was the end of fiscal year expenditures. The Commission stayed within budget. You expended approximately 90% of the allocated budget which is doing very well. Some of the things that we can't control is advertising because we don't know how many applications are getting ready to come forward to public hearing, so that's one of the variables that comes into the budget process. But we managed to stay within the scope of the budget. I also wanted to mention that I was contacted by the Utilities Director today. They've been actively working on revising the Master Sewer and Water Plan for the County. And that's the plan that is part of the Comprehensive Plan and it stipulates what size of certain sewer and water pipes would be in the County and their location, as well as pressure zones and what other improvements are needed throughout the County in order to implement our Comprehensive Plan. They've been working with their consultant, O'Brien and Gere, since the adoption of the 2016 Comprehensive Plan. And they are prepared now to move forward with an amendment to the Comprehensive Plan. The Utilities Director indicated that it would likely go to the Board of Supervisors for referral to the Planning Commission at their September 5th meeting of the Board, and the Utilities Director requested that we consider having a presentation to the Planning Commission on the September 13th meeting. And then also, if possible, and if could be arranged, possibly the Utilities Commission could join the Planning Commission to hear that presentation.

Mr. Coen: Alright.

Mr. Harvey: So I ask for guidance from the Commission and the Chairman about whether we should put that on the agenda and, if so, what location should it be on the agenda; should it be under New Business or would you prefer to have it as a presentation like we do for other matters, prior to Public Hearings?

Mr. Coen: Right. First of all, are people amenable to having Utilities come? Okay. And I sort of like the idea of doing it first so that they're not having to stay here for the entire meeting, as exciting as it is. Is everybody alright for placing them before the Public Hearings? Do we have a number of public hearings that evening?

Mr. Zuraf: Possibly three, but they're not major.

Mr. Coen: Alright, and then we just have a couple -- the thing tonight that came back and then the emergency room comes back for the 13th; that's it, right? I don't think there's anything else. Alright, so then we'll do it at that time.

Mr. Harvey: Great. Well I will report that back to the Utilities Director and we'll see if we can coordinate the Utilities Commission to join us.

Mr. Coen: Thank you.

Planning Commission Minutes
August 9, 2017

Mr. Harvey: And that concludes my report.

Mr. Coen: Alright. County Attorney?

COUNTY ATTORNEY'S REPORT

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

Mr. Coen: Okay. Committee Reports, Sign Committee.

COMMITTEE REPORTS

- ☆ Sign Ordinance Committee
Next Meeting: TBD

Mr. Boswell: Yes, the next meeting is September 14th at 3 o'clock.

Mr. Coen: Okay. Parking and Drive Aisle Standards Subcommittee.

- ☆ Parking and Drive Aisle Standards Subcommittee
Next Meeting: August 9, 2017 at 4:30 p.m. - ABC Conference Room

Mrs. Vanuch: Yes. So we met today and went over a comprehensive chart listing that Mrs. Andrea Hornung had prepared for the subcommittee. And we compared very much likeness different counties like Henrico and Spotsylvania on their parking and drive aisle standards. And we're going to work to simplify that chart as we move into additional public hearings so we can hopefully have an interactive discussion. And our next meeting is scheduled for October 2nd at 3:30 p.m. Did I miss anything? Yep. So maybe Mike won't talk at that one.

Mr. Coen: Alright. For our Landscaping Standards...?

- ☆ Landscaping Standards Subcommittee
Next Meeting: August 9, 2017 at 10:00 a.m. - ABC Conference Room

Mr. English: Yes sir, Mr. Chairman, we met today at 10 o'clock this morning and I have handed out our agenda of what we went over as far as our committee. We also are looking into Wawa's landscaping standards that we figured we'd take a look at how they present themselves, because that was a good standard to look at. Also, I think that was about it. And our next meeting is going to be September 13th?

Mr. Coen: Yes.

Mr. English: September 13th...

Mr. Coen: At 4:30.

Mr. English: ... at 4:30.

Mr. Coen: Right. And then we were very fortunate to have Deputy Hamilton there to sort of give us... one of the things that we are looking at is the public safety aspect of some of the designs and etcetera.

Planning Commission Minutes
August 9, 2017

We did ask staff to talk to the parking subcommittee as well to make sure that landscaping in the parking lots and whatnot sort of jive with what you're looking at. So, we're not just a little island.

Mrs. Vanuch: We denied that request.

CHAIRMAN'S REPORT

Mr. Coen: Okay. Alright, Chairman's Report? The only thing that I will ask is, I don't know if the members would like to go on a trip out and look at the memorial after the meeting, since it's a relatively short meeting and it is a really amazing memorial. Other Business -- we have a TRC that was cancelled in August so I don't think we have to worry about one till September. Is there the Mike Rhodes...?

OTHER BUSINESS

5. TRC Information - August 23, 2017 - *Cancelled*

APPROVAL OF MINUTES

June 28, 2017

Mr. Rhodes: I make a motion for approval of...

Mrs. Vanuch: Seconde.

Mr. Rhodes: ... June 28 minutes?

Mr. Coen: Thank you. Second I think Mrs. Vanuch got it in slightly ahead. Any comment? Alright, we'll vote on approving the minutes.

Mr. Rhodes: See, by making that motion I get into the minutes.

Mr. Coen: That's right. And it passes unanimously. And so we don't meet again. I hope everyone has a great rest of the summer and we are adjourned until September 13th.

Mr. Rhodes: Woohoo!

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:10 p.m.