

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**

**September 13, 2017**

The meeting of the Stafford County Planning Commission of Wednesday, September 13, 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, Brian Geouge, LeAnn Ennis

DECLARATIONS OF DISQUALIFICATION

PUBLIC PRESENTATIONS

Master Sewer and Water Plan Update by Jason Towery, Director of Utilities

Mr. Coen: We are going to do the presentation on the Water and Sewer Plan first since the, if I correctly understand, the Utilities were sort of meeting and so they had their meeting and this is still part of their meeting, so this way they can go back and continue their work. So, go ahead Mr. Towery I believe, right?

Mr. Towery: Yes.

Mr. Coen: Yes sir.

Mr. Towery: Yes, Jason Towery, Director of Utilities here in Stafford. First off, thank you very much to the members of the Planning Commission for inviting our Utilities Commission and staff here tonight to share with you preliminarily where we are on the revise Master Water and Sewer Plan. As you know, with the recent plan changes to the Comprehensive Plan, that triggers on our end the need to go back and revisit the Master Water and Sewer Plan. The last time the Master Plan was revised was in 2006 so it's been quite a while. There are a number of changes and we have two representatives here tonight from our consultant team with O'Brien and Gere, Mr. Tom Dumm and Mr. George Rest who will be sharing the presentation and certainly will be available for any questions or comments afterwards. So with no further ado, George, come on up. Thank you.

Mr. Rest: Thank you very much Jason. Again, my name is George Rest, I'm with O'Brien and Gere Engineers and we're delighted to be here this evening and present an overview. So, quickly our agenda today, we're going to talk a little bit about our objectives, talk about what's changed since the 2006 Master Plan which we also supported the County on, and then go through quickly some of the specifics of what we anticipate will be in the 2017 update to the Master Plan, and then close with a discussion about how that would likely translate into the 10-year CIP. So, when we're talking Master Plan, you know, we're talking about the long term through build-out, the CIP of course looking at the 10 years. So, with any Master Plan, we start with looking at what the goals and objectives are for the County, and this slide here gives a quick overview. We're looking at making sure the County has adequate capacity to meet the customer needs; make sure there's adequate fire flow; of course, make sure that we provide the adequate capacity for growth consistent with your plans for the County; make sure we do it in a way

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that maintains adequate and really excellent water quality; and then very importantly, when we're talking about water distribution systems, make sure that there's redundancy so that there's multiple ways that water can get to each location in the County as much as possible; and make sure that everything we're doing is some in a reliable way so your customers can expect consistent and high quality service. So, just quickly about what's changed since 2006, and this flavors really everything that you'll see from the rest of this presentation, what's changed from 2006 is that the County completed 12 major projects that were recommended in 2006 and the Master Plan, most importantly the Lake Mooney water supply which had significant impacts on the ability to support long term growth, but also it changes the way that water... it moves in the County. When we updated the demand projections as part of this 2017 Master Plan, we determined that there was a significant reduction in the future water demands from approximately 30.8 million gallons per day down to 22.7. And that's due primarily to two reasons; changes in the County's Comprehensive Plan and the related land uses, and also a more limited utilization of water service outside the Urban Service Area. So, that is probably the most significant thing I'm going to say today is that there's a significant reduction in the long term demands and therefore the assets that you need to support growth are less. We also, in the case of the water system, have proposed consolidation of some of your pressure zones. Currently there's about 10 pressure zones serving the different elevations in the County. We recommended merging two of them and the purpose of that was to simplify some operations, allow for decommissioning of one of your water storage tanks, and to reduce water quality problems. So, each of these 10 zones has basically valves that separate the zones from each other so they can function separately. Each of those valves tends to reduce the amount of circulation and sometimes creates its own water quality problems and the combination of kind of a fresh look at this together with the impact of Lake Mooney allowed us to do this more efficient distribution of water. So, as part of the Master Plan, again we updated the demands and you see on this slide the updates of the average day and maximum day demands. As I mentioned, the build-out, if you look at 22.7 mgd and previously 30 mgd, the maximum day demand which is the way we size water treatment facilities at 34 mgd; previously that was somewhere in the range of about 46 mgd. Treated water is currently supplied by Smith Lake in the northern portion of your County and by the new Lake Mooney plant in the southern portion of your County, so I know a significant change is that the Abel Lake Water Treatment Plant has been mothballed. The Abel Lake Reservoir is currently not being used for water supply. Your sources are simply Smith Lake and Lake Mooney. As I mentioned, we have eight active pressure zones. So, a quick overview of water system projects, and this is for master planning purposes through build-out, the 2017 Master Plan is proposing 44 water system projects meaning pumps, pipes, tanks, basically; 44 projects with a construction cost of roughly \$54 million and that's through build-out. And that reflects some significant changes, as I mentioned, since 2006. So, nine of the near term projects that were shown in the 2006 Master Plan have been eliminated based on changing needs or because of the streamlining of the water system configuration that reduced about \$5 million of cost. A major transmission main was able to be downsized; that saved about \$3 million. And there are some new projects based on evolving needs in the water system and those contributed about \$5 million to the cost of the Master Plan. So, I'll go quickly now through the categories of work pumping stations first. There's five pumping station projects recommended for the build-out condition. They recommend... they basically constitute about \$7 million of the \$54 million proposed budget. Water storage projects -- there's 13 water storage tanks that are involved through build-out with new tanks at the Westlake and Abel Lake sites, and the cost for those is approximately \$9 million. As I mentioned in the water system consolidation, some of those zones, we were able to eliminate some of the needs for tanks. And so you see on this slide four of your existing tanks, Bandy, Cranes Corner, Abel Lake which is a ground storage tank, and Ferry Road are no longer needed under this new plan; it would be eliminated saving the need to maintain them and operate those facilities.

Mr. Coen: If I could ask a quick question.

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Mr. Rest: Sure.

Mr. Coen: What do you do with those parcels and those tanks when you decommission them?

Mr. Towery: Well, for instance, recently we decommissioned and took down the Berea tank. Some of you may have seen it actually. And in that case, that parcel will be probably sold or given to actually or transferred over to Dominion Power. So, usually most of the sites are fairly small and unuseful for anything else. In the case of, for instance, Abel Lake, that ground storage tank there, that will actually be -- and that's the large one on Enon Road -- that one will be the site of... that one's a significant site for us. That one will be the site of the 2 million gallon elevated storage tank that is proposed as part of this.

Mr. Rest: So, moving over to pipelines, pipelines constitute a significant part of the master planning budget and there's five major pipeline projects that are envisioned that account for about \$37 million or 69% of the \$54 million cost. So, water supply treatment and the regional interconnection, so this part of the project is still in process and there's currently re-evaluation we're nearly completed on and we're meeting currently with the Department of Utilities staff to review the findings. But they had charged us part way through the project to revisit some of the assumptions that had existed in the prior studies. And so we're revisiting and rechecking the safe yields for Lake Mooney, Smith Lake, and Abel Lake, and that's in part because we know there's a need for the County to make a decision about how best to utilize the Abel Lake supplies. We just want to make sure we understand how much water will be needed in the long term and how much that can contribute. We're also taking a fresh look at the treatment capacities, reliable treatment capacities for Smith Lake and Lake Mooney so we can compare those to these new maximum day projections. And that will allow us to make a decision on when and how much to expand Lake Mooney, which is of course designed to be substantially expanded over time. And it also is going to allow us to revisit the benefits and potential timing for a regional connection and inter-connection and collaboration with Spotsylvania County. So you have a potential inter-connection project with Spotsylvania County in your current CIP, and we're taking a second look at that project in terms of what it would cost and what the economics would be from your perspective. And then we'll be updating the water supply and treatment chapters in the Master Plan. Now, I'll mention that in the current CIP, there's a \$24 million item that was scheduled in FY22-24 for the expansion of the new Lake Mooney plant, that next phase of capacity, and there was also \$4 million in there for the regional inter-connection. So, in terms of overviewing of the changes from the Master Plan as they translate into the near term, the 10-year CIP, the current CIP, 18-27, includes about \$75 million of projects; about \$40 million of that, a little over half of that, is for pumping storage and pipeline projects that we just kind of re-evaluated; the other \$35 million is for placeholders including the Lake Mooney expansion that I just mentioned, that inter-connection I just mentioned, that's most of that as well as amounts for renewal and replacement of existing... mostly existing pipes. In the post 10-year CIP as it currently stands, we have identified \$25 million for pumping storage and pipeline projects, so a net reduction of \$15 million. We anticipate that there will be an increase in renewal and replacement to address some deferred maintenance. And the timing and the cost for the Lake Mooney expansion will be updated shortly so we can see whether we need some or all of that earmarked for that project. So, this is not... I'm not expecting you all to be able to read this slide, but it's really just a visual to show you all the red lines. And so as we went through the existing 10-year CIP, we identified as you can see a number of projects that were... could be deleted from the 10-year CIP or that could be revised in some way. So a substantially different CIP is coming your way at the conclusion of the Master Plan. And these are the listing of projects that are... this is a working version so this is not yet released for implementation by any means, but this is a working version of the \$25 million that I mentioned for pipes and pumps and tanks, with a best guesstimate as to when those would be needed by fiscal year. And so, until we bring in any kind of treatment requirements which we'll have probably within the next 30 days or so, identify

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those in terms of the pipes, pumps, and tanks, you can see it's mostly pipeline and storage and very little bit of pumping that's envisioned in the next 10-year CIP, in that working version. And I know that was very, very quick but I know you're busy folks. So that was all that I really wanted to present to you on the water. I want to present sewer, too, but I thought we would stop there to see what questions you might have on the water.

Mr. Coen: Does anyone have any questions? Yes, Mr. Tignor.

William Tignor: You indicated that there were lower projected water demands...

Mr. Rest: That's correct.

Mr. Tignor: ... for two reasons. Is there any evidence to show that households are using less water...

Mr. Rest: Yes sir.

Mr. Tignor: ... because of conservative appliances and so forth?

Mr. Rest: That's exactly the case, yep. Yeah, and the way you see that, the most easy way to see that is that as you've added, a number of housing units over the last decade or so, your demands have gone much slower than the increase in your population and your number of houses. And so we're kind of resetting these demand projections from where we were in 2006 and saying, well, we are where we are today; we're resetting it from there and recognizing that we are seeing a continuing trend in conservation. So you're point's very well taken. That's part of what's involved in those demand projections.

Mr. Tignor: Thank you.

Mr. Coen: Anyone else? Alright, that flowed rather smoothly.

Mr. Rest: Okay. Shall we continue?

Mr. Coen: Yes sir.

Mr. Rest: Okay, let's do it. Okay, so this is going to look really familiar except that it's totally different. This is the sewer system, but we're going to go through some of our objectives. Again, reviewed what has changed relative to the sewer system since the last Master Plan and then review the projects and then get to a first glimpse what the CIP is going to look like. In the case of the sewer system, we're really looking at three primary objects; capacity, growth, and reliability. In the case of capacity, it's incumbent upon the County to make sure there's adequate capacity for pumping and pipeline advance to make sure that that wastewater gets to the wastewater plant and doesn't overload the infrastructure. And so that's the main thing we've done. And in the case of both the sewer and the water system, our firm has constructed hydraulic models so we're able to model the ability to get water to every place in your system and the ability to get the sewage from every place in your system. So that's a major part of what we've been doing. Growth to accommodate future service area development and reliability, we want to make sure you have reliable sewer service and, in some cases, that may mean replacement of aging assets. So, again, the comparison on your sewer system between today and 2006, the County's completed 21 projects that were recommended in the 2006 Master Plan. And, as with the water, there's a significantly lower sewer flow capacity requirement. Again, for the most part, these two go hand in hand. And so we have a lower demand projections and so there's changes in the County

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Comprehensive Plan and related land use as with the water, and changes in customer behavior to the gentleman's point that using less water therefore creating less wastewater. So, as with the water system, we've updated the average day sewer flows, as well as the max day sewer flows. And right now, as I'm sure you know, the sewer flows are currently treated in two places in the County; one is the Aquia Wastewater Plant in the northern portion of the County and the second is in the Little Falls Run Wastewater Plant in the southern portion of the County. In terms of overview, the sewer system projects through build-out, the 2017 Master Plan is identified 78 sewer system projects with a construction cost of roughly \$88 million through build-out. There's 27 build-out projects shown in the 2006 plan were eliminated. So similar to the water system, there were a number of projects that because of capacity or other reasons, were no longer required so a number of projects were eliminated. Fourteen of the 78 currently identified projects are new and they contribute about \$5 million of the overall cost. And again, with sewer system projects, we're talking primarily about pumping and pipeline projects. We'll have a little discussion about treatment in a second. So in terms of pumping station projects for build-out, the County has a lot of pumping stations and the through build-out of the County we anticipate about 25 new pumping stations; 12 in the Aquia Wastewater Plant service area and 13 in the Little Falls Run service area, 5 new pumping stations, expansions at 13, and decommissioning of about 7 of them. And so the pumping stations account for about \$12 million of the costs under the Master Plan. Sewer pipeline projects through build-out, we identified about 6 force main projects in the Aquia service area, 5 at Little Falls service area, and likewise a pretty equal distribution between gravity sewer projects, 23 in Aquia and 19 in Little Falls Run. And most of the money that's currently identified in our 2017 update is for these piping improvements, about \$76 million out of the \$88, so it's mostly pipes, gravity pipes and force mains that contribute to the cost. Similar to the water on the wastewater treatment side, the County has asked us to take a fresh look and to kind of validate the capacities that remain at the wastewater treatment plants so we can determine when and if how much capacity would be needed. And as with the water, the current CIP shows a \$17 million placeholder in FY22-23 for treatment plant upgrade and expansion at Little Falls Run that we'll be revisiting that but, as with the water, it's certainly looking as though the need for expansion is quite minimal. So it's likely that we'll be revisiting that need. In terms of overview of the changes translating the Master Plan changes down to the 10-year CIP, to compare those two your current CIP FY18-27 has \$100 million worth of projects. Two-thirds of that, \$67 million, are for wastewater pumping and pipeline projects which is what we (inaudible) so far; \$33 million of that, a third of that, is for these placeholders representing the Little Falls Run expansion and a variety of renewal and replacement projects. The currently proposed CIP, I'll say the working version of the CIP as it currently stands, has \$46 million of wastewater pumping and pipeline projects, so significantly reduced from \$67 million, so \$21 million less. We do anticipate a significant increase in renewal and replacement budgets to address deferred maintenance, and a more aggressive program to reduce extraneous sewer flows which, on occasion, have overloaded your sewer system. And we'll be revisiting very shortly the timing and cost, if there is a need for upgraded Little Falls Run, what the timing of that would be. So, similar to the water again, we kind of red-lined you can see a number of the projects that are in your current 10-year CIP that look like they can be deleted, and other ones that we're reviewing for the ability to potentially reduce costs or to defer. And then the working version of that \$46 million draft CIP is shown on this slide and we're working, you know, actively with your staff to bring in that what's ever needed at the plants into this working CIP. You see the breakdown is pretty much pipeline and some pumping; 80% pipelines. And once again, that was quick and not to painful hopefully. But I'm open for any questions you might have

Mr. Coen: Alright, any questions? Go right ahead ma'am.

Mickey Kwiatkowski: To calculate your estimate in the (inaudible - not at microphone)?

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Mr. Rest: Well, let me ask Tom to help me a little bit on this one. So, I think the question is how did we basically calculate flows? Capacity? You're saying how we calculate the capacity? How do we calculate capacity? Come on up.

Mr. Coen: That way you really get to be on TV.

Mr. Rest: That's right, now you're on TV.

Mr. Dumm: So, one of the things that we did as part of that was we worked with the Planning Department to identify what the future land use would be for all the parcels within the County in the Urban Service Area. And with that we calculated how much sewer flow generation would be associated with each of those parcels and they told us what the timing would be in terms of whether it'd be near term, like a 10 year to 15 year window, or whether it'd be long term, which would be the build-out condition which would probably be in like a 50 to 60 year window.

Ms. Kwiatkowski: Thank you.

Mr. Rest: I'm very glad you asked that question because that is the basis of everything that you just saw was an extended period of time working with your Planning Department to get parcel by parcel definition of what's going to be developed and what the sewer flows would be.

Mr. Coen: Anyone else?

Alan Glazman: Did you prioritize the projects? (Inaudible - microphone not on.)

Mr. Rest: Right, I think it's fair to say... right, at this point, you know, for the most part, I mean, certainly that's an excellent question and many times, and I'm sure that there will be some... there's going to be some of that happening. I'd say what's happened so far is that most of the projects have been defined by growth needs, okay. And so, for the most part, what we've done is we've identified what the size of the project would be, what it would be, what it would cost, and one, it would have to occur in order to meet the projected need and we've shown that in that draft 10-year CIP. I don't know that I could really go beyond that.

Mr. Towery: Yeah, and really just keep in mind too that the Master Plan is more a growth driven document. We're trying to understand exactly what kinds of water and sewer assets need to be in place to accommodate the growth as shown in the Comprehensive Plan. But, as was mentioned a couple times in the presentation, one of the things... what was said was we see a decrease in the potential flows coming into our system. However, as our system can...

Mr. Rest: A lower projection.

Mr. Towery: A lower projection. However, as our system continues to age, one of the things that we have not been able to do well enough, we believe as a department, is to really focus in more and more on our continual maintenance capital costs that are constantly ongoing. And there's a lot of opportunity for us there as a department and as a county to do a better job to make sure that we're being more efficient with our current assets. So, that's one of the things that we're really going to be focusing a lot more on in the next 10-year CIP. And to that end, we will be racking and stacking, if you will, projects to anticipate growth and economic growth and things of that nature alongside of rehabilitation, replacement projects, to make sure that our current infrastructure is operating efficiently.

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Mr. Rest: So I think to answer your question is that moment needs to happen and it has not happened yet. But when we bring that deferred maintenance, renewal, and placement into the capacity, then probably Utilities will have to make some decisions about how to best spend our money.

Mr. Coen: Go ahead Mike.

Michael Makee: Thank you sir. I understand the growth projection. I think you did an excellent job with that. Are there any emerging technologies that you know of in the next 10, 20 years that you might have to take a count of in the waste treatment area?

Mr. Rest: Well, of course, absolutely. That's a good question. There's a lot of emerging technologies, both on the water and the wastewater side that have developed. And, of course, what triggers that for the County is do you have an emerging need, okay. So, in the case of the water, in this assessment that we've just completed or are just completing now, we've looked at the emerging regulatory needs under the State Drinking Water Act; we're doing the same thing for the wastewater under the Clean Water Act. Looking at... I mean, you're certainly in good shape on all of the books... all the (inaudible) around the books, and you're really you know in excellent shape. But there are some things that we see coming out certainly within the span of this Master Plan and very possibly in the next 10 years, you know. Just to give you one example, you might recall a couple years ago there was a big episode out in the Great Lakes on algae and there was this toxic algae that shut down one of the major water systems on the Great Lakes. Well, the EPA has been working on that, developing regulations. They've issued some draft regulations and they're going to start requiring the County and every other water system in the country to start collecting data on those toxins to see if they are present in your water. You've never had to do that before. And so we're identifying for the County what those technologies are and what those costs would be, and then when we come back and finalize this we'll be able to, you know, give you a better assessment as to whether we think any of those ought to move into the 10-year cycle. Probably not but maybe some of them. And certainly within long term. You know, on the wastewater side, you have much more stringent regulations coming down the pike in terms of the Chesapeake Bay. And, you know, the County's certainly fully in compliance now. We do anticipate that over the long term you'll have tighter standards that you're going to have to go to and your current technologies will have to be upgraded. And so we are looking at that as well. We'll give you those budgets and then, of course, the real question is, are any of those close enough that they would affect your 10-year CIP. And we'll give you our best estimate of that within the next probably 60 days.

Mr. Coen: Bill and then Steven.

Mr. Tignor: As I see what you have proposed here is a reduction in the proposed cost of the CIP for water and for sewer. Is that correct?

Mr. Rest: In terms of the buried infrastructure (inaudible) pipes and pumps, yes sir, that's correct.

Mr. Tignor: Okay. Thank you.

Mr. Towery: And to clarify, too, that would be specifically in terms of really expansion. We're looking to make a more significant investment and the rehabilitation and replacement work.

Mr. Rest: That's exactly right. If I could just maybe compare Stafford to some of the other places that we work, a lot of folks that have older water and sewer systems have a substantial part of their capital program is in renewal and replacement, 50, 60, 70 percent, as opposed to growth. This county has had almost all their money based into new facilities for the last 30 or 40 years as it's been building out. And

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you still have needs to do that. But what we've identified is that you have assets, pretty much all of your wastewater assets and your Smith Lake water asset are all going to be tripping into the 30-year zone in this next 10-year period. And so at that point things start to wear out and so forth, so we're identifying those kinds of investments, too, as well as pipes. You know, pipes wear out as well or get overloaded. So, to answer your question, that's correct. We've identified specific growth related projects that are less than what we had anticipated because of lowering demands. And then there'll be a discussion I'm sure between your Utilities Department as to how much of that can be shifted into rebuilding some of the assets that you don't see every day.

Mr. Coen: Steven?

Mr. Apicella: Mr. Chairman, for the 5 or 10 people watching this on Stafford TV, it might be helpful to provide some context on how these projects are paid for, which I believe are by rate payers. So it's not really a hit on taxpayers, it's the people who use the system.

Mr. Towery: That's correct, yes, and thank you for the opportunity. The Utilities Department is an enterprise fund and so we operate... we serve a customer base and, at this point, I believe we're serving roughly 37,000 customers and I believe it's a little over 100,000 folks accommodated in those numbers. We do collect fees for water and sewer sales and those are what we identify as user fees. And those are used to ensure that we can continue, as we've discussed here, ongoing repair, rehabilitation work, make sure that we're treating the water, all the chemical costs, things of that nature, responding to the pipe breaks in the middle of the night. And then we also have... so that would be one bucket if you will with the fund. Then we have two other buckets. They're both pretty good size buckets, but one is availability is that water and sewer availability so when you have new development that comes into the County and there's, for instance, Embrey Mill or some of the other newer developments, every homeowner... or rather for every home that comes in, there's a water availability fee and a sewer availability fee to ensure that we have the capabilities in our water and sewer treatment plants to accommodate those flows. We don't put a new clarifier on every time we have a new home; we build these things in anticipation of certain growth. That's what the Master Plan does. And so, at any given time, we may be recouping costs or planning ahead for future costs that may be at the common. So the availability fees for water and sewer help us do that and make sure that we have plenty of funds when the time does come to expand our water and sewer treatment capabilities that were there. And then the last bucket is what we call pro rata, and pro rata is really, again, we... one of the things that the Master Plan identifies, and this is probably one of the key points to make here tonight too, is that these are expansion projects that are needed for growth. But that growth is not just funded on the backs of the taxpayers or on the rate payers, the customers of the Utilities Department. That growth pays for itself through pro rata fees. Those fees are also collected, for instance, go back again to Embrey Mill when you have a new home that comes in. There's certain pro rata fees that are collected and placed into a bucket to make sure that there are funds to build new water tanks and pipes and pump stations and things of that nature that are needed and defined in the Master Plan to accommodate that growth. So, does that answer the question I hope?

Mr. Apicella: It does. And the other question that I would have is to the extent that you're moving to... from purchasing new systems, products, and going towards recapitalization as they've looked in the out years and the rate payer cost. Is that going to change the paradigm such that it's going to be stable, you'll need more or potentially less from the rate payers.

Mr. Towery: I think the short answer at this point is we don't know yet. And it's a great question; it's one we're really exploring and trying to get our heads around. Obviously, one of the things that will occur as part of this Master Plan process is we will go back and look at and revisit the pro rata fees. So



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that is something, based on the Master Plan, we may change, and we don't know yet if those fees would go up or potentially down. But, from the rate payer standpoint, one thing that we're seeing -- this seems to be a nationwide trend as was mentioned before -- we have these continual... we have, for instance, this past year, I believe fiscal year 2017, our total accounts increased by I think 2½ to 3%. But we only saw about 1% increase in our water demand. So, you see that diverging trend that's slowly happening, and it seems slight at you know 1, 2, 3%, it doesn't seem like much of a difference, but that many more miles of water and sewer pipe that were in the ground that are constantly being maintained and all that infrastructure that's there and now we're getting less dollars back, ultimately it does increase the fees on the user end ultimately. And so Stafford County, along with many other jurisdictions right now, are seeing increasing rates at this time although water and sewer use seem to be decreasing. And that leaves a question mark in a lot of folks' mind, well, why is that? Well, it's because again we still have a significant overhead that has to be maintained in the cost of all that pipe and infrastructure that's in the ground right now and that is still going into the ground just to make sure we can get water to your house.

Mr. Coen: Yes, go ahead.

Ms. Kwiatkowski: Maybe we should point out that the funds (inaudible - not at microphone) are coming from the developer, not from (inaudible).

Mr. Towery: That's correct.

Mr. Coen: Anyone else? Just for the 5 people who are still watching, we hear a lot about the new joint CIP between the County and the Schools, and just so that people understand is what you're talking about part of that? I think that goes to are you ranking it type question, or is this completely separate? And that way that will clarify that in peoples' mind.

Mr. Towery: Right, so the Enterprise Fund is separate from the General Fund which is where the joint CIP is occurring right now with the County and School assets. So, we have a separate process although we still go through the same racking and stacking thought. And ultimately everything comes in front of the Board and we showed them what our reasoning is. Here's why we think we need to build these projects on this timeline. What do you think? And then they give us their feedback. So, we still go through the same process, although it's separate and we don't rack and stack against transportation and school projects because we're a separate fund we still rack and stack.

Mr. Coen: That's what I thought; I just wanted to make sure that was sort of clearly understood. Alright, any other questions from anyone? Go ahead, yes, Bill.

Mr. Tignor: Within the past couple of years, the Utilities Department has completed the Lake Mooney project which was, if I'm not mistaken, the largest or the most expensive project in the history of the County. Can you tell us, Jason, what percentage of that did the County, the Utilities Department have on hand to pay for that?

Mr. Towery: So, I would need to go back and, Brian, I don't know if you know any numbers off the top of your head... I'm hearing about 60%.

Mr. Tignor: Okay. Well, I think people need to know that the Utilities Department is a good steward of its funds.

Mr. Towery: Thank you.

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Mr. Coen: Thank you. Anyone? Alright, and with that we thank you and we'll let our friends in the Utilities Commission, unless you really want to stay around and watch us, we'll let you go and leave. In a moment we will start with the rest of our session. We're not taking an official recess, we're just taking a moment to breathe.

*One minute meeting delay.*

Mr. Coen: Thank you everyone for being patient for that presentation. Thank you for staff for arranging everything for us. We are now going to pick up with our public comment section; we do have some comment cards. Some individuals indicated that they were desiring to talk about the items 6 and 7, the Ebenezer Church item. Technically, during that time period that public hearing has ended so if you would like to talk about that item, you'd come up during the public comment section. If you're going to talk about specifically the item 5 which is the PD-2 Ordinance, you could talk about that during that section. But I didn't want people to be waiting to talk about the church item and then when that comes up there's not really a public hearing. That would be a rather unfortunate thing. A couple people didn't say particularly what they were going to comment about. So, we have Rob... is it Lough? And you're was on the church, if you want to come up now that's fine.

Mr. Lough: I'm fine.

Mr. Coen: Okay, thank you sir. Didn't mean to put you on the spot. And then we have two people who didn't give a topic and that was Kevin and Kaitlyn Doughtie. Do you want to come up now for a general topic or is that for one of the public hearing topics?

Mr. Doughtie: It's for one of the public hearing topics.

Mr. Coen: Okay, alright, excellent. I just again didn't want to slight anybody. Alright, so does anybody wish to come up and talk about any topic that is not a specific public hearing topic, which would be items 1, 2, 3, 4, and 5? So if anything other than that or just something in general, you're welcome to come up to the podium. You have 3 minutes when the green light starts. We ask you to give us your name and your address. When you see the yellow light you have 1 minute left. And then when you see the red light, we wish that you would wrap up your comments. And so, if you'd like to talk about anything other than the public hearing topics, come on down.

Ms. Lewis: I don't know if this is the proper place to talk about it. I'm Ellen Lewis right off of Onville Road. And my question to you is, the roads are so nice in the new Embrey Mill subdivision. But we really need to get the Stafford County roads fixed. Is there any way y'all can help me with that?

Mr. Coen: Okay, and technically we don't go back and forth but what we'll do is we'll get your information and we'll get in touch with you and tell you how that can get done and do a dialogue there.

Ms. Lewis: Okay.

Mr. Coen: We just don't want to take everybody's time up going back and forth.

Ms. Lewis: Right, okay. Thank you.

Mr. Coen: But thank you very much Ms. Lewis. Alright, anyone else? Okay, seeing no one we will close the public comment section of the evening. We'll ask if there are any Declarations of

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Disqualifications from the Board. And we see none. We move onto our regular agenda and that becomes item number 1 of the public hearings, so, Mr. Harvey.

PUBLIC HEARINGS

1. RC17151815; Reclassification - Falmouth Heights - A proposed reclassification from the R-1, Suburban Residential Zoning District to the R-2, Urban Residential – Medium Density Zoning District to allow for the development of three residential lots on Tax Map Parcel No. 46B-1-14 (Property). The Property consists of 1.03 acres, located on the south side of Wythe Court, approximately 650 feet west of Forbes Street, within the Falmouth Election District. **(Time Limit: December 22, 2017)**

Mr. Harvey: Thank you Mr. Chairman. Mike Zuraf will be giving the presentation for this public hearing.

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. If I could have the computer please? Thank you. So, item 1 is a zoning reclassification for a project known as Falmouth Heights. This is a request to reclassify property from the R-1, Suburban Residential Zoning District to R-2, Urban Residential - Medium Density Zoning District on a property that is approximately 1 acre in size. The applicant is Wingrove Investments and represented by Roy Wingrove. The site is on the south side of Wythe Court approximately 650 feet west of Forbes Street in the Falmouth Heights subdivision. This image shows the zoning of the area. The property and land surrounding the site has been zoned R-1, Suburban Residential since on or before 1978; the yellow shading represents R-1 zoning. And there are no proffers associated with the property in question. The property in question, as you can see, is highlighted in red on the map. Looking at the existing conditions and features of the site, the site includes a community pool with associated outbuildings surrounded by a chain link fence. The pool is approximately 40 years old. Outside of the pool site is wooded generally. The site has also generally level topography on the eastern side of the property, which is on the right-hand side of the site on the screen, and also around the pool and along Wythe Court, and the site slopes downward to the west on the property. The property is surrounded on all sides by single-family detached residential units. Parking for the pool is located across Wythe Court on a separate parcel. You kind of see the marking of the access drives to the parking area. That parcel has since been redeveloped with a recent completion of a new single-family home on that property. The photo on the left shows the conditions of the pool in operation in 2012, and then the image from this past August shows the pool in its current state. The view from Wythe Court shows unmanaged vegetation encroaching on the perimeter pool fencing around the site. The applicant is proposing to remove the existing pool. Due to its age, the pool is in need of costly maintenance repairs in order to make it operational. As it's not being used, the pool complex has fallen into disrepair with aging structures and overgrown vegetation. To offset the cost to remove the pool, the applicant is proposing a subdivision of the property for the construction of three single-family homes, which would be detached dwellings, following removal of the pool. The proposed R-2 zoning would provide the density needed to provide three residential lots. Under the current R-1 zoning, the density requirements would only limit the site to one single-family dwelling unit. The General Development Plan shown here illustrates the site layout with the three single-family homes that would replace the pool. The three lots are proposed to be evenly subdivided among the parcel, ranging in size from one-quarter to one-third of an acre and 93 to 100 feet in width. The lot size and configuration is consistent with the existing surrounding lots that are of similar size and similar width as well. The General Development Plan also shows the potential location of the specific dwellings within building setbacks, this shows 2-story, approximately 2,100 square-foot dwellings on this plan. Also, a canopy street tree would be installed in the front yard of each parcel as would typically be required for new development. This is the Comprehensive Plan, specifically, the

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Future Land Use Plan. The Future Land Use Plan classifies the property as part of the Suburban land use designation. These are areas of the County where suburban scale development is most appropriate. The proposal is consistent with the suburban use, lot size, and density recommendations in the Comp Plan. The proposal is also consistent with objectives and policies in the Comp Plan that promote infill development and redevelopment within the Urban Services Area that is of an appropriate building scale and compatible character with the surrounding uses. So, the next few slides, I want to review some of the public facility impacts that may be generated from this proposal. First, looking at schools -- there would be two new school students generated by the development of three dwellings. This would be based on standard student population ratios that we use. The attendance zones for this site, students here would attend Falmouth Elementary School, Drew Middle School, and Stafford High School. And looking at the analysis, it shows that there would be adequate capacity existing in these schools, and that capacity is measured in the number of available seats at those schools. Next, looking at Parks and Recreation, the closest County park facilities are located at St. Clair Brooks Memorial Park off of Butler Road to the south, and recreation amenities available in Falmouth Elementary School just to the north on Forbes Street. The Comp Plan has a standard recommended ratio for the amount of parkland recommended per capita. For three lots, approximately two-tenths of an acre would be recommended for this number of homes. Staff has determined that there is adequate park capacity in this location. To determine the capacity of parks by geographic area in the County, we have a 2017 Parks Utilization Plan that we go to. This identifies service levels, including where park facilities are lacking and assigns priority areas where additional parks are most needed. This area is defined as having an adequate level of service. Next, looking at Fire and Rescue, the site's within the first response area of the Falmouth Fire and Rescue Station located also on Butler Road. Staff has determined that there are current service level deficits and any additional homes would further add to the current service level deficit in this case. To determine this, we use the Stafford Fire and Rescue's response time standards. The goal here of this standard is to respond to a call within 8 minutes 90% of the time. At the Falmouth station, the 90<sup>th</sup> percentile response time is 9 minutes and 31 seconds. So this is the basis... this serves as a basis to conclude that there are current service level deficits with fire and rescue service. Staff notes in this case it'd be reasonable to receive a proffer to mitigate fire and rescue impacts. Staff has estimated a reasonable proffer amount to mitigate the impact to be approximately \$1,202 per dwelling unit, or aside from cash contributions, the installation of fire sprinkler systems in the homes. This amount is based on Comp Plan public facility cost methodology and modified for this location. We did include that chart at your desk tonight just to kind of show how we got to that number. Then looking at transportation with Wythe Court being a low volume local street and only 30 vehicle trips per day generated from the use, staff does not believe the use would create a deficit to the public street network in this case.

Mr. Coen: And Mike, not to be rude and interrupt you, but if anybody of our thousands of throngs that are watching at home, this is a different way of doing this because of the new proffer law.

Mr. Zuraf: Yes.

Mr. Coen: So can you give a little snapshot of that so people understand why we're doing things a little differently on this one?

Mr. Zuraf: That's my next slide so... you're in the right direction.

Mr. Coen: Yes I did, I planned that.

From the audience: Could you speak just a little louder please.

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Mr. Zuraf: Yes, yes. So, this rezoning is subject to new proffer legislation which applies to proffers relating to new residential units and makes it unlawful for localities to suggest, request, require, or accept an unreasonable proffer. So a proffer needs to be determined to be reasonable. So for a proffer to be reasonable, it can only address specific public facility types that are stated in the State Code; those are transportation, public safety, schools, and parks. Also, the proffer can only be tied to a need that's in excess of existing public facility capacities. So, in the case of schools, since there are available seats at the schools that the students would go to, there's no deficit so we couldn't... it would be unreasonable to accept school proffers. And then also, the residential use would receive a direct benefit for the... from the proffer; in other words, the funds should be used for improvements to facilities that they would utilize themselves. The public facility impacts evaluation that I just reviewed is how staff is determining if public facility deficits or are created by the proposed use. The second point on the screen, the proposed proffer statement does not include any cash contributions or other public facility mitigation improvements. As I had noted, staff determined there to be fire and rescue service level deficits and determined a reasonable cash contribution to mitigate the fire and rescue deficits would be approximately \$1,202 in this case. Now moving on to building design, these are representative building elevations proposed for the site. For the purposes of this rezoning, the architectural design of the buildings shall be in general accordance with the elevations as referenced in the proffer statement included with the application. The design of these homes is in conformance with several of the recommendations in the Neighborhood Design Standards Plan which is an element of the Comprehensive Plan. So, the proffer statement that was submitted with this request includes proffers that would develop... that would require the site to development in general conformance with the GDP that we had on the screen; limits the development to three single-family dwelling units and no more; require the homes be constructed in the similar design and style as the provided building elevations; and require one canopy tree be installed in the front yard of each home. So, looking at the overall evaluation, there are positive aspects. The proposal is consistent with the land use recommendations of the Comp Plan; the proposal is consistent with the established development patterns in the vicinity; redevelopment of the site will solve a derelict use with current visual impacts and public health concerns; proffers would ensure the use would be consistent with the surrounding properties; and the building designs are consistent with Architectural Design Guideline recommendations. With the negative aspects, there would be minor impacts to current fire and rescue services that would be unmitigated. But overall, staff recommends approval with the proffers pursuant to Ordinance O17-38. Staff does suggest the Planning Commission consider the mitigation of the fire and rescue service impacts. And I'll take any questions at this time.

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

Mr. Apicella: Mr. Chairman, I've got a few questions on this one. So, the bottom line here is if this request to rezone to R-2 is approved, it increases the density by two more units as compared to the current R-1 zoning.

Mr. Zuraf: Correct.

Mr. Apicella: You had a picture of the parcel; can you pull that up?

Mr. Zuraf: Yeah. This one?

Mr. Apicella: A little bit further. I actually want to see the pool.

Mr. Zuraf: Okay.

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Mr. Apicella: So, taking a look at this picture, is it even likely that someone could develop that parcel with one unit given the pool?

Mr. Zuraf: With the... well, they'd have to remove the pool.

Mr. Apicella: They'd have to remove some portion of the pool, right?

Mr. Zuraf: Yes, yes.

Mr. Apicella: Do we know how long it's been in a state of disrepair? Four or five years?

Mr. Zuraf: I would have to defer to the applicant on that.

Mr. Apicella: Okay. And do we know how much it would cost the pool owners to correct the situation?

Mr. Zuraf: That I'm uncertain.

Mr. Apicella: Who's responsible for the pool?

Mr. Zuraf: Right now it's the current owner, Wingrove Investments.

Mr. Apicella: Okay. And have any other parties come forward with any other proposed fixes thus far that you're aware of?

Mr. Zuraf: Not to my knowledge.

Mr. Apicella: Is it fair to say that the current situation promotes a health and safety issue for neighborhood residents?

Mr. Zuraf: It could, yes, if standing water issues...

Mr. Coen: Okay, okay, we'll have time for comment during the public comment period, but please don't speak out at this point. Thank you.

Mr. Apicella: And those health and safety issues could potentially translate into housing values and prices in the area?

Mr. Zuraf: Yes, it could... it could affect.

Mr. Apicella: So, kind of taken a, you know, 30,000-foot level look at this. Do you think there's a potential public benefit to approving this rezoning even though it results in a modest increase in lot yield?

Mr. Zuraf: Yes, I believe so.

Mr. Apicella: You mentioned this but I think it's worth reiterating. This is the first rezoning request in front of us under the new state proffer rules?

Mr. Zuraf: Yes.

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Mr. Apicella: And under those rules, localities are required to do a detailed analysis to look at offsite proffers to see what is reasonable and unreasonable, right?

Mr. Zuraf: Right.

Mr. Apicella: So, from what I gather, an unreasonable proffer is one that is not needed to accommodate the number of units and people at the time of the rezoning. Not in the future state, but where the application comes in; that's the point that the snapshot's taken.

Mr. Zuraf: Correct.

Mr. Apicella: So, in going back to school seats, in circumstances where there's existing capacity, even if the applicant wanted to provide proffer money for school seats, the County couldn't legally accept it.

Mr. Zuraf: Correct.

Mr. Apicella: Okay. Did Stafford County Public Schools raise any concerns with this request?

Mr. Zuraf: No they did not.

Mr. Apicella: With regard to fire/rescue impacts, you determined that there's not sufficient fire/rescue capacity and there'd be a potential real impact, further degradation on the public safety network.

Mr. Zuraf: Yes.

Mr. Apicella: And in particular, this neighborhood.

Mr. Zuraf: Correct.

Mr. Apicella: Does the applicant know that the timing of the proffers would be triggered at the time of the occupancy permits, so presumably at a point when they potentially sold the house, not before?

Mr. Zuraf: I'm not certain if they're aware of that.

Mr. Apicella: Okay. And do we know why the applicant does not agree and does not want to mitigate the fire/rescue impacts?

Mr. Zuraf: No, I'd have to defer to the applicant on that.

Mr. Apicella: But you've done a detailed analysis to indicate why you feel those fire/rescue proffers are appropriate in this case.

Mr. Zuraf: Yes.

Mr. Apicella: Okay, thank you.

Mr. Coen: Anyone else? Alright, we ask the applicant to come up forward and speak.

Mr. Wingrove: Roy Wingrove, Fredericksburg, Virginia. The question about the proffers, I did not see anything mentioned there about the pavilion that I have proposed to donate to the Falmouth Elementary

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School. It's approximately 15 by 30-foot in size. I met with the Principal there and met with the School Board Supervisor about that as well. That was the intention of originally with the proffer that I was proposing from the beginning. Since the proffer law came into play, I still kept that as an option to put that on the table to propose to put that there at the Falmouth Elementary School, in lieu of the fire and rescue.

Mr. Coen: Well, I think, and Ms. McClendon will correct me if I'm wrong, but under the new proffer laws that Governor McAuliffe signed into effect, we can't do that.

Mr. Wingrove: Okay.

Mr. Coen: Right Ms. McClendon? So that's sort of where we're at.

Mr. Wingrove: So, would you propose that...

Mr. Coen: I can't propose anything under the law. The new law by Mr. McAuliffe is that we can't propose anything. It's sort of staff does its analysis and then it comes forward. Gone are the day which I think you're used to where we could say, hey, what about -- we're in a brand new world.

Mr. Wingrove: Understood.

Mr. Coen: I understand where you're coming from but we can't do that anymore.

Mr. Wingrove: Okay.

Mr. Coen: Ms. McClendon's smiling at me I think.

Mr. Apicella: I would say, and I'm not proposing, you know, shifting alternatives. What I see in front of me is a, you know, a sense from staff that there is a fire/rescue issue here and it's only going to get worse if those issues aren't dealt with. At least from my vantage point that's no unimportant and there's a reasonable nexus between what you're asking to do and the impacts that that might have on again the neighbors there and the fire/rescue times.

Mr. Wingrove: Yes sir.

Mr. Coen: And I believe, and Mr. Zuraf will correct me if I'm wrong, but it's basically the staff offered two options. And Ms. McClendon, you'll yell at me if I'm doing something wrong, right? They said there's this or you could mitigate it by doing these sprinklers in the home.

Mr. Wingrove: Correct.

Mr. Coen: So, again, I'm just making sure that you understand that that's sort of where we're at.

Mr. Wingrove: Yeah, I was not aware that there was a deficit with the fire and rescue aspect of it. But in lieu of that, I would concede to go ahead and add that into it.

Mr. Coen: I'll ask which, because there were two things.

Mr. Wingrove: The \$1,202 per unit.



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Mr. Coen: Okay, alright. And, Ms. McClendon, that would be something that he'd talk to Mr. Zuraf while we're having the public hearing and then they'd come back and we'd have to vote on that change?

Ms. McClendon: That's correct Mr. Chairman.

Mr. Coen: Alright. I always like it when I'm correct. Alright, thank you sir.

Mr. Apicella: It doesn't happen too often. I'm kidding. It happens most of the time.

Mr. Coen: So, again, we understand; we're in the same position you are as well as staff. It's completely a new world with this one. So, what we'll do is we'll go to the public hearing, you'll talk to Mr. Zuraf, Mr. Zuraf will try to talk to you and make notes of what people raise during the public hearing, and then the normal process is after the public hearing you get to come up and speak and then we'll go from there.

Mr. Wingrove: Okay.

Mr. Coen: Does that make sense? Alright, thank you sir. Alright, so now I'll open up the public hearing on the item which is... we have three speaker cards and I think I have this is the right order that they handed them to our wonderful Mrs. Stinnette. So, if you want to line up in that order, we have Mr. Bundrick, Ms. Armstrong, and Ms. Perkins. So, you just line up before that... when you come up, it's the same rule. You have 3 minutes to speak. We ask you that, we have your address but if you'll state your name and address, and then when you see the yellow light go on you know you have 1 minute left. And then with the red light we ask that you wrap up your comments. So, good evening Mr. Bundrick, you have the floor.

Mr. Bundrick: Yes, good evening, and thank you. It has been a tragedy that a neighborhood has been exposed to swarms of mosquitos for four years. The mosquitos have been breeding from the swimming pool on the property that is now under discussion. This has been during the threat of Zika and West Nile. This has been going on now for four years. The Board of Supervisors knew of the threat and did nothing. I spoke to a brave resident who was looking out for her neighborhood and for her neighbors. I saw children with scars on their arms from mosquito bites. I spoke to a resident who wanted to watch the eclipse but was chased into her house by swarms of mosquitos. Now the applicant wants to jam three houses into an existing neighborhood. It is not for the Board here to render justice, but I think you ought to know of the history and the pain that the residents of this neighborhood have endured and nothing has been done about these swarms of mosquitos over a four year time.

Mr. Coen: Thank you Mr. Bundrick. And now we have Ms. Armstrong.

Ms. Armstrong: Yes. I live right next door to the pool and I was the one that couldn't watch the eclipse and you better believe I told them so. And I have a little front porch; I can't even sit out there because they come and eat me. And before I can here, about a half an hour before I left to come up here, was the last time I've been bitten. I don't object to him putting three houses on that 1.3 acres. What I object to is the rezoning because that's going to open the floodgates. Anybody who buys property in that neighborhood can do the same thing; the next thing you know somebody's going to put up an apartment, townhouses, condominiums, and there goes out little neighborhood. We may be boring but by gosh, by golly, we kinda look out for each other and we have it... we like it boring and quiet. Thank you very much. And fire and rescue, right across the street from my house is a fire hydrant and I've called them several times. I can hear 'em on the radio heading up my way before I ever hang up the phone. And I think that's pretty much it. Thank you very much.

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Mr. Coen: Thank you Ms. Armstrong. Alright, Ms. Perkins?

Ms. Perkins: Yes, I'm Kathleen Perkins. As a property owner, I don't object to those three houses being built on that one lot. My concern is I just don't want a townhouse. I don't want duplexes. I don't want apartment buildings. Just single-family homes. If there's a way to just zone that one lot so that it can be parceled, as opposed to doing a whole group of single-family homes that already exist because what's going to prevent someone from coming in, as Susan said, to purchase two or three houses and then build an apartment building because now it's zoned for that. So, my desire would be to just zone that parcel and let them put three houses on it. Thanks.

Mr. Coen: Thank you. Please don't speak out. Alright, now we open up to anyone else that would like to speak.

Ms. Williams: My name is Jennifer Williams. I do have a question about this notice that was sent to me by Stafford County that defines the definition of Urban Residential R-2, which says it includes apartment complexes, townhouses, and condominiums. Is that going to be included in this neighborhood according to this particular rezoning? And I do not object to Mr. Wingrove developing three homes on this lot. What I do object to is that since December of 2014 when Mr. Wingrove acquired this property, he has not properly maintained the property which has become a health hazard to myself and my neighbors. The other thing that is really interesting to me is when you pull up this property on the Stafford County tax rolls, it shows a nice pretty pool, which it is not. And they have allowed Mr. Wingrove to keep this property in derelict conditions without requiring him to do anything about it while receiving a tax discount at that. They dropped the building value of this property from \$73,000 to \$10,000 while we all suffered and they raised our values. I request that this be approved and I request that Mr. Wingrove have that pool removed within 30 days or that this County take action under Chapter 9, general powers of local government, authority to remove or repair buildings that are declared to be derelict and have this pool from our community if he cannot. Thank you.

Mr. Coen: Thank you Ms. Williams. Alright, next person come on up. I think... oh, very nice of you sir.

Mr. Stout: Greetings. My name is Grady Stout. My wife, Terry, and I have lived here for 48 years. Our house is right in front of, or it backs up to this pool property which you're trying to change to R-2. It's our opinion that three houses on that property would be out of place in the Falmouth Heights community. Small yards and decreases and off-road parking, and there's the additional issue. That being said, the real issue in my mind is and what annoys us is the attempt to change the rules that the current owners signed up for when they bought their houses. This change would bring no benefit to the community and only better profit for the person or people involved. This approval would also set a very poor precedent for similar actions in other established R-1 subdivisions in the area; Mt. Pleasant, Spring Valley, Clearview, Grafton, Woodlawn, and others. Are they looking forward to having R-1's in their neighborhood? Finally, according to the information on Stafford's website, you can put things like apartment houses, townhouses, condominiums on this property if it's R-2. What controls that? Basically, all I have to say is please do not reclassify this property to R-2. Thank you.

Mr. Coen: Thank you Mr. Stout. Alright, next person?

Mr. Doughtie: My name's Kevin Doughtie. I don't have a problem with homes being built where the pool is. I'm in agreeance with everybody else that it does need to go. It's an eyesore and it is a health concern. I don't necessary agree with being having three houses on there and, much like everybody else behind me, we are concerned with the reclassification, taxes, our future value of our homes, whatnot. I

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guess basically we're really concerned about the reclassification. What's it gonna do to us? And, like somebody else said, it's nice and quiet there; we do kind of like that. The home is on that curve which you saw. I've almost been a head-on collision because somebody was speeding around that curve. If you're adding more vehicles there, that's more chance for some accident to happen, in my opinion. So, that's another thing you can keep in mind on right there. Also, like somebody else said, if you have more people parking... I live at the very end of the cul-de-sac. The people across the street already... they're renting the home, people come and go, they park in front of my home and that's at the end of the cul-de-sac. If you have three houses on this one lot on a bend, there's not enough room in the driveway -- just park in the street. It's gonna cause more traffic problems and then, back to fire and rescue, if myself, my wife have to call the fire department, now they've got to get around the traffic and it's public streets so there's nothing much that I can do. I've already called the police years ago on an incident and there's nothing they can do because it's a public street. Just something else to think about. It could cause more problems than good. So, basically the only good thing I can see, the pool goes either way it seems. Thank you all.

Mr. Coen: Thank you Mr. Doughtie. Alright, anyone else wish to speak? Come on down.

Ms. Cannon: Hello, I'm Barbara Cannon. I'd like to give you a little history. I've been in the neighborhood for some time and I was there during its... the pool's heyday when we had a lovely community resource. And one of the things that happened every spring, a right of spring, was the emptying of the pool. I just want to say that whoever owns this pool could have found the little knob that empties the daggone pool and then we wouldn't have mosquitos chasing us around the neighborhood. Why this wasn't done, I don't know. But I think that it is the sign of the kind of person that is that would leave it the way it is. Other than that, I don't have anything new to offer, but I'm also against the rezoning of the area. And I think one or two houses there would be grand. Thank you.

Mr. Coen: Thank you Ms. Cannon. Anyone else? Seeing none, I will close the public hearing. Mr. Harvey, normally this would be the time that we have... here he comes, okay. So, we've ended the public hearing and so it's our practice that we have staff and the applicant address anything new and address anybody's concerns before we go forward.

Mr. Apicella: Mr. Chairman, before the applicant, I just want to clarify something with staff. So, a concern was raised about...

Mr. Coen: Wait till Mr. Zuraf gets up. Thank you.

Mr. Apicella: So folks raised concern about what style of housing would go if this were approved. And I'm just want to... I'm looking at the proffer statement. It says the maximum number of single-family dwellings, so it wouldn't be apartments, it wouldn't be townhomes, and would be located in the areas depicted on the GDP. So we have basically a site plan for all intents and purposes, and it would be similarly constructed to what we see in the GDP, is that correct? So, we have a pretty good idea of what's going to happen there and they would be required to do it if this were approved. So there won't be apartments, there won't be townhomes.

Mr. Zuraf: Correct.

Mr. Apicella: It'll look like what we've seen in the package, for the most part.

Mr. Zuraf: Right.

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Mr. Apicella: Alright, thanks.

Mr. Coen: Alright, so do you gentlemen want to speak to any of the public comments or anything that you were discussing?

Mr. Wingrove: The comment about the apartments, that's what we did in the proffer with proffering it that we could only do three single-family homes. The three single-family homes fit exactly similar in style, similar in size as to the other houses that are in the neighborhood. I heard somebody mention something about the... only putting two houses there. The division of this acre lot into three lots, these three lots will be approximately larger than the majority of the lots that are in that neighborhood on that street already. So, the distance between each house and the lot boundary line, some of those lot lines, the house is less than... is just about 10 to 12 feet from the boundary line. These will be approximately 20 feet or more in many cases.

Mr. English: What's the average lot size in there?

Mr. Wingrove: Quarter acre or less, I believe.

Mr. English: Quarter acre or less, in the whole subdivision? It looks bigger than that on the map.

Mr. Wingrove: Some of them are up to half an acre. These will be approximately a third acreage.

Mr. English: A third acreage, but the rest of the lots in there are bigger than a third, right?

Mr. Wingrove: Some of the lots.

Mr. English: It looks like to me a majority of them.

Mrs. Vanuch: I've got a couple questions.

Mr. Coen: Okay, Mrs. Vanuch.

Mrs. Vanuch: Is it the time?

Mr. Coen: If you have a question for the applicant, it is the time.

Mrs. Vanuch: So, I would like for you to elaborate on the cost. I believe in the beginning of one of the presentations you talked about the reason you're moving forward with this rezoning was the cost to actually remove the pool. Can you elaborate on what you have to do to remove the pool and why you can't just cover it with dirt and address that particular home, renovate that home and then sell it?

Mr. Wingrove: To remove that, you've got to remove that; you can't just fill that in with dirt. From my understanding talking, I'm not a foundations guy.

Mrs. Vanuch: I have a neighbor who did it.

Mr. Wingrove: I'm sorry?

Mrs. Vanuch: I have a neighbor who did it and he built a deck over it.

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Mr. Wingrove: He did, okay. From what I was told, there's a building... well, the pool's got to be removed, the pool's got to be filled in, they can utilize part of that as a basement but there's quite a bit of cost involved in all of this. There's also cost... there's a building there that has to be removed that has a basement as well. So, in removing everything, the cost can be pretty substantial.

Mrs. Vanuch: Have you gotten any estimates?

Mr. Wingrove: I got an estimate; I think it was around 70. That was 2½ years ago, 2 years ago.

Mrs. Vanuch: And one of the concerns brought up by many of your neighbors is the fact that you have not maintained the property or drained the pool. Can you explain why you haven't maintained the property since ownership and why you never drained the pool and let it get in such a dilapidated condition?

Mr. Wingrove: The pool can't be restored. There's \$40,000 or more worth...

Mrs. Vanuch: I'm not asking about restoring it, I'm asking about why you didn't maintain the property or drain the pool.

Mr. Wingrove: The pool... if you drain the pool, it just fills back up with the rainwater. You've got to... there's no filtration...

Mrs. Vanuch: You can get a pump. I have a pool, you can get a pump. You can put it in there and drain it so that it doesn't collect rainwater.

Mr. Wingrove: Yes ma'am.

Mrs. Vanuch: So, is there a reason that you didn't do that and you made your neighbors suffer and deal with the mosquitos after many, many attempts for them to ask you to renovate the property and take care of the pool?

Mr. Wingrove: The mosquito problem I only learned about 45 days ago.

Mrs. Vanuch: Okay.

Mr. Wingrove: And I took action immediately to rectify that. I wasn't aware of any other issues other than some lawn care that needed to be done.

Mrs. Vanuch: Okay. That's all my questions.

Mr. Coen: Okay, thank you.

Mr. Apicella: Mr. Chairman, I just have a couple questions; I guess a follow-up. You're not the original owner of the pool, you bought it from...

Mr. Wingrove: No sir. I bought it when it was already broken.

Mr. Apicella: So you bought it from whatever, the pool association or whoever was responsible for it? When did you buy it?

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Mr. Wingrove: Yes, there was a corporation that owned it.

Mr. Apicella: How long ago was that?

Mr. Wingrove: December 2014.

Mr. Apicella: Okay. And presumably, when you take out the pool... I mean, if I were somebody building a house or owning a house, I'd want to be able to plant trees and do whatever you needed to do underground. So that might be one of the advantages of getting rid of the pool entirely, right?

Mr. Wingrove: Yes sir.

Mr. Apicella: Okay, thanks.

Mr. Coen: Okay. Mr. Zuraf, where does everything stand on the various proffers or whatnot so we know where we stand at this point?

Mr. Zuraf: So, there's a new proffer drafted regarding cash contributions and I'll go ahead and read it. It would be a new proffer number 4, and it says, a cash contribution of \$1,202 per dwelling unit shall be paid prior to occupancy permit for the benefit of fire and rescue services.

Mr. Coen: Okay. Alright, thank you gentlemen. So, this is in your district Mr. Apicella. You both can have a seat.

Mr. Apicella: Mr. Chairman, I'm going to recommend approval of RC17151815, reclassification of Falmouth Heights. I think the request in front of us in density seeks a modest increase in lot yield and that this increase is at least somewhat related to offsetting the applicant's cost to deal with the derelict pool. I think if we deny this request, it's likely the pool will remain in its poor state with associated health and safety issues. It's very unlikely the matter would be resolved potentially for several more years in the absence of some kind of a solution coming forward. And, in this case, it's a rezoning request. Even at three units instead of the one currently allowed by-right, I think the impacts on our school system are marginal. I think it's a creative solution to an ongoing problem that I think ultimately is in the public's best interest. Again, there's no perfect solutions but I think this gets us a long way to solving a problem that, again, wouldn't otherwise be solved. So for those reasons, Mr. Chairman, I'm going to support the reclassification.

Mr. Boswell: Second.

Mr. Coen: Okay, we have a motion and it's been seconded. Mr. Apicella, anything else to say?

Mr. Apicella: No sir.

Mr. Coen: Mr. Boswell, I think you said you'd second.

Mr. Apicella: Mr. Chairman, I think... I'm sorry, we need to make a motion to accept the changed proffers first.

Mr. Coen: Right.

Mr. Apicella: So, what I just said, but I'm going to start with a motion to accept the revised proffers.

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Mr. Boswell: Second.

Mr. Coen: The new... revised proffers. And Mr. Boswell, you're with the revised proffers, okay. So now we're discussing the revised proffers. The revised proffers were dealing with the fire and rescue cash donation as designated by the staff as Mr. Zuraf read it out. Any more comment Mr. Apicella?

Mr. Apicella: No sir.

Mr. Coen: Mr. Boswell? Anyone else?

Mr. Boswell: I'm supporting it to get rid of the (inaudible - microphone not on) mosquito breeding ground that exists there today.

Mr. Coen: Shhh, please. Alright. Any other comment on this? You can go ahead and ask it, yeah.

Mrs. Vanuch: Okay. Rysheda, would it be possible to build into the resolution that the pool has to be addressed or removed within 30 days?

Ms. McClendon: Commissioner Vanuch and Mr. Chairman, this is actually a proffer to rezoning to the Commission cannot put conditions on the rezoning itself. It has to be proffered by the applicant. So, I would suggest you ask that question to the applicant and see if they're willing to put it in the proffer statement.

Mr. Coen: Okay.

Mrs. Vanuch: Does Mr. Zuraf need to do that?

Ms. McClendon: You can do it from the dais but then we want to get it memorialized in writing.

Mrs. Vanuch: Okay.

Mr. Coen: Okay. And just quickly, one of the people speaking, I think it was Williams, mentioned Title 9; is that applicable in this instance? Or is that... just so we can answer that element of it.

Ms. McClendon: I believe the County has provided some notice with regards to draining the pool because of a concern for public health. And I believe they're working through that process now.

Mr. Coen: Okay. I see Mr. Zuraf talking to the applicant so we'll wait and see if we can (inaudible)... if the applicant... Again, the new proffer laws, we can't say what you were saying, but he can.

(Inaudible from the audience - not at microphone.)

Mr. Coen: They have to go through a process, yes ma'am. But we're trying to... we took what you said into account. Okay. Hello again Mr. Wingrove.

Mr. Wingrove: Hello. We've come to an agreement on the removal of the pool by April 30 of 2018.

Mr. Zuraf: So, it would be new proffer 5 for pool removal, and say, the community pool and associated structures shall be removed by April 30, 2018.

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Mr. Coen: Okay. And two questions. Ms. McClendon, would we have to vote on both of those or just one vote on both of them together?

Ms. McClendon: One vote would be acceptable.

Mr. Coen: Okay. And then, is it equitable for us to ask why the date was selected?

Ms. McClendon: Mr. Chairman, this is an onsite proffer so the Commission has full range to discuss it with the applicant.

Mr. Coen: Okay. Alright, and I know Mrs. Vanuch is jumping at the bit to ask why that date.

Mr. Wingrove: It was a date we came up with. It's going to take time. You have to actually get a permit to remove the pool. The ideal situation is that...

Mr. Coen: Shhh... again, please do not speak out.

Mr. Wingrove: ... we have the permits already for building the new homes so that we can do everything at one time, remove the pool.

Mrs. Vanuch: Mr. Harvey, permitting. How long is that going to take?

Mr. Harvey: Commissioner Vanuch, it depends on the applicant's timeline as well as the County's review period. Typically, for a new house the building permit's going to take at least 30 days to review. For a demo permit, it's usually a shorter time period.

Mrs. Vanuch: So, essentially you could, if the applicant was expeditious in his permit request to remove the pool, essentially the County could have a response within less than 30 days on the demolition and removal of the pool. So, we're looking at maybe a 60 to 90 day timeline at most?

Mr. Harvey: Yes. But I'm not sure what all the applicant's concerns are. If you think about it, what he's referring to as having building permits for the homes, you'd first have to subdivide the lots in order to be able to apply for the building permits for the homes.

Mrs. Vanuch: Does he have to apply for the building permits prior to removing the pool?

Mr. Harvey: The proffers don't specify, but he could not apply for building permits until the lots are created.

Mrs. Vanuch: Okay. But he could remove the pool. He could apply for the permit to remove the pool prior to...

Mr. Harvey: Certainly, at any time, yes.

Mrs. Vanuch: Okay.

Mr. Apicella: Just sitting and talk about process, this reclassification doesn't get approved by us. It ultimately gets approved by the Board, so we're talking about at least another two or three months before that gets taken care of. So, we're talking about a six month window, right; three months on our end just to finish the County's business of potentially approving this. They may not approve it. So then



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it really gives him... if I were him, I wouldn't start anything until the County gives me a full thumbs up. So we're talking about 90 days from the time the County potentially approves this, right? In all fairness...

Mr. Wingrove: That's part of the anticipation of the April 30<sup>th</sup> date.

Mr. Coen: Right, just from a...

Mr. Apicella: Just some context.

Mr. Coen: Just from a calendar standpoint, if we were to approve this tonight, Mr. Harvey let me know if I'm wrong, but it probably would not go before the Supervisors until October.

Mr. Harvey: That's correct Mr. Chairman.

Mr. Coen: Because of the legal requirements of advertising for a public hearing. So, if it went before the Supervisors in October, you're really talking... even if you went for the 90 days... it'd be conservatively mid-November is 30, mid-December is...

Mrs. Vanuch: We can't to land use decisions after the election.

Mr. Coen: Well, I know that. I'm saying if the Board approved it in October, then the 90-day window that they were talking about would kick in, so you're talking 30 days would be mid-November, 30 days is mid-December, 30 days is mid-January, if they got it, right. So, at this... really the point is that at this point a question of how soon is it going to happen, whether it's going to be in the middle of winter or if it will be April, quite honestly. Because you said it's a drop-dead date of April. So, that's what sort of is the questioning, right Mr. Harvey?

Mr. Harvey: Mr. Chairman, one thing in that timeline you need to consider is the weather. Typically construction activities stop during winter months or are significantly delayed.

Mr. English: Well let me ask you this question one lady brought up. Why can't he just drain it now, at least get some of that stuff out of there. If it's a health hazard to everybody, why can't it be drained? Something should be able to be done now. Put something in to kill the mosquitos, do something.

Mr. Wingrove: We've done that.

Mr. English: Well, obviously you haven't according to the residents. Okay.

Mr. Coen: I guess... I think you can understand the fact that it has been stagnant makes them to be apprehensive about waiting until April. So, I think you understand where that contention comes from.

Mr. Wingrove: Yes sir.

Mr. Coen: Again, looking at the calendar, looking at ideally either January or February or March really being able to do it (inaudible - microphone not on).

Mr. Wingrove: Right. My anticipation would be January/February sometime, but I gave myself some room.

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Mr. Coen: And theoretically, the January/February would actually fit... January would fit in if we went with the 90 day, and the Board of Supervisors approved it in October, we're talking about January. So, again, their apprehension is they're looking at that and they're not feeling that it's going to happen.

Mr. Wingrove: But if it doesn't for some reason reach the Board of Supervisors in October, their next meeting is after the first of the year my understanding, correct?

Mr. Coen: Well, for land use. Unless they did something special, and that's sort of I think that the mindset is to try to, I'm not trying to put any words in Mr. Apicella's mouth but if we do something tonight, it's more likely to get to the Supervisors faster so it will be happening faster. As opposed to if we were to defer this, and Mr. Apicella will let me know, if we defer this then it cannot really be addressed until the beginning of January again. And then if you went 90 days you're talking into May or June. So, I think that's why there's sort of the idea of trying to do something. Okay, thank you Mr. Wingrove. Mr. Apicella, are you now making the motion for new proffers 4 and 5?

Mr. Apicella: Yes, Mr. Chairman, the proffers... as I recall the proffers being that the applicant would provide the \$1,202 per unit, as well as removing the pool by April -- I didn't get the exact date -- April 30<sup>th</sup>, 2018.

Mr. Coen: Okay, Mr. Boswell, you're still alright with those two? Alright, so any more comment Mr. Apicella?

Mr. Apicella: Mr. Chairman, I think those are good additional changes to the proffers.

Mr. Coen: Mr. Boswell? Anyone else wish to speak? I understand and the traffic elements will very likely, if I know staff, will be brought up during the TRC when they actually bring the plans for actual discussion and whatnot. I don't... several people were concerned that this was going to impact other properties. This is only for this one property, so it won't impact the other subdivisions in that... other than this one. And I think that we need to do something to remedy the mosquito situation and the blight that is impacting the neighborhood. So I'll support this because I think we need to do something and I don't want to wait to bring this up in January so that it's not done until mosquito season. And that's what I'm looking at, is do we... and I hope the applicant understands peoples' apprehension and the sooner better than, you know, later because good neighbors are very important. And you saw that tonight where Mr. Doughtie was very helpful for people in making sure people... I mean, it's just a neighborhood that cares about each other. So, the fact that you are willing to do some other proffer which we can't talk about shows you have the desire to do something good, so I think you need to live up to that. That's just my little sermon. Alright, so if we will vote. Okay, and it passes 5-2 (Mrs. Vanuch and Mr. English opposed). Okay, thank you. Now Mr...

Mr. Apicella: Mr. Chairman, I recommend approval of RC171511815, reclassification of Falmouth Heights.

Mr. Coen: Okay, so this vote is for the actual approval for the reclassification. Is there a second?

Mr. Boswell: Second.

Mr. Coen: Alright, any discussion? And seeing none we'll put it to a vote. And 5-2 (Mrs. Vanuch and Mr. English opposed). Okay, thank you. Thank you for coming out this evening and influencing how this was going. And, so now Mr. Harvey, I believe we go on to the next public hearing?

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2. 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)**  
**WITHDRAWN BY APPLICANT**

Mr. Harvey: Yes Mr. Chairman. The next public hearing is for the proposed expansion to Del's Auto and please recognize Brian Geouge for the presentation.

Mr. Geouge: Good evening Mr. Chairman...

Mr. Coen: Good evening Mr. Geouge.

Mr. Geouge: ... members of the Commission...

Mr. Harvey: I'm sorry, Mr. Chairman?

Mr. Coen: Wait a minute.

Mr. Harvey: I failed to mention that the item 2 on the agenda was a continued public hearing, but the applicant has withdrawn their application. So we ask the Commission to consider accepting their withdrawal.

Mr. Coen: And I think we all accept that withdrawal. We don't have to vote on that? Okay, I didn't think so.

Mr. Harvey: Thank you.

Mr. Coen: So we accept the withdrawal.

3. RC17151813; Reclassification - Del's Auto Parking Lot Expansion - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the B-2, Urban Commercial Zoning District to allow for the expansion of an automobile service and repair facility on a 0.27-acre portion of Tax Map Parcel No. 19-25 (Property). The Property is located on the south side of Garrisonville Road, approximately 520 feet east of Vulcan Quarry Road, within the Rock Hill Election District. This project is the subject of a concurrent request for a conditional use permit. **(Time Limit: December 22, 2017)**
4. CUP17151814; Conditional Use Permit - Del's Auto Parking Lot Expansion - A request for a conditional use permit (CUP) to allow an automobile service and repair facility in the B-2, Urban Commercial and HC, Highway Corridor Overlay Zoning Districts on a 0.27-acre portion of Tax Map Parcel No. 19-25. The site is located on the south side of Garrisonville Road, approximately 520 feet east of Vulcan Quarry Road, within the Rock Hill Election District. This project is the subject of a concurrent request for reclassification from the A-1, Agricultural to the B-2, Urban Commercial Zoning District. **(Time Limit: December 22, 2017)**

Mr. Harvey: Again, recognize Mr. Geouge for the presentation.

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Mr. Geouge: Good evening. Brian Geouge with Planning and Zoning. I'll be giving one presentation tonight on two related land use cases, agenda items 3 and 4, titled Del's Auto Parking Lot Expansion. The request is a reclassification to the B-2, Urban Commercial Zoning District plus a conditional use permit for an automobile service and repair facility, specifically for the expansion of a parking area for an existing auto service facility. The zoning district is A-1, Agricultural. It's also in the Highway Corridor Overlay Zoning District. It's parcel 19-25, approximately 4.9 acres, but only 0.27 acres are subject to this reclassification and CUP. The applicants are Christopher and Kimberly Della Puca and the primary contact is Samer Shalaby with Development Consultant Services. Here's the site; it's located on the south side of Garrisonville Road, approximately one-third mile west of Shelton Shop Road. That's along the east side of a private driveway known as Seneca Lane, and that is shown here. The area subject to the reclassification and conditional use permit is shown in black outline; it's a portion of a larger parcel shown in red. One point I would like to clarify is in the staff report. This looks different in the staff report. Only this portion was shown for parcel 19-25; however, this piece up on Garrisonville is also a portion of parcel 19-25 and therefore is included in that 4.9 acre total. The site is zoned A-1; it's within the HCOD as I mentioned before. It's surrounded by other A-1 zoned single-family detached residences to the south and west. There are B-2 zoned properties to the east which includes the former Fredericksburg Christian School, medical offices -- here I believe, a yoga studio over here, daycare center, and a retail strip center. To the north immediately is the existing Del's Auto which was rezoned to B-2 in 1993 with a special use permit for an automobile service facility. And on the north side of Garrisonville Road adjacent, there are additional single-family residences. Here's the Future Land Use Map from the Comprehensive Plan; again, the subject area shown in black outline. The Comprehensive Plan designates this property within the Suburban land use which is in yellow here. It's in close proximity to an area designated as Commercial Node at the intersection of Shelton Shop and Garrisonville. I will point out that, with the Comprehensive Plan, the intent is to concentrate commercial uses within those nodes but not restrict them only to those nodes. So, within suburban areas, there are guidelines for commercial uses which state that the use should be located near adequate transportation networks and adequately screened from the residences surrounding. Here's an aerial view of the site. It's a cleared and level site. There's the private driveway, Seneca Lane along the west you'll see here; a stormwater pond to the east just here and that serves the business uses to the east. Here's a photograph from the private driveway facing north towards the back of the Del's Auto Service business. The expansion area would roughly be here. And as you can see, there's really no screening in between the residences to the south of here and the auto service. There's currently a site plan under review for the existing Del's Auto site, which includes expansion of the building including additional service bays, improvement to drive aisles and parking areas, and consolidation of the two existing entrances on Garrisonville to a single entrance. The Generalized Development Plan generally depicts the improvements on this current site plan, except that the parking area to the south has been changed and expanded into this area. The expansion area includes about 19 parking spaces, landscape buffers along the west, south, and east property lines, along with a 6-foot high wooden privacy fence along that same area, and there are also two security lights shown along the southern edge of the parking lot. A proposed proffered condition would require that the site be developed in conformance with the GDP. A TIA was not required for this application due to the minimal traffic generation from the proposed expansion and the proffer which limits any intensive uses from being developed on the site. The proposed proffers for the rezoning include, (1) that the use will be limited to parking and open space to serve the adjacent business known as Del's Auto. The subject parcel and the adjacent Del's Auto parcel will be consolidated. Development will be in general accordance with the GDP. And the 6-foot screening fence will be provided as shown on the GDP. As for the conditional use permit, the proposed conditions are access will be limited to the existing access serving Del's Auto; all service will be conducted within bays, essentially meaning that no vehicle service can occur on this expansion area; no inoperable or unlicensed vehicles on the property will be allowed for more than 60 days -- that was a copy of the condition from 1993, so it seemed fitting to have that match the existing conditions that were

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in place for Del's Auto; and also requiring screening of vehicles. Staff notes the positives are this is consistent with the Comprehensive Plan recommendations for commercial use in suburban areas; it's consistent with the established development patterns along Garrisonville Road; and the proffers and conditions will help mitigate impacts on surrounding properties and transportation network. And no negatives are noted. Finally, we recommend approval.

Mr. Coen: Alright, thank you Mr. Geouge. Sorry, I cut you off from your last slide.

Mr. Geouge: Oh no, that's fine.

Mr. Coen: Any questions for Mr. Geouge? I only have one real quick question. You mentioned that there's going to be the screening and the fence, and I thought if I heard you correctly saying that that was also part of the previous one or just the expansion?

Mr. Geouge: Are you referring to the previous rezoning, the original rezoning and special use permit?

Mr. Coen: Right, when they first put it in I noticed there was no fence...

Mr. Geouge: Right, and if I recall, with the original rezoning and conditional use permit there was a condition about fencing but it specified chain link fencing I believe.

Mr. Coen: But there was no fencing in the picture you showed us.

Mr. Geouge: There was; it was kind of hard to see.

Mr. Coen: Okay. Because from the picture it just looked as though there wasn't. You said there was... I think you even phrased there was no screening between that and the other.

Mr. Geouge: Right. Current conditions there's no screening but under the proposal there would be.

Mr. Coen: Was there supposed to be?

Mr. Harvey: Mr. Chairman? The County didn't adopt formal buffer requirements until 1995.

Mr. Coen: Okay, cool. So the new plan will have screening and trees.

Mr. Geouge: Correct.

Mr. Coen: Thank you sir. Alright, if there are no questions for Mr. Geouge, and it looks like there's none, then the applicant can come forward.

Mr. Shalaby: Good evening Mr. Chairman and members of the Planning Commission, my name is Samer Shalaby. I'm with Development Consulting Services and I'm here representing the, you know, Del Auto. Chris and Kim Della Puca are here in case there's any particular questions about operations. I think the staff kind of explained the bigger picture, but I would kind of mention there is a chain link fence. And the only thing that was referred to back in the proffers in 199... I think it was 94, was the idea of not allowing more than dead cars without any license plates or engines, stuff like that, more than 60 days. That was kind of the main proffer. But obviously in this case we're planning on doing a new fence, landscaping, and screening everything. Again, just to highlight a couple points, we do have a plan that's in front of the County right now which basically consolidates the two entrances which is

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currently way over size and larger than what's allowed today. We're consolidating them to one entrance, so hopefully that from a safety standpoint will help. One other thing, also just as a general comment, with the Seneca Lane, that little driveway, today it kind of floods every time it rains. Apparently there was a little culvert that goes underneath it that kind of is crushed. So, the applicant or basically the Della Puca's kind of consider that they are agreed to remove that, replace it with a larger pipe that would kind of help the flooding issue so there's no concerns there. That's kind of really it. Just again, the last comment is this business has been existing since 1982. It's a family business; it started with his father and they're continuing on the operation. So hopefully it's not an issue. If there are any questions, I'll be glad to answer them.

Mr. Coen: Any questions for Mr. Rochelle. Seeing none, we will... we thank you and we open up the public hearing. Anybody who wishes to speak on this item we just ask you to come down to the microphone. You have 3 minutes; when you see the green light, tell us your name and your address. At the yellow light you have a minute left. At the red light we ask that you wrap it up. Is there anyone who wishes to speak on this item? Seeing none, we close the public hearing. Since there was nothing brought up, Mr. Rochelle, you don't have to come all the way back down again. Mr. Geouge won't have to say anything. I believe this is in your district Mr. Rhodes?

Mrs. Vanuch: Mine.

Mr. Coen: Go ahead Mrs. Vanuch.

Mrs. Vanuch: Do we need to act on these independently? Okay. I am going to propose approval of item 3 on the agenda, RC17151813.

Mr. Boswell: Second.

Mrs. Vanuch: Thank you.

Mr. Coen: Any comment Mrs. Vanuch?

Mrs. Vanuch: I was waiting on you to ask. I'd just like to speak to the Della Puca's. I actually drive by this location multiple times a day; actually probably like a dozen. And I want to comment on how clean you keep this property. It never looks junky. It always looks very wonderful. The traffic is never an issue coming in and out of the property, things that I would normally ask. And it seems like you guys have already addressed all of those things and you've proactively addressed some of the flooding. As I've seen in thunderstorms, the property does flood and I'm sure that your neighbors are probably very happy about the addressing of that situation. And I think this just goes on to prove, when you're a good steward to your neighbors, no one was here to speak out against this and I do know that they are very much supportive of it, and how that is and being a good steward to your neighbors and to your community. So, thank you.

Mr. Coen: Alright, Mr. Boswell?

Mr. Boswell: Nothing.

Mr. Coen: Alright, anyone else? Seeing none, we will call for the vote for approval of item 3. And it passes unanimously (7-0). Mrs. Vanuch.

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Mrs. Vanuch: Okay. I would like to move for approval of CUP17151814, echoing my previous comments.

Mr. Boswell: Second.

Mr. Coen: And seconded by Mr. Boswell.

Mrs. Vanuch: Alright, that's it.

Mr. Coen: Okay. Anything Mr. Boswell? Any comments from anyone? Mr. Geouge you're getting an easy time tonight. Alright, then we call for the vote for approval. And it passes unanimously (7-0). Congratulations. Alright, now we move to item 5 on the agenda, which is the proposed Ordinance O17-27; Mr. Harvey.

5. Amendment to the Zoning Ordinance - Proposed Ordinance O17-27 would amend the Zoning Ordinance, Stafford County Code Sec. 28-34, "Purpose of districts;" Sec. 28-35, "Table of uses and standards;" Sec. 28-53, "Planned development districts;" and Sec. 28-55, "Planned Development – 2 District (PD-2) regulations," to reduce the maximum total area of a PD-2, Planned Development-2 zoning district from 850 acres to 760 acres, and to exempt PD-2 zoned property from providing a perimeter transitional buffer when the perimeter of the district abuts a public street. The proposed Ordinance would also exempt expansions to existing PD-2 districts from the minimum acreage requirement when a proposal meets the following conditions: (1) the expansion property is adjacent to land currently zoned PD-2; (2) the development is compatible with the existing design standards of the original PD-2 district and the surrounding community; (3) the development will not adversely impact area roads; and (4) the development will not create additional residential units. **(Time Limit: October 6, 2017)**

Mr. Harvey: Thank you Mr. Chairman. If you'd please recognize Mike Zuraf for this presentation.

Mr. Zuraf: Good evening again Mr. Chairman, members of the Planning Commission; Mike Zuraf with the Planning and Zoning Department. This item -- if I could have the screen please? -- is an amendment to the PD-2 Ordinance; this is a zoning text amendment. This includes proposed amendments to Stafford County Code and includes the sections of the code listed on the screen. The original public hearing for this request occurred on August 9<sup>th</sup>. The original... the issue was deferred at that time to pursue alternatives that would address concerns raised at the meeting, specifically the ability for the PD-2 zone to expand an additional 92.5 acres in locations and with potential uses unknown at this time. Subsequent to the meeting on August 9<sup>th</sup>, Commissioners Rhodes and Apicella, in consultation with the applicant, formulated additional modifications to the proposed ordinance amendments. The modifications to the draft PD-2 ordinance amendment add criteria to further limit the number of parcels eligible to expand a PD-2 district and also address inconsistencies with perimeter buffer requirements that were identified. The amendments reduce the maximum acreage of any PD-2 district from 850 acres down to 760 acres. It modifies the PD-2 district expansion criteria to require eligible parcels be adjacent to the original PD-2 district rather than the existing PD-2 district that takes away continued leapfrogging, and then also exempts the PD-2 district perimeter buffer requirement where the edge of the district abuts a public street. The additional changes required a new public hearing as opposed to just being considered under Unfinished Business. As a quick summary and reminder of the basis for the request, this was made by Ebenezer United Methodist Church, who also submitted concurrent rezoning and proffer amendment applications. The Embrey Mill development gifted a portion of their site to Ebenezer United Methodist Church to allow the expansion of the facility. The open space requirements on the original church parcel zoned A-1 would not permit further expansion of the church in that

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location. The church desires to rezone the property to the PD-2 district to support expansion in a manner compatible with the existing Embrey Mill development. And the PD-2 district has a minimum acreage requirement of 250 acres for any new zoning district and the zoning ordinance doesn't permit expansions on parcels less than that. The concurrent rezoning applications propose rezoning the original church site to PD-2 and amending proffers on the gifted PD-2 property. So, going over some of the issues that occurred in the latest changes, at the original hearing it was noted that the only land in the County that's zoned PD-2 is the Embrey Mill development, as shown on the zoning map her on the screen. It consists of 750 combined acres. The Zoning Ordinance currently allows the PD-2 district to have up to 850 contiguous acres, basically permitting 100 additional acres under the amendment as originally proposed. And also, staff had highlighted the parcels that could potentially make up the additional 100 acres at the time. So, as a result of concerns expressed about these potential expansions, this resulted in the reduction of the maximum acreage from 850 down to 760 for any PD-2 district. After the current proposed 7½-acre expansion on the church site, only an additional 2.5 acres could be added to the PD-2 district as opposed to all these potential highlighted parcels expanding to PD-2. This new limitation would address the concerns about unknown expansions to the district. Another issue addressed in the initial hearing was the perimeter buffer. Should the original church property be rezoned to the PD-2 zoning district, the Type C transitional buffer would shift to the perimeter of the original site adjacent to the Autumn Ridge subdivision as highlighted in yellow. Staff does point out the development proposal does not provide the perimeter buffer along the southern property line along Embrey Mill Road, that area that's not highlighted, so a new aspect of the amendment would exempt PD-2 district perimeter buffer requirements where the edge of the district abuts a public street. So, the effect of this, in addition to the church frontage along Embrey Mill Road, the amendment would apply to a few other locations around the existing PD-2 district that are located along public street. These areas are highlighted on this image; this is the southern half of Embrey Mill where there's some areas along Courthouse Road and Austin Ridge Drive where the buffer would be exempt. And then this is the northern half of Embrey Mill. Staff does note that the transitional buffers are typically not required along the public street as street buffers are often required in place of typical transitional buffers. Staff does recommend approval of proposed Ordinance O17-27 with the changes. The amendment limits the scope of potential expanses of the PD-2 district and requires development of any such expansions to be compatible with the adjacent community in keeping with the intent of the PD-2 district. And furthermore, the amendment resolves a potential conflict with buffer requirements at the site that is the basis for the amendment with a minimal effect on other properties. And I'll take any questions at this time.

Mr. Coen: Okay, any questions for Mr. Zuraf? Seeing none, we thank you Mr. Zuraf. We now open the public hearing on the proposed Ordinance O17-27 about the PD-2. I have one speaker card, that's Grady Stout, if he still wishes to speak... unless he has gone out. Alright, so, anyone else wish to speak on this item, come on down. Seeing none, I will close the public hearing. There's nothing to call back staff up for, so, Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, first and foremost, during declarations of disqualification I did not have a disqualification, but the last few times this topic has come up on this subject property, particularly as directly or indirectly relates to Ebenezer Church, I would like to just make sure to clarify and confirm that I do attend that church on some infrequent basis, nearly not frequently enough. But it is the only church I've attended in my 15 years here in Stafford County, so I'd just like to make that clarification. I am a member, I am not on any committee or team, and I have not advised them anything dealing with this or the subsequent Unfinished Business actions that will be there, but I do want to make that out for the record. Having said that, if I could, Mr. Chairman, I would like to thank staff for their very quick, very responsive and creative work on this issue, also Commissioner Apicella as he worked with them on approaches to be able to reasonably address some of the items that were discussed last time we brought



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this up on a prior public hearing, but also to be able to do so with minimum delays in the process. So I was very appreciative of all those efforts to take at that point. And with that, I'd like to make a motion to recommend approval of the proposed Ordinance O17-27.

Mr. Coen: Alright, we have a motion for approval.

Mr. English: Second.

Mr. Coen: Second by Mr. English. Anything else Mr. Rhodes?

Mr. Rhodes: No further comment sir.

Mr. Coen: Anything Mr. English?

Mr. English: No sir.

Mr. Coen: Any other comments?

Mr. Apicella: Mr. Chairman?

Mr. Coen: Yes, Mr. Apicella.

Mr. Apicella: I just want to say I appreciate everyone's help and indulgence as we work through this to address some concerns that I had. I think it gave us an opportunity to also identify and fix a previously unidentified issue that could have complicated Ebenezer's rezoning request. I want to also thank Mr. Rhodes, the applicant, their agent, and staff for getting us here, and I think it was a worthwhile pause to get it right. Thanks.

Mr. Coen: Okay, thank you. Any other comment? I just want to give great praise to staff, Mr. Rhodes, Mr. Apicella, and the applicant and the applicant's people. Again, very quickly handled and quite honestly that's one of the best things about this Commission is how well the people work together to get something done and respect each other, and I just think that's amazing. So, with that, we have a motion for approval of the O17-27. And that passes unanimously (7-0). Alright, so that ends our public hearing so we go to Unfinished Business. Mr. Harvey... we go and we see Mr. Zuraf already coming up to the microphone for the Ebenezer Church.

UNFINISHED BUSINESS

6. 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) (History: Deferred on August 9, 2017 to September 13, 2017)**
7. 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

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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) (History: Deferred on August 9, 2017 to September 13, 2017)**

Mr. Zuraf: Yes, good evening again. If I could have the computer? So, item 6 and 7 are the reclassification and proffer amendment portion of the Ebenezer United Methodist Church requests. The requests are reclassifying the original church property from A-1, Agricultural to PD-2, Planned Development-2 zoning, and a proffer amendment of the existing PD-2 zoned property that was gifted to the church. This is being requested again by Ebenezer United Methodist Church. The church desires to rezone its property to PD-2 to support the expansion of the existing church in a manner compatible with the adjacent Embrey Mill development. The public hearing was conducted on August 9<sup>th</sup> and deferred to address concerns raised at the meeting. And I've gone through the background of this so I'm not going to go through this again. So, just getting to the issues that were raised, the Commission did ask staff to confirm the accuracy of the estimated number of vehicle trips per day since the building area is planned to increase by almost 100% yet vehicle trips shown by approximately only 50% in their trip generations. The applicant provided a detailed explanation that described how the vehicle trips were estimated. Staff has reviewed and confirmed the applicant's methodology and determined the results to be accurate. Traffic volumes can be determined by one of two methods; average rates or an equation. As described by the applicant, the traffic engineer felt that the equation method rendered a more precise number. This image from the ITE Trip Generation Manual that we, staff and the engineers, use to determine traffic generation, this illustrates rates for a... traffic rates for a church on Sunday. The graph illustrates the rates method as a straight line and the equation method as a curved line, with a complex equation that gets you to that point. That curved line is highlighted. The equation line shows that as the square-footage of the use increases, the vehicle trips increase at a lesser degree. The next issue, the Commission questioned how a new street connection to the east along Embrey Mill Road and access point off of Crab Apple Drive may affect traffic patterns, specifically within Embrey Mill. This map highlights the most direct traffic routes into and out of the site from both the existing entrances on Embrey Mill Road and the new entrance on Crab Apple Drive. The entrances would be highlighted with the orange circles. So, just to explain, what you have, vehicles exiting the site and going to the west or coming from the west would travel along and utilize Embrey Mill Road, and basically with the same traffic routes and alternatives that have existed and been available to them for years up to this point. And out to the east, the most direct route would be to take Embrey Mill Road to its terminus at Mine Road. And right now that's where Mine Road ends, but Mine Road is in the process of being completed and connect to its existing end point at Austin Ridge Drive. And so, other neighborhood streets may take vehicle traffic eastbound to Mine Road at the intersection with Austin Ridge Drive. And also, I'll not that with Embrey Mill's grid network of streets there are many other optional routes that may effectively disperse traffic for people who may need to get over to the east. Also, the Commission asked for more clarity on the landscaping that would be required along Crab Apple Drive. The landscape manual in this case would require a 10-foot planting area that would provide 50 plant units for every 100 linear feet. The different types of plantings that you would see would be canopy, understory, or shrubs. They have different plant unit values, and then usually at time of site plan, a schedule is developed to show how the proposed and specific landscaping would meet the required plant units. The proffer statement requires the buffers on the site be developed in substantial conformance with the GDP. This image of the GDP highlights the proposed landscaping on Crab Apple Drive. The GDP does identify a 15-foot plant area with a berm and a mix of canopy trees, understory trees, and shrubs, but we'll note that the final number and type of trees would be determined also at site plan. So I'm not certain if this specific combination would necessarily meet those plant unit requirements; that's determined at site plan. And to summarize, staff recommends for the zoning reclassification, approval pursuant to Ordinance O17-33 subject to approval of the proffer amendment, and then for the proffer amendment, recommend approval as well subject to approval of the reclassification. And staff supports also each

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case subject to approval of the concurrent Ordinance amendment that you've already considered. So, I'll take any questions.

Mr. Coen: Any questions for Mr. Zuraf? Seeing none, we thank you Mr. Zuraf. Mr. Rhodes, I believe this is in your district.

Mr. Rhodes: Do we need the applicant to come forward for anything? I'm fine.

Mr. Coen: Is there a desire?

Mr. Rhodes: Mr. Chairman, again, with the discussion we had at the last session during the public hearing, raised some fair points that deserved at least merited further consideration just to confirm that we were comfortable with those points. Staff, along with the applicant, has worked through those points I think at a very satisfactory means, and there was nothing I think ultimately of concern in there though we did have just a couple areas we needed clarification. So I appreciate the efforts of all to get us to that point. Again, I appreciate the quick work right after the last session to work through some items which did, as Commissioner Apicella mentioned, uncover one thing; an unintended consequence that was buried in there that we got to resolve in the prior recommendations on the amendment to the Zoning Ordinance. So, with that, I would make a motion that the Planning Commission recommend to the Board of Supervisors recommend approval for RC17151649 on the reclassification for Ebenezer United Methodist Church.

Mr. Coen: Okay, a motion?

Mr. Boswell: Second.

Mr. Coen: Seconded by Mr. Boswell.

Mr. Rhodes: No further comment sir.

Mr. Coen: Anything Mr. Boswell? Nope? Any comment from anyone? Alright, we'll put it to a vote. And it passes unanimously (7-0). Item number 7 Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, on the reclassification for Ebenezer United Methodist Church Proffer Amendment, RC17151648, I make a motion that we recommend approval to the Board of Supervisors.

Mrs. Vanuch: Second.

Mr. Coen: Second by Mrs. Vanuch this time. Alright, any comments?

Mr. Rhodes: No further comments sir.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: No further comments.

Mr. Coen: Anyone? And so we vote. And it passes unanimously (7-0). Congratulations! Alright, we now move to New Business. Mr. Harvey, we have the Sanchez Division Waiver.

NEW BUSINESS

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8. WAI17151933; Sanchez Division Waiver - A waiver of Subdivision Ordinance Sections 22-143, 22-144, and 22-176 for a minor subdivision located on Littrell Lane off of Shackelford Well Road on Tax Map Parcel No. 35-54D, consisting of approximately 10 acres, zoned A-1, Agricultural, within the Hartwood Election District.

Mr. Harvey: Thank you Mr. Chairman. If you could please recognize LeAnn Ennis for the presentation.

Mr. Coen: Good evening Ms. Ennis.

Ms. Ennis: Hi, long time no see.

Mr. Coen: I know. We could have waited a little bit longer for you.

Ms. Ennis: Oh, the computer's on; thank you. Mr. Chairman, members of the Planning Commission, I'm LeAnn Ennis. I'm a planner in the Planning and Zoning office and I'm going to present item number 8 which is a waiver for shape elongation, lot frontage, and private access easements. It's on Tax Map... sorry... it's been a long time. I'm out of practice.

Mr. Coen: That's a clue, Mr. Harvey, to give her more.

Ms. Ennis: It's on Assessor's Parcel 35-54D. It's 10 acres in size. It's zoned A-1. It's in the Hartwood Election District. It's located on the west side of Littrell Lane off of Shackelford Well Road. This is the location map. I put the asterisk... it looks better on your all's screen. It's on a private access easement and there's a long driveway, so the shape of the lot is a flag lot. Mr. and Mrs. Sanchez purchased the property in August of 2016. That's when Mrs. Sanchez started coming into our office was actually around the time of the purchase. The current parcel has a minimum road frontage along the private access easement of Littrell Lane. Littrell Lane currently has 5 houses that have direct access. Section 22-176 permits only two uses off of a private access easement. Those houses were in existence prior to the ordinance changing. It used to have a minimum of three, and family subdivisions are exempt. Also, Section 22-176 states that the private access easement shall not intersect with another easement. The applicants could not subdivide the property under Section 22-5 which is the family subdivision because they did not own the property for more than 5 years. You're exempt from family subdivisions from private... you can have a private road for family subdivisions and such. You're exempt from the Subdivision Ordinance but not the Zoning Ordinance. The original shape is a flag lot. And Section 22-144 would require a minimum of 160-foot of lot frontage along Littrell Lane. The Zoning Ordinance, Table 3.1, requires a minimum of 200 feet of road frontage. Also, because the original lot shape being a flag lot, a waiver would be required for the shape of the lot, where Section 22-143 states that the depth of the lot cannot be 5 times the width. The width of the lot would be considered at Littrell Lane which is the pipe stem portion of the lot where it's only 40 feet. Again, this is the plat that they have submitted to our office. This is the existing house here. This is the proposed house. So, this whole lot was frontage off of right here, so it was always... that's the way the lot was when it was created. We did use to allow, many years ago...

Mr. English: Where do they want to put the other house now?

Ms. Ennis: This is the new house.

Mr. English: The new house, okay.

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Mr. Coen: The pen didn't work.

Ms. Ennis: It didn't?

Mr. Coen: No.

Mr. English: Yeah, that's why I was asking.

Mr. Coen: Right. That's the only reason we asked.

Ms. Ennis: Oh, because I was talking right to the monitor.

Mr. Coen: It appreciated it.

Ms. Ennis: So, they do... the lots do meet the road frontage along here, which is the new lot on the easement itself. So, the new lot meets everything. It would leave this lot to be... this is the lot that needs the waiver because of the sides, the numerous sides, and the pipe stem and the frontage here on the lot. I just like coloring with the pen. The applicant formally requests that the Stafford County Planning Commission consider the waiver request for Sections 22-143, Shape and Elongation, 22-187, Private Access Easement, and 22-144, Lot Frontage, of the Subdivision, all of the Subdivision Ordinance. They do not need any waivers from the Zoning Ordinance if these are granted. Approving these waivers could potentially impact surrounding residents with the allowance of creating an additional lot on a private road possibly generating more traffic and impacting maintenance of the private road. Section 22-241(a), Authority to Grant, states, where permitted, one or more of the minimum requirements established under this chapter may be waived by the Planning Commission upon assurance of the subdivider that each of the following have been met: (1) was the minimum requirement if applied to the proposed subdivision would impose any unreasonable burden upon the subdivider; (2) the granting of such a waiver will have no substantially adverse effect on the future residents of the proposed subdivision, nor upon any property adjoining the proposed subdivision. And that is my presentation.

Mr. Coen: Go ahead.

Mr. English: Who maintains that road now?

Ms. Ennis: All the homeowners, the 5 lots that are on it. It's a private road.

Mr. English: Do you have... do they all have letters or they don't get letters for this?

Ms. Ennis: No, there's no requirement to notify the applicants.

Mr. English: Okay.

Ms. Ennis: The applicant, once the property... the lots are created, the Ordinance states that they need to get into a road maintenance agreement with the other owners. So that'll be their responsibility. The County doesn't really monitor it; we just tell them.

Mr. English: Okay.

Mrs. Vanuch: Is there currently a road maintenance agreement?

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Ms. Ennis: I don't know. Do you all know? The whole family's here.

Mrs. Vanuch: Can they come up and talk if we have questions?

Ms. Ennis: Yeah.

Mr. Coen: Well, you have to come up, otherwise our fans can't see you. Yeah, down to 3. Well, it's not 10 o'clock yet so it's still 4.

Mr. Rhodes: Tom's mom is still up.

Mrs. Sanchez: Hi, I'm Rebecca Sanchez.

Mr. Coen: Hi Mrs. Sanchez.

Mrs. Sanchez: And we closed on the property, the last owners, Wayne and Kirsten Dye, cousins to Danny Dye, the head parent property, just let us know, informed us at closing that we would be part of, you know, the road maintenance and that Danny would contact us. We haven't made that connection yet, but, I mean, we are not running away from it; we are all on board with whatever needs to be done. He hasn't really done anything to the road since we've lived there. So, but we are aware that we'll all participate when they come together. I guess there's a division of whatever the cost is for the gravel and I think he does the work himself, to my understanding. And so it's brought in and then whatever that cost is it's divided among the houses. It just has not happened yet.

Mr. Coen: Thank you.

Mrs. Sanchez: It's a verbal agreement.

Mr. Coen: Okay, thank you. Any other questions for...? I just have one question because on your slide you said that two conditions have to be met. And one of them was relating to the impact on others' adjacent property if memory serves me. So, I'm just wondering if, are you here today to tell me that both of those conditions have been met?

Ms. Ennis: That is up to you. We don't recommend approval or denial; it's up to the Planning Commission to do that. So I can't recommend...

Mr. Coen: Okay. So I guess my question is has staff analyzed any of that or asked about any of that or looked into any of that? Since this is actually one of the few powers that we have, you know, *we* have, I'm just curious if... Mr. Harvey?

Mr. Harvey: Mr. Chairman, this is a discretionary approval on the part of the Commission's action. The Commission would look to see if the application of the regulations is unreasonable for the subdivider, that's one. And two, that there wouldn't be any significant impacts to the future residents of the subdivision and the surrounding area. So, the only impact staff has identified is there will be one additional home on the private road.

Mr. Coen: Okay. Mr. English?

Ms. Ennis: The question got me.

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Mr. Coen: Sorry.

Mr. English: I make a motion to approve WAI17151933.

Mrs. Bailey: Second.

Mr. Coen: Okay, it's been motioned by Mr. English, seconded by Mrs. Bailey. Anything Mr. English?

Mr. English: No.

Mr. Coen: Okay, Mrs. Bailey?

Mrs. Bailey: No sir.

Mr. Coen: Alright, anybody else on the Commission? No. So, Mr. and Mrs. Sanchez, we are now going to vote on the waiver.

Mrs. Vanuch: Close your eyes.

Mr. Coen: We could have a drum roll. And it passes unanimously (7-0). So congratulations.

Ms. Ennis: Thank you.

Mr. Rhodes: Enjoy.

Mrs. Sanchez: Thank you!

Mr. Coen: You're welcome. And thank you for enduring the 2 hours and 15 minutes of sewer talk. Alright, so now we move onto the Planning Director's Report. Mr. Harvey.

PLANNING DIRECTOR'S REPORT

- ⊕ Definition of e-Commerce
- ⊕ Drive-through Facilities
- ⊕ Definition of Hospital

Mr. Harvey: Thank you Mr. Chairman. There were a number of items that were referred to the Planning Commission from the Board of Supervisors, the first one being the definition of e-commerce. That's been a lot of discussion especially amongst the Board of Zoning Appeals with a number of internet businesses that have come before them for home business permits. So that brought the whole subject up to the Board's Community and Economic Development Committee, and they referred that matter to you. Next month... or excuse me, next meeting you'll probably see a referral dealing with uses in the A-1 zoning category because that's also been a subject of discussion with the Board of Zoning Appeals as far as home businesses and how they're allowed. So, staff has a draft ordinance amendment. We'd ask if the Commission would consider whether or not to authorize a public hearing, consider it for further discussion, or create a committee. I know that, in general, we're seeing a lot of changes in the way people are conducting business over computers and the nature of home businesses, and maybe that requires a more extended discussion.

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Mr. Coen: Alright. So, if I understand you correctly, we could either just call for a public hearing on what's in front of us, establish yet another subcommittee, or put it on the agenda as new business at a future meeting and staff would bring more information at that time.

Mr. Harvey: Yes sir.

Mr. Coen: Is there any desires on the committee? Mr. Apicella.

Mr. Apicella: Mr. Chairman, as the PC rep on the BZA, I definitely know this is an issue we need to take a look at, but I'm not sure that the draft language is right for a public hearing. I have some concerns about its potential broad impact. I think it could be overly burdensome, especially to people who have an online business with no real I'll call it storefront or home front, no people visiting their house, and no stock. So, as it's currently written, it could. I think we probably need to do a little more homework and research, including looking at other jurisdictions particularly about how they deal with e-commerce, because we got some background information but only one of the examples really kind of spoke to e-commerce. So I just think it needs a little bit more leg work before we decide how to best proceed forward on this one.

Mr. Coen: Okay, so are you recommending that it be put on our agenda for new business and then move forward from there?

Mr. Apicella: Yes sir. Again, with some more potential research from staff.

Mr. Coen: Alright. Mr. Harvey, is this one of those types of topics that if we were to look at it in October and then put it in for a public hearing in November that it cannot be addressed by the Supervisors till the first of the year? Or is this... I know there's no real time constraint on this; I was just trying to get a feel for...

Mr. Harvey: Well, Mr. Chairman, this is a land use type of issue so the Board's by-laws would not allow them to take it up unless they suspended the by-laws, at least for the months of November and December.

Mr. Coen: Okay

Mr. Harvey: Also, we'll note that the Commission is authorized to make any changes you deem necessary to schedule the public... changes you deem necessary for the amendment in order to schedule a public hearing.

Mr. Coen: Is there any other feeling on the Commission as to putting it on, I guess, staff are we looking at, or Mr. Apicella, do you want... are we looking at our next meeting in September or the first in October? And does that matter to staff? And I see Mr. Harvey smiling at me.

Mr. Harvey: Well, Mr. Chairman, we do have one public hearing and that's the only business that I'm aware of because the Planning Commission's been very deliberate in other items on your agenda.

Mr. Coen: So you mean the 27<sup>th</sup>?

Mr. Harvey: So there is time for... yes, on the 27<sup>th</sup> to discuss it.

Mr. Coen: Okay. Is that sufficient?



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Mr. Apicella: I think it's a start. Let's see where we get to.

Mr. Coen: Okay. Alright, so... and Ms. McClendon, do we have to actually vote on that? Alright. So, it's a feeling of the Commission that we have it on our next meeting agenda, and so that's the e-commerce. And now we go to drive-through.

Mr. Harvey: Yes, Mr. Chairman, this also was referred to the Commission by the Board. Currently, the County Code only allows drive-through facilities in our Highway Corridor Overlay Districts. We've had other businesses in other locations of the County that are looking at establishing drive-through facilities. Of specific note, there's been discussion about the new interchange being built here at Exit 140 and Courthouse Road is not a Highway Corridor. So, therefore, drive-through facilities would not be allowed at that interchange. So that's one of the issues that the Board felt was important for us to address. The proposed amendment would allow drive-through facilities throughout the County provided that they achieve a conditional use permit.

Mr. Coen: I, since nobody else is chomping at the bit, so even in A-1, if they got a conditional use permit? Or are we just saying specifically if it's zoned for business so they can do it?

Mr. Harvey: Well, Mr. Chairman, it's for any zoning category that would allow for a drive-through facility, which are primarily your commercial zones.

Mr. Coen: Okay, alright. Is there any feeling by the members as to whether we want to schedule this for a public hearing at our next meeting? Is there enough time for that Mr. Harvey? To do it the 27<sup>th</sup>? Or will this have to be October 11<sup>th</sup>?

Mr. Harvey: Mr. Chairman, this would have to go to October per the advertising requirements.

Mr. Coen: October, okay. So, it's up to you whether is there feeling that we put on the October 11<sup>th</sup> for a public hearing?

Mr. English: That's fine.

Mr. Coen: Okay. Anybody not wanting that and wanting it to come up as new business? Seeing none, alright. So, Mr. Harvey, that one will be going on the October 11<sup>th</sup> for a public hearing.

Mr. Harvey: Thank you Mr. Chairman. And then also, there's another ordinance that was referred to you for the definition of hospital. We've had a lot of discussion about other related hospital type of activities, specifically the item that was on your agenda earlier this evening which was withdrawn by the applicant. They were proposing a freestanding emergency room. Under our current definition that's been interpreted by the Zoning Administrator, that type of activity is classified as a hospital because it's licensed by the state under the hospital's umbrella. This proposed amendment would make it very clear that that is the case. The applicant for that project had initially argued before the Board of Zoning Appeals that it should have been classified as a clinic rather than a hospital. So, this would help clarify that discrepancy.

Mr. Coen: And just for clarification, with the drive-through one if we do this as a public hearing also on October 11<sup>th</sup>, would that be able to be addressed by the Board of Supervisors before the election? Or is that too late no matter what?

Mr. Harvey: No sir, that would have to wait until January.

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Mr. Coen: After January, okay. Alright, is there any feeling as to this?

Mr. Apicella: Mr. Chairman, as I take another look at this, and I believe we're allowed to make changes potentially?

Mr. Harvey: Yep.

Mr. Apicella: One of the issues that came up at the Board of Zoning Appeals, there's only basically three definitions; a hospital, a medical office, or a medical clinic. And the applicant argued that if it's not a hospital, it's therefore a medical office or medical clinic. So, anything could broadly fit into those two buckets. And I'm not quite sure we've dealt with that potentially broad view of the three definitions. I'm not saying we can solve it, but it might be something we want to take a look at and ask staff to maybe take another run at before we decide to put this to a public hearing. Because this might be an opportunity to fix that problem if it truly exists.

Mr. Coen: Okay. Any feelings? I see some head nods. So, we're looking at the hospital to come back. Mr. Harvey, do you think that could come back at our next meeting with some information and then we schedule a public hearing thereafter?

Mr. Harvey: Yes sir, we could put it on the agenda and...

Mr. Coen: See where it goes.

Mr. Harvey: ... discuss the issue.

Mr. Coen: Okay. And so that's what we'll do. So that one comes on September 27<sup>th</sup> for... as new business and then we will go from there and see where it goes. Thank you Mr. Harvey and the next one.

Mr. Harvey: My final item on my report is that we've scheduled a public hearing for the 27<sup>th</sup> for potential revocation of a conditional use permit. It's an issue for a situation where an auto dealer has had a number of zoning violations, and this would be a public hearing to consider recommending to the Board to revoke the permit.

Mr. Coen: Okay. And then... I believe we've already scheduled to the 27<sup>th</sup>?

Mr. Harvey: That's correct.

Mr. Coen: It's already been advertised.

Mr. Harvey: Yes.

Mr. Coen: And I believe at different points over the last year I've mentioned this so that it should sort of be percolating along. Alright, thank you Mr. Harvey. Ms. McClendon?

COUNTY ATTORNEY'S REPORT

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

Mr. Coen: Alright, I have nothing at this time either. Committee Reports, we'll go to the Sign Committee.

***Planning Commission Minutes  
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**COMMITTEE REPORTS**

- ⊕ Sign Ordinance Committee  
*Next Meeting: TBD*

Mr. Boswell: We're meeting tomorrow at 3 o'clock.

Mr. Coen: Okay. And Parking.

- ⊕ Parking and Drive Aisle Standards Subcommittee  
*Next Meeting: October 2, 2017 at 3:30 p.m.*

Mrs. Vanuch: The next meeting is October 2<sup>nd</sup> at 3:30 p.m.

Mr. Coen: Alright. And Landscaping?

- ⊕ Landscaping Standards Subcommittee  
*Next Meeting: September 13, 2017 at 4:30 p.m.*

Mr. English: The next meeting will be October 23<sup>rd</sup>... isn't that what was said?

Mr. Coen: We met today.

Mr. English: Yeah, we met today and went over some few things and we've just got a couple more things to iron out. And again... is it the 23<sup>rd</sup>? The 25<sup>th</sup>, I'm sorry. Our next meeting is the 25<sup>th</sup>.

Mr. Coen: Right. Some of the items that we talked about we needed input from the Parking Committee on.

Mr. English: So y'all take care of that.

Mrs. Vanuch: Do we need to... oh, they're going to do that (inaudible).

Mr. Coen: Oh yeah, they'll bring it to you. Alright, so I don't have anything for my report so we go to Other Business. We have a TRC on the 27<sup>th</sup> for Falmouth and one for Garrisonville. And...

**CHAIRMAN'S REPORT**

**OTHER BUSINESS**

9. TRC Information - September 27, 2017
  - ⊕ Southgate Self-Storage - Falmouth Election District
  - ⊕ Liberty Knolls Sec 2 - Garrisonville Election District

**APPROVAL OF MINUTES**

August 9, 2017

Mr. Rhodes: Motion to approve the August 9, 2017 minutes.

*Planning Commission Minutes*  
*September 13, 2017*

Mrs. Bailey: Second.

Mr. Coen: Okay. We have the traditional Mike Rhodes motion and Mrs. Bailey seconded. Any discussion?

Mr. Rhodes: No sir.

Mr. Coen: Alright, vote. And tally the votes. Well, it did pass, it has four votes. There we go, it passes unanimously (7-0). And so we are adjourned until the 27<sup>th</sup>. Thank you.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 8:57 p.m.