

STAFFORD COUNTY PLANNING COMMISSION MINUTES

October 11, 2017

The meeting of the Stafford County Planning Commission of Wednesday, October 11, 2017, was called to order at 6:30 p.m. by Chairman Tom Coen in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Tom Coen, Crystal Vanuch, Sherry Bailey, Steven Apicella, Roy Boswell, Darrell English, Mike Rhodes

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Mr. Coen: Are there any declarations of disqualification? Seeing none, we move to Public Presentations. We have a full house tonight; unfortunately, they do not wish to speak so we'll close that portion of the public hearing and open public meeting. And so now we go to our actual Public Hearings. Mr. Harvey.

PUBLIC PRESENTATIONS

NONE

PUBLIC HEARINGS

1. Amendment to the Zoning Ordinance - Proposed Ordinance O17-31 would amend the Zoning Ordinance, Stafford County Code Sec. 28-35, "Table of uses and standards," to allow drive-through facilities in additional zoning districts with the approval of a conditional use permit. The additional zoning districts would be: B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; RBC, Recreational Business Campus; RC, Rural Commercial; SC, Suburban Commercial; M-1, Industrial Light; and M-2, Industrial Heavy. **(Time Limit: December 22, 2017)**

Mr. Harvey: Thank you Mr. Chairman. If you'd please recognize Susan Blackburn for the presentation.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, good evening. This is Amendment to the Zoning Ordinance, which is proposed Ordinance O17-31, and it would amend the Zoning Ordinance under Section 28-35, Table of uses and standards, to allow drive-through facilities in additional zoning districts with the approval of a conditional use permit. The additional zoning districts would be B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; RBC, Recreational Business Campus; RC, Rural Commercial; SC, Suburban Commercial; M-1, Industrial Light; and M-2, Industrial Heavy. And the Planning Commission is to consider this amendment and this is to allow the drive-throughs as stated with a conditional use permit in certain districts. The Zoning Ordinance currently requires approval of a conditional use permit, or CUP, to have a drive-through facility in the Highway Corridor Overlay District. This is the only zoning district that explicitly provides for such a use. And the definition of a bank also includes a drive-through, but it is not clear as to where. The definition of a restaurant does not address a drive-through at all, and several districts state a restaurant without a drive-through is a permitted use. The only district that currently allows a drive-through is the HCOD, which is the Highway Corridor Overlay District, and the P-TND district I think also does use it but we have only

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like one district that allows for that. And there is a community desire to allow the drive-through in all the areas of the County besides the primary highway corridors, which is Garrisonville, Kings Highway, Jefferson Davis Highway, Cambridge Street, and Warrenton Road. And this would allow... this would create consistency within the Zoning Ordinance and also provide the opportunity for drive-through facilities to be located throughout the County. We looked at different counties to see how they handled drive-through facilities. Henrico County allows for drive-throughs as accessory use, except for restaurants in all the business zoning districts and for banks in the office... the O-2 and O-3 Office districts. And they allow for drive-throughs with restaurants in the B-2 and B-3 districts, which is equivalent to our B-1 and B-2 districts. Prince William requires a special use permit for drive-throughs unless associated with a financial institution. Spotsylvania County provides drive-throughs in all the commercial zoning districts without requirement of a special approval. And this proposed Ordinance was reviewed by the Board's Community and Economic Development Committee on July 5th and forwarded to the Board for consideration. And proposed Resolution R17-211 was adopted by the Board on August 15th and this referred the proposed Ordinance to the Planning Commission for the public hearing. And this resolution does provide for the Planning Commission to make modifications to the Ordinance as it deems necessary. And staff recommends approval of proposed Ordinance O17-31 for it will create consistency within the Zoning Ordinance concerning drive-throughs. Any questions?

Mr. Coen: Any questions for Mrs. Blackburn? Mr. Apicella.

Mr. Apicella: Mr. Chairman, my only thought was in looking at the examples provided from other jurisdictions was whether or not we might want to add some common performance standards if not under each specific use then maybe under the actual drive-through definition, assuming that's a definition in the County's code. So, I'm wondering what staff thinks about that and where it might best go if folks think that's a good thing to do.

Mrs. Blackburn: Well, we currently have stacking requirements for the drive-through lanes, whether they are single lanes, double lanes, or triple lanes. So we do have that in order. We could also end up doing any kind of standard conditions that it could be certain use... well, we could eliminate some uses as always, but we could do if it was a certain size building or certain acreage on the piece of property to help accommodate for such stacking. Because I know we do have situations in the County where it gets... the restaurants... and even when they go through the conditional use permits get a little tight on their parking and how they're going to maneuver on the site, and we could do something like that.

Mr. Apicella: Mr. Chairman, I think we have a little time on this one; I think the time limit is December 22nd. I don't know when we'd have to make a decision for a public hearing to be properly noticed, but...

Mr. Harvey: Mr. Chairman and Mr. Apicella, this is the public hearing...

Mrs. Blackburn: This is the public hearing.

Mr. Apicella: I'm sorry.

Mr. Harvey: ... so, if there was a modification that requires another advertisement, there is also time to do that. Our December 22nd meeting is, if I remember correctly, after your only December meeting. I'll have to go back and check the calendar.

Mr. Coen: No, earlier than that. December 13th.

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Mr. Harvey: Yes, so I was meaning that it's after your next December meeting.

Mr. Coen: Oh, the due date is... okay, that's what you meant.

Mr. Harvey: So you could advertise it for your December meeting and still be within the time limit.

Mr. Coen: Well... go ahead.

Mr. Apicella: And I'm not purposely trying to hold this up, but I think for people who want to do a drive-through, just like in other situations, it's helpful to know up front what the County's requirements are. For example, they have to do a GDP. So, if they do a GDP and we don't like it, they're going to have to spend some money to fix that GDP. I'll use Spotsylvania as an example. One of the conditions or one of the performance standards I saw, I'm not saying we do that here in Stafford, is you can only put it on... you can only put a drive-through on the sides or the rear of a building. It seems to make sense to me but, you know, those are the kind of things that again absent demonstrating that in our Ordinance, somebody might still do it and then have to go back and fix it because we decided hey, that doesn't make sense. So, again, I'm not purposely trying to hold this up but I think to the extent that we can help inform applicants through our performance standards, that's not a bad thing.

Mr. Coen: Okay. Any other questions? And I had asked Mr. Harvey just for a visual, because I like visuals, of a map of what areas in the County this would apply to and which ones it wouldn't. But the other thing is, and I'm just sort of thinking around this area, which I believe some of it is B-2, correct? So that if in theory somebody wanted to do... there's land for sale across from Stafford Middle... Stafford Elementary School, and if it's zoned B-2 they could say they want to do a drive-in restaurant. And the only sort of limiting factor or suggesting factor is when they come forward with the plan then it would be what the stacking could or maybe be.

Mrs. Blackburn: No, this ordinance would state that if it is not in the specific Highway Corridor Overlay District, right now because it specifically states in there and in many cases does not state anywhere else, they cannot do it at all. So they would have to still ask for a conditional use permit.

Mr. Coen: That's what I'm saying.

Mrs. Blackburn: Yes.

Mr. Coen: So, but when they come in for the CUP, so we're on the same wavelength, we're on the same road, but when they come in for it, the guidelines are we have some standards for this and some standards for that.

Mrs. Blackburn: We do. But when, as you've dealt with, with conditional use permits on the drive-throughs that we have done, there have been other conditions concerning the site that people have... that you all have suggested and the Board has passed.

Mr. Coen: Okay.

Mrs. Blackburn: So, it can be conditions to make the use more compatible with the area around it.

Mr. Coen: Okay, right.

Mr. Harvey: Mr. Chairman?

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Mrs. Blackburn: Which is what we do now.

Mr. Coen: Right. And I know, just from the ones we've had done on 17, there's been great discussion about the access and egress and all that. But it seems to be there's always a little bit of confusion as to, you know, what they want versus what we sort of say. And so I think that's what Mr. Apicella is getting at is to make as much clarity to help them know.

Mr. Apicella: So, if I can springboard off of what you just said, I'm sorry to cut you off Jeff, but using the Dollar General across the street from Stafford Elementary School; I think that was B-2, I could be wrong. But again, that might or might not be a good place for a drive-through and letting the perspective applicant know up front that hey, we don't potentially as a performance standard, you know, this might not make sense, x number of feet from a school. I'm not saying that's a... you know, not a conformance standard (inaudible).

Mr. Coen: Right. (Inaudible) or the parcel right next door to it is for sale as well now.

Mr. Apicella: Yeah.

Mr. Coen: Yeah. Okay, Mr. Harvey, I'm sorry.

Mr. Harvey: Mr. Chairman, the point I was going to make is along the lines of Mr. Apicella's discussion, is when you look at performance standards, you have to balance it out for the need for a conditional use permit. If you have adequate performance standards, in theory you don't need this special approval because they should be designing it in accordance with the community standards for the County. The purpose of the conditional use permit is that the use is generally allowed there but needs additional scrutiny for compatibility with the community and other specific facts related to that site. So, if we do have extensive performance standards, then it begs the question do we still need the conditional use permit. The Board, when they sent it to the Commission, it specifically did so with a conditional use permit. So I think if we were to vary off from that, we'd probably be outside the scope of the Board's request.

Mr. Coen: Okay.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes, Mr. Rhodes.

Mr. Rhodes: I have no reservation on holding off to have a little further discussion, I have no reservation with going forward tonight, quite frankly. The main thing being, to me, is the conditional use permit. That's what allows looking at the circumstances in the situation and being able to control and apply there. If we want to put in some standard ones that will apply in all cases, I think that's fine as long as it has the very qualifying language that the minimum CUP conditions include, and then will be added to based on the case of the application or something like that, to qualify that that's not all you've got to do. Maybe it is, but that's just the minimum and there's other things that are allowed in there.

Mr. Coen: Okay. Mr. Apicella, did you want to say anything else? You looked like you were reaching (inaudible).

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Mr. Apicella: I'm just not clear if Mr. Harvey was saying that we shouldn't provide some performance standards.

Mr. Harvey: Mr. Chairman and Mr. Apicella, I didn't say that we shouldn't have performance standards, but performance standards are not necessarily a condition of approval. It's a requirement that they have to meet as a minimum for their site. So, if we have enough performance standards we probably don't need a use permit. So we have to determine that balance as to how much performance standards we want that would apply to all projects versus how much do we want to have a review through the conditional use permit process where we can get into site specific situations and/or allow for variations from our normal issue, like for instance, someone having a drive-through window in front of the building. Because if you think back in terms of that type of situation, the Panda Express, they had their drive-through in the front and that's just because the way the site was laid out it was the most effective way to site the drive-through facility. So we have to balance those things out.

Mr. Coen: Okay. Alright, is there a motion, either... there's a feel for some to defer or there's a feel for some to either defer or go forward.

Mrs. Bailey: Mr. Coen, I'm okay with either one but I think adding another layer of conditions is just going to complicate things. I think what we want to do is make it a little bit more business friendly and I think the CUP is going to do that.

Mr. Coen: Okay. So, still we have no motion. Thank you Mrs. Bailey.

Mrs. Bailey: Just a comment.

Mr. English: I'm going to go ahead and... I'm going to make a motion to go ahead and move to approve this as is.

Mrs. Vanuch: I'll second.

Mr. Coen: Okay. Alright, we have a motion for approval by Mr. English, second by Mrs. Vanuch. Mr. English?

Mr. English: No further comment. I think, like you said, the CUP covers a lot and you don't want to convolute it and make it even worse for the businessperson, so that's why I'm going with what staff's come up with.

Mr. Coen: Mrs. Vanuch?

Mrs. Vanuch: No further comment.

Mr. Coen: Okay, anyone else?

Mr. Apicella: Mr. Chairman, I'll just say that I read at least an opinion from one of our more frequent attorney representatives and their opinion is that CUPs should generally be approved rather than not approved. So, that's my only concern. I'll still go along with the recommendation to move forward with this. Again, for the reasons I previously stated, I think it would be helpful to have performance standards but I also agree that it may not necessarily be required or necessary.

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Mr. Coen: Okay, anyone else? I will vote in favor but my apprehension is I would like to have seen the map so... I mean, I am happy that the A areas are not included. But, just from a visual standpoint, I also think... and as it moves forward to above us... it may be nice to have that visual so they can actually see exactly where the things are so that the people start seeing something come, they will be able to say yes, I know exactly what you're talking about.

Mrs. Blackburn: And I apologize, I did have a... I had two maps made up. You wanted to see where the RBC was which is Celebrate Virginia and that's the only one.

Mr. Coen: Okay.

Mrs. Blackburn: And there was another little sliver of RC and that was it.

Mr. Coen: Okay.

Mrs. Blackburn: Yeah, in the entire County.

Mr. Coen: Alright, thank you. Alright, so no other discussion, the motion is for approval if you'll cast your vote. And tally the vote. And it passes unanimously (7-0). Okay, thank you. So that takes care of our one public hearing. We move to Unfinished Business; Mr. Harvey.

UNFINISHED BUSINESS

2. Amendment to the Zoning Ordinance - Proposed Ordinance O17-30 would amend the Zoning Ordinance, Stafford County Code Sec. 28-25, "Definitions of specific terms" to create a definition for e-commerce. The proposed amendment would also amend the definition of home business to include e-commerce with the exception of a firearm transfer only business license and retail sales and amend the definition of rural home business to include e-commerce with no exceptions. **(Time Limit: December 22, 2017) (History: Deferred on September 27, 2017 to October 11, 2017)**
(Authorize for Public Hearing By: November 15, 2017)
(Potential Public Hearing Date: December 13, 2017)

Mr. Harvey: Mr. Chairman, Mrs. Blackburn will lead this discussion as well.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, this is concerning the amendment to the Zoning Ordinance O17-30 and would amend the Zoning Ordinance Code Section 28-25, Definitions of specific terms. And this is to create a definition for e-commerce. And the proposed amendment would also amend the definition of home business to include e-commerce with the exception of a firearm transfer only business license and retain sales and amend the definition of rural home business to include e-commerce with no exceptions. The Board of Supervisors referred Resolution R17-210 to the Planning Commission for their recommendations and modifications to proposed Ordinance O17-30, and this Ordinance creates a definition for e-commerce. And this was all put together because we have had situations concerning the home businesses in homes; we're getting a whole lot more requests for them. And one of the things as stated in the staff report is that our current definitions for home business or any kind of business out of the home excludes retail sales. And a home occupation states an occupation, profession, business, or trade with the exception of retail sales, and that particular one is allowed in the residential zoning districts. And you are not allowed to have any customers come to your home and you can only take up 25% of the total floor area for your principal building. And there can be no outdoor storage of goods or merchandise, and no employees. And there can be no substantial increase in vehicular trips generated by home occupation. Then we go on to the home business, and that is again an occupation, profession, business, or trade with the exception of retail

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sales, and it's carried on by the occupant of the dwelling. You can have one employee. You can have customers visit by appointment only. And you have to provide off-street parking for the clients coming to the house. You still cannot exceed 25% of the gross floor area of your home for the business, and there still can be no outdoor sales or merchandise. And the home business shall only be permitted in single-family detached dwellings. Then we go on to the rural home business, and that is a non-agricultural business intended for general office, professional office, personal service, contracting, and construction. You are allowed to have outdoor storage. You're allowed to have signs. You can have... it has to be on parcels at least 3 acres in size. You can have up to three employees. And you can actually use non-residential buildings of up to 4,000 square feet for your business. And then our definition for retail sale is to sell in small quantities directly to customers for their own use. And this... not only because we've gotten a lot more requests concerning home businesses, but in particular this one was very much generated by firearm transfers in peoples' homes. And currently because the person picking up the firearm has to do it in person, they are required to get a Special Exception through the Board of Zoning Appeals. But if the property... and if the property is zoned A-1, this is a by-right use and they can do it without having to go through a Special Exception. And through all of this in dealing with the firearms licenses, we researched the ordinance to see if there was any insight into what was really a retail sale and what wasn't, and if there had been any discussion about it in previous ordinances or data and documents. And we could find none. And we did research the neighboring jurisdictions to learn how they dealt with it and found that the majority of the counties allowed for customer traffic to the home for the same type of uses that we do; professional offices, physicians, attorneys, engineers, etcetera, and that the stipulation that it was by customers only. The square-footage was also limited, and as far as retail sales was addressed, Fauquier County provided for sales of firearms from the home with standard conditions. As far as... and Chesterfield allowed up to two clients on the premise and include firearm sales. Hanover allowed retail sales by Special Exception. Henrico and James City were silent on the issue. And King George only talked about an art studio.

Mr. English: What about Spotsylvania?

Mrs. Blackburn: I had Spotsylvania. Let's see here. I thought I had done them.

Mr. English: Susan, also, what about the City? Would they fall in a different category because they're in a city? Would that...?

Mrs. Blackburn: I didn't do the... I'm sorry, I did not do the City.

Mr. English: No, that's fine; I was just asking.

Mrs. Blackburn: I thought I had done Spotsylvania. I don't know why I didn't.

Mr. English: I'm sure the City's going to be different because they have (inaudible).

Mrs. Blackburn: Yeah, it's more urban too. And obviously the county, each county addressed it differently. And it just shows how unique the subject is. And the definition that we came up with for e-commerce was activities that relate to buying and selling of goods, merchandise, and services over the internet using the electronic transfer of money. Goods and merchandise may be shipped from the seller to the purchaser or transferred in person. Now, this definition was to allow business operations that did not include the exchange of money, which was what our retail sales definition included, that it was a direct sale and this would not have been. This would have been buying over the internet and having it either shipped to you or picking it up somewhere. And we also stated that it would be permitted as far as home businesses go. I know Mr. Apicella has had questions about how that was all worded. And during the September 27th meeting, you all had a big discussion on this, including things like how to deal with home party businesses: Tupperware, Avon, LuLaRoe leggings, things like this and how that would be all affected. And it was to go back and have people bring suggestions to me or a dialogue with me. And Mr. Apicella was very good at

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that. And we also had some information from one of the Board of Zoning Appeals members which I did give you. It was from Robert Grimes and he is the Chairman of the BZA. And he is one of the interested parties in having the transfer of firearms out of a persons' home as a by-right use and not have to go through a Special Exception. Well, in the course of all of this... and he has listed several things that he talked about. He actually added to the retail sales definition which I think it does a little more clarification, is to sell in small quantities goods directly to the customer for their own use where the cost of those goods is paid for at the point of sale. Now, that is out of the scope of the ordinance but it is something to discuss and maybe a recommendation on the side that goes along with whatever ends up with this particular ordinance. It does a little more clarifying of that. But in all of this, there was the question of can we treat home... people coming to your home, home businesses, differently? And we were advised by legal that we cannot do that. That people coming to the home for a business is people coming to a home for a business. Whether they are picking up a dress or whether they are dealing with firearms. And it was out of the State Code... Ms. McClendon, do you have that? I had it.

Ms. McClendon: I believe each Planning Commissioner has Virginia Code 15.2-915 at their spot. Essentially, it prohibits the County from regulating firearms unless the General Assembly gives the County specific authority to do so. One of the categories listed is transferring sales. So I would encourage the Commission to regulate home businesses as similar uses. So, instead of trying to make exclusions for a transfer of business or other home firearm business, if it's encapsulated in e-commerce business or some other type of home business definition then it would fall under the regulations you set in your Zoning Ordinance, which the Commission and the Board can still do.

Mr. Coen: Thank you Ms. McClendon.

Mrs. Blackburn: So, with that being said, there's still been a lot of... and you also have the information that Mr. Apicella had submitted. And one of his questions was, are we on firm ground that online electronic payment is sufficient to exclude e-commerce from being considered retail sales. I think, as our definition states, I think we are. We can always refer to legal to just double make sure, but I think the fact that we have taken the act of direct exchange from for the merchandise to the person has helped quite a bit.

Mr. Apicella: Yeah, I think it would be helpful to kind of dig a little bit deeper.

Mrs. Blackburn: Okay.

Mr. Apicella: Because the only distinction is the way a person pays for the item, not any other set of circumstances might be different. And you just talked about how the customer picks up potentially the item at somebody's home. So, if I'm a small business and I'm accepting payments say by check; somebody sends me a check in the mail or they come to my house and they pay me cash or a check, I'm potentially being treated differently because that's the method that the customer chooses to purchase the item from you in that way as compared to somebody who, you know, for whatever convenience, click click, they pay for the item over the internet. Again, that's the only potential difference I see. And maybe that's okay, but I think it's worth kind of digging a little bit deeper to make sure that that's a good enough distinction to fall out of the retail definition.

Mrs. Blackburn: Okay.

Mr. Apicella: Because directly, to me, they're still directly buying it, they're just buying it directly by the internet; they're not directly buying it person to person at that individual's house or via the mail. Again, that may be sufficient enough, but I think it's worth kind of round-truthing that that's okay.

Mrs. Blackburn: Well, and in all of this, does it matter? I mean, that's the other thing. Does it, you know... I don't know. It's a very complicated idea of how to regulate it, if we want to regulate it, and you went on to

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say does adding services under the e-commerce definition create any issues or unintended consequences that might need to be addressed at any current or revised definition. Again, I don't know. We would have to I guess list what we think are services. And again, would that be only because you are not exchanging money directly and doing it over the internet, and then getting a service later on?

Mr. Apicella: Well, also whether the service actually happens at the proprietor's house or whether the person is purchasing the service and the service is being done of the premises of the seller of those services.

Mrs. Blackburn: Yeah, and that would be a discussion, if the services are being are done elsewhere other than the seller's occupancy, do we... does the code care?

Mr. Coen: Yeah. Mr. Rhodes?

Mr. Rhodes: Mr. Chairman, if I could, I just want to make sure I've got a couple pieces straight here. So, e-commerce definition includes the requirement that it's only permitted where we've defined it as home business, right?

Mrs. Blackburn: Yes. That's how that was done.

Mr. Rhodes: Okay. So, and if that's the case, then we go back to home business. Home occupation says there... I'm going backwards a little bit... should be no substantial increase in vehicular traffic trip generation by the home occupation beyond that that is normally associated with residential use which we have a defined standard of ten vehicle trips per day, correct?

Mr. Apicella: Well, let's start with this. You can't do e-commerce as a home occupation.

Mr. Rhodes: No you can't. I know, I said I'm going backwards for a moment. And so there's a definition there and we know what we prescribed that as; that it's ten vehicle trips per day. We have something you can measure, or consider rather. But we said e-commerce can only be a home business which is the next definition down. The next definition down says customer visits by appointment only, has a couple other definitions in there, but it doesn't talk anything about vehicle trips per day or impact.

Mr. Coen: Right.

Mr. Rhodes: I will tell you, at the end of the day, I really only care about the impact to the neighborhood. It does say it can only be single-family detached dwellings, so we've defined that, but it's the impact either from deliveries or from customers. And to me, it does say you can have customer visits by appointment only. The one thing I think I might be working to define is refining our home business definition to have some control and some limitation on the implications of vehicle trips per day, be they for delivery or for customers. And we have a baseline; it's ten vehicle trips per day, that's how we do the measurements (inaudible). And I'd have something in there that measures on that so that if somebody's complaining, oh my God there are cars there all the time, you know, then there's something to at least go on a bases. But that's really what concerns me about the e-commerce, the home business, the whole dynamic is the implication on the neighborhood, traffic coming through others. That's why I'm not as worried about rural because you've got space and you've got other things. And I might be more focused... I don't know how to do it yet, but I'd be more focused on the definition of home business to put some limitation and constraint on there. That's all.

Mr. Coen: Mr. Apicella?

Mr. Apicella: Mr. Chairman, I'm going to start with this notion. There's probably hundreds, if not thousands, of people participating in e-commerce related businesses in Stafford County. I don't know how

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we can measure that but it's very likely in a County with 140,000 people. So, as soon as we decide we're going to have an e-commerce definition, it impacts all the people who are currently in that business and all the people who eventually want to get in that business. And I think, you know, in all fairness, if we want to have an e-commerce definition, that in my view where it has very minimal impacts it should be allowed, in all residential home types... I'm sorry, in all residential districts and in all residential home types. And what's in front of us, from what I've gathered so far, doesn't do that. And I agree. So my initial objective is, hey, let's see how we can make this work across the County in all residential districts and all types of homes, and to the extent that there are impacts, that we find a way to deal with those impacts. And there may be some certain standards; Mr. Rhodes just mentioned some. I can't even begin to think of all the different types of scenarios where something might come into play, but I think those are the kind of things we need to fix. I'm just going to give a couple of... I'm not going to go into the lengthy number of questions that I've asked, but I think it would be helpful to delve in those if staff could take a look at it and see if they can provide some answers. But again, a home occupation allowed by-right in all residential districts. The only one that allows something to happen in somebody's home in all districts, but it doesn't currently allow, as crafted, e-commerce. A home business is allowed by-right in A-1 only and with a Special Exception in all other residential districts, except in R-4, Manufactures Homes. So, we could tweak it but it doesn't achieve I think part of the objective, at least from a BZA member's perspective, the potential flood of applications that might come in front of us if somehow e-commerce is captured in that definition, as a requirement that they have to get a Special Exception. So I think that's another potential issue. Again, I don't know how to resolve it. And rural home business, well that only applies in A-1, so it's fairly limited. I think it would help me to understand what are the major differences between a home occupation and a home business. They sound very much alike when you actually get down to the definition, but the performance standards are a little different and what they apply to. Again, Mr. Rhodes mentioned it, you can only do it in a single-family home. I'm not quite sure why that was a requirement, but we might try to understand why it's just limited to single-family detached homes. And again, performance standards that mitigate impacts. I'm also still not quite sure how we've dealt with the FFL transfer issue; whether somehow it's captured in the current proposed e-commerce definition or it needs to be tweaked to deal with FFL transfers. And I'm going to say what I said last time -- there is a difference and unfortunately I don't think we've handled it well at the BZA level where people come in and just do a straight FFL transfer as compared to when somebody also wants to do other things associated with their business like sell merchandise or do gunsmithing. And we've kind of wrapped it all into that initial request and application for an FFL transfer. All those other things are separate in my view now that I think about it from the FFL transfer piece of it. So, that's something else I think we need to deal with. And I think from the BZA's perspective, we've had I don't know at least a dozen or more FFL transfer requests. And, you know, the one thing they told us in our training is when you get a lot of requests to the BZA, you might want to take a look at your ordinances because it sounds like you're getting too many... there's not, I don't want to say a carve-out, but a set of circumstances dealing with that particular issue. So, I think we need to find a way to deal with FFL transfers that these are not continuously coming to the BZA. So, my recommendation is I think there are a lot of unanswered questions and issues that need to be worked. I know this is not easy because there aren't a lot of examples to work through. It's important that we get it right to the extent that we make a recommendation because I think it's going to impact a lot of people, so we may want to take a little bit more time to kind of take another shot at this and come back with some appropriate tweaks and recommendations.

Mr. English: What's the time limit?

Mr. Coen: November 15th, correct Mr. Harvey?

Mr. Rhodes: To authorize.

Mr. Coen: Yeah, we have to authorize by November 15th; we have to have it taken care of by December 22nd.

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Mr. English: Is that going to (inaudible - microphone not on)?

Mr. Coen: Mrs. Blackburn?

Mrs. Blackburn: Pardon me? I'm sorry.

Mr. English: Is that going to give you enough time? I know it's probably not because this is really pushing you.

Mrs. Blackburn: Well, I think one of the main questions is, do we want people coming to peoples' homes for businesses? I mean, you know, so there's some basic ideas that as far as just input goes and I can end up doing different scenarios, allowing people to come to the home, doing this. In doing all that, I don't know if I have time by November 15th to get that done, to do... If we allow people to come to the home by-right, what are the standards? If we allow people to come to the home by a Special Exception, that isn't too hard because that's pretty much what we do now. Potentially working within the home business definition and getting some of that taken care of, as far as I know there were questions, as Mr. Apicella said, with the BZA as to what is a trade and making things and putting things together and how does it...

Mr. English: What about home daycares?

Mrs. Blackburn: That's handled differently.

Mr. English: Okay.

Mrs. Blackburn: That's a whole different world.

Mr. English: Well, I'm with Mr. Rhodes on this. My concern is the traffic. If there's some way we can put a hold on how we handle the traffic situation, I think that would probably answer a lot of questions in what we're doing, but you know, I don't know if you can put time limits that traffic can come in and you know, these hours and these hours; I don't know if that's allowable or, you know, if that's being... Can you do that Mr. Harvey or not?

Mr. Harvey: Mr. Chairman and Mr. English, the code can establish performance standards. It already has some in there. Mr. Chairman, this line of discussion has been a lot about home-based businesses more so that e-commerce. I would recommend that the Commission consider asking the Board for more time to be able to address the whole matter of home-based businesses, as well as e-commerce too, because e-commerce can be anywhere from an industry selling their wares to a business to a business in somebody's home. It's a matter of scale. And a lot of what we're talking about today is a matter of scale. What's appropriate for being... what types of businesses and size of businesses are perfect to be in someone's home?

Mr. Coen: In all due... just looking at the calendar, if we had a public hearing at our December 13th meeting, they would not get it until January, which would be the end of January anyways.

Mr. Harvey: Correct.

Mr. English: Well, I'm going to make that motion that we go back to the Board and ask them for more time on this.

Mr. Coen: Okay.

Mr. Apicella: But I think it can easily go beyond that. I think it's right along the lines that Mr. Harvey suggested. We need to expand the scope of the effort, because you can't deal with e-commerce in isolation.

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You've got to look at all of our home business uses, and I would add manufacturing because at least from the BZA level there's some discontinuity about what that really means and whether you can manufacture small items in your home or not at some small level. And we couldn't come to a resolution. I appreciate Mr. Harvey's input on that, but that's not the same answer we came to amongst the seven of us at the BZA. So, to get it right, I think it needs to be more encompassing. It might be something that needs to go to a subcommittee because I don't know that we can noodle it at this, you know, in this kind of a forum with seven members.

Mr. Coen: So, if I understand it correctly, the motion is to ask the Board of Supervisors to... for more time so that we can adequately explore home businesses as well as the e-commerce and the parameters therein.

Mr. English: Yeah, that's my motion.

Mr. Coen: Okay. Now, the logic... first I'll say Mr. English, do you want to say anything else?

Mr. English: No, I just need a second.

Mr. Coen: Mr. Apicella? Mr. Apicella I think is seconding it.

Mr. Apicella: Yes, I'm seconding it, but I want to be clear that we're talking about all types of home businesses, not just the home business definition because that is a distinct and unique definition.

Mr. Coen: Okay. So... okay. So, it's to explore all types of home businesses, as well as e-commerce and their ramifications. Alright, anything Mr. Apicella? Okay.

Mr. Rhodes: Mr. Chairman, I would just submit that I have no problem with that, but do we need to be undertaking any other actions because you can't necessarily assume they're going to give us more time.

Mr. Coen: Right. What I was going to suggest is if we... I have a whole long list of things that people raised, and staff can start working on those while we're doing it in case the Board does not give us the additional time. And then that way we know we have a date certain to go forward and call for a public hearing if we need to. So, thank you Mr. Rhodes. I don't know if that's a compliment that we are thinking alike. It is getting close to Halloween. I do... so the questions so far that people have brought up were questions as to what's going on in Spotsylvania as well as in the City. Somebody asked about if electronic sales... is electronic sales basically fundamentally different. I think that was one of your points, and you even said what difference does it make. They asked if services alter, especially if they're offsite. And somebody can chime in if they think there needs to be more clarification on that.

Mr. Apicella: Well, you know, again, unfortunately for staff I provided kind of a laundry list, if it's acceptable, without having to mention every one of those if they could be working on that.

Mr. Coen: Okay.

Mr. English: Mrs. Blackburn, have you checked with Prince William and how they do it too? And Fairfax, if you could check with them, too, if possible.

Mrs. Blackburn: I haven't gone to Fairfax and, if I remember correctly, I want to say Prince William required a Special Use Permit, but let me...

Mr. Coen: If you could just double-check on that because I know there were numerous ones. There's Mr. Rhodes' issue that many people thought was excellent was about the vehicles per day, and does that need to be delineated in there. You asked two broad questions, Mrs. Blackburn, one about... or Mr. Apicella was

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bringing up all types of residences and in all residential districts. And is that something that we want to go forward with, because that's a whole other kettle of fish. If there's a difference between a home occupation and a home business, you know, clarifying the difference between those two. Performance standards that have impacts on transfers I believe is one of the last things Mr. Apicella brought up. I would love to get the opinion from Economic Development Authority, because this is the growing trend of our economy. So, to me, it would make sense to get their input so that we're sort of thinking ahead and that we're not reacting to what the BZA and the County's been dealing with the last year, we're also looking towards what they see is coming in the future so we can be proactive. If memory serves me correctly, and not that I watch everybody's meeting, but I thought the BZA had some type of training session where they talk up gun sales or whatnot. I'd just be curious if there's a transcript of that just to see, because I think they dealt with this. And besides Mr. Apicella, it'd just be nice to get that. And I have a question about to me there's a humongous difference between I'm buying an item that gets shipped to person X and I go to his house and I pick it up versus I'm getting a suit from person X and he makes it at his, you know, his home versus I'm going to get person X and they've got all the material in their house to make bullets. And so, to me there's a disconnect between somebody having a sewing machine or somebody having a stack of... is it leggings you were talking about?... leggings versus somebody constructing. You know, to me that would be manufacturing which in my mind would say well, they're manufacturing X so that should be in M-1, not in something else. So, I just have a...

Mrs. Vanuch: What if it's an arts and craft?

Mr. Coen: Yeah, but that's true, right. I mean...

Mrs. Blackburn: And then arts and craft is making something, yeah.

Mr. Coen: Right. But again, it's just sort of different. I mean, yeah, you're theoretically making a suit, but if you're making, I don't know, usually tangible if you're making an item, that's sort of different from something that you're selling and it just to me sounds different. So I just would like to get my head wrapped around that as well. Anybody else have any other questions to add to Mrs. Blackburn headache -- I mean long laundry list of items? Okay. So, I think... do we have to take a vote on asking for more time or we just tell...? Alright, so we have our motion by Mr. English, seconded by Mr. Apicella, to ask for more time... unless you want me to read it all over again.

Mr. English: No.

Mr. Coen: Okay Mr. English. Alright, tally the vote. And it passes unanimously (7-0). Alright, so now we go to New Business. Mr. Harvey?

NEW BUSINESS

3. Amendment to the Zoning Ordinance - Proposed Ordinance O17-39 would amend the Zoning Ordinance, Stafford County Code Sec. 28-102, "Off-street parking," and Table 7.1, "Required parking spaces" regarding parking for manufacturing. The proposed amendment would change how the minimum required number of parking spaces is determined for manufacturing uses.
(Time Limit: January 5, 2018)
(Authorize for Public Hearing By: November 15, 2017)
(Potential Public Hearing Date: December 13, 2017)

Mr. Harvey: Thank you Mr. Chairman. Again Mrs. Blackburn will discuss parking for manufacturing.

Mrs. Blackburn: Mr. Chairman, Planning Commissioners, you are to consider amendments to Chapter 28 of the County Code regarding minimum parking requirements for manufacturing uses. And the

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Stafford County Ordinance specifies the number of parking spaces required for various uses in the County. And for manufacturing, it requires 2.25 parking per thousand square feet of buildable area. An existing manufacturing business would like to expand its operation in the County and they have observed that the current parking requirements are too high relative to their manufacturing operation. And the requirement for excess parking would limit the size of their future building expansion and significantly increase construction costs. And the proposed amendment to the ordinance would modify the standard to require manufacturing businesses a minimum number of parking spaces equal to that... equal to twice the size of the largest employment shift. And the current parking requirement of 2.25 spaces is much higher than the parking rates for other jurisdictions which the City of Fredericksburg requires 1 parking space per thousand; Caroline County requires 1 parking space per 2 employees of the maximum work shift; Culpeper County requires 1 parking space per 750 of gross buildable area, so they are one that could be a little closer; King George County requires a minimum of 5 parking spaces plus 1 space for every 2 employees of maximum shift; Prince William requires 1 parking space per thousand; and Spotsylvania stipulates that the minimum number of parking spaces for industrial uses is 1 space per thousand feet of gross floor area plus 1 space per 400 square feet of accessory office area or 1 space per 2 employees of the largest shift, whichever is less. And this item was first brought before the Board's Community and Economic Development Committee on September 5th, and Resolution R17-254 was adopted by the Board which refers this to the Planning Commission. And it does allow you to make changes that's deemed necessary and proper. And you first discussed this as part of the Planning Director's Report on September 27th. And the staff recommends that the Planning Commission consider amending the minimum parking requirement similar to Spotsylvania County which uses the square-footage or shift size requirement, whichever calculates to be the lower standard. And you must authorize a public hearing and take action by January 5th. And a public hearing should be authorized no later than November 15th in order to conduct a public hearing by December 13th. And do you have any questions?

Mr. Coen: Any questions for Mrs. Blackburn? Mr. Apicella.

Mr. Apicella: Mr. Chairman, I don't have a problem with the thousand square feet, 1 parking space per thousand square feet. That seems to be, number one, recommended by the transportation engineers as a standard. My concern is with the second part of it with regard to the Spotsy, you know, flexibility that they offer where it's 1 space per 2 employees. I translate that to .5 spaces per employee which, again, if you had 300 people, the same number I mentioned the last time this was in front of us, that would mean 150 spaces. And so somebody who has a manufacturing business would have to rely significantly on carpooling, public transportation, and/or people dropping the employee off at the business, which is something I'm not sure certainly we can't control, I'm not sure the manufacturer could control it. So, I understand the need for flexibility, but I'm not sure that a .5 space per employee is going to work. Given Stafford's set of circumstances, a lot of people in Stafford drive and want to drive to their place of work and want to drive to wherever they go after work or to home. So that piece of it I'm struggling with.

Mr. Rhodes: Mr. Chairman?

Mr. Coen: Yes Mr. Rhodes.

Mr. Rhodes: Yesterday, with Mrs. Vanuch and staff as we were going through the committee meeting, one of the things that highlighted as we were looking through a lot of different areas but this was one of the items we were honing in on, and it's fine to set a parking requirement. You may have a large amount of space and you may only have a shift of 8 people and you use that smallest number, you only have 4 parking spaces. But the next use of that large space, what will it be? And so it seemed to us we

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were inclining intuitively without a lot of discussion, but our initial reactions were that you just go to the square-footage standard because you don't know what the next use of a building will be and the next use, and this needs to plan out for a longer period of time. It may always stay with that one first initial use and the parking stays fine, but for future flexibility and future uses as you transfer a structure, there seem to be a belief that doing it by the shift could set you up for other complications later on down the road because of different potential uses and a standard by a square-footage seemed to hold a better probably longer term use and purpose.

Mr. Apicella: Yeah, Mr. Chairman, I don't know how much time we want to take. I don't know if Mrs. Vanuch wants to add to that. But I would recommend that we go again with the thousand foot square feet... 1 parking space per thousand square feet standard.

Mr. Coen: Okay. Which... the staff one, if I read it, is, the current one is 2.25, so is staff wanting to go down to 1 or keep that 2.25? One?

Mr. Harvey: Yes, Mr. Chairman, we believe that 1 is consistent with our neighboring jurisdictions, it's consistent with the ITE study, granted it was a small sample number. But it seems to be that is the consensus from what we can see from around us.

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

Mrs. Vanuch: No, I think in the subcommittee meeting we talked about 1 per thousand square feet and we looked at the neighboring jurisdictions and it was pretty relatively similar.

Mr. Coen: Well, this is one of the questions I asked in my usual Sunday afternoon email to Mr. Harvey. So, this isn't... we're making it a countywide standard period? I mean, we have not been given any information on one particular parcel; this is to come up with something special. Not to come up with something special for one individual or for or agin one specific thing, it is to make a countywide standard that is therefore basically bringing us in alliance with either State Code or other communities, correct?

Mr. Harvey: Yes sir.

Mr. Coen: Okay. Because that's sort of what, at least from my point of view, what I always look at is to try to make it that we're applying something countywide and that's why I didn't ask you where this parcel was because where one specific individual is, is not relevant in this issue. Alright, so do we have a motion to go to public hearing on this with the idea of going to one per 1,000?

Mr. English: I'll make that motion.

Mr. Coen: Okay, Mr. English.

Mr. Apicella: Second.

Mr. Coen: Second by Mr. Apicella very quickly. Alright, any comment Mr. English? No. Any comment Mr... no. Any comment anyone else? No. Alright, so the motion is to call for a public hearing. The public hearing date would be December 13th Mr. Harvey? Is that the earliest or we can go to November?

Mr. Harvey: Mr. Chairman, we can make the November meeting if the Commission so desires.

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Mr. Coen: Alright, for November? Alright, so it's for a public hearing on the 15th. Alright, if you'll vote. And it's unanimous (7-0). Alright, thank you; thank you Mrs. Blackburn. I think we've stopped the part where you have to keep coming up for the evening. Alright, so now we go to the Planning Director's Report; Mr. Harvey.

PLANNING DIRECTOR'S REPORT

- ◆ Cemetery Ordinance
- ◆ Premier Auto

Mr. Harvey: Thank you Mr. Chairman. On my report, you'll note that the Board of Supervisors has referred the issue of cemeteries to the Planning Commission. There's been some testimony at a recent Board of Supervisors meeting about concerns over our Cemetery Ordinance and the Board gave a general send-down to the Planning Commission to revisit the Ordinance.

Mr. Coen: Okay, thank you. And if memory serves me correctly sir, and I'm sure you'll let me know if it doesn't, there's no specific timeframe for us to revisit this?

Mr. Harvey: That's correct. The Board asked the Commission to look at it; they didn't send down a specific amendment

Mr. Coen: And people can let me know if they agree, but we have three subcommittees already outstanding, we have a fourth one with A-1 property that's sort of hovering in the wings. To me it would make sense to wrap up the three subcommittees that we have before we take on yet another one. Okay, so that may well mean that this gets looked in December-ish if not after, but just to do due diligence to everybody, it would probably be looking at that type of timeframe. So I'll just let you know Mr. Harvey so that if there's any inquiries, that's what we have the three subcommittees to sort of deal with that we want to deal with first. We probably can do the A-1 at the same time as revisiting this one, but having five going on at the same time, it would be stretching staff too far. Okay. And continue Mr. Harvey.

Mr. Harvey: Thank you Mr. Chairman. The other item was the Chairman asked me to put on the agenda an update on Premier Auto. That's scheduled to go to the Board of Supervisors for their public hearing next week for potential revocation of the conditional use permit. Since the Planning Commission held its hearing, we've received new correspondence from the applicant's representative, Mr. Leming, and it was attached in your iPad package.

Mr. Coen: Okay. Does memory serve me correctly that when they came to us two weeks ago it was, I don't want to say guaranteed, but it was strongly indicated that the vehicles would be vacated by the 30th of September and the new letter says that it's not until mid-October.

Mr. Harvey: I believe that's correct Mr. Chairman.

Mr. Coen: Okay. And I think you were in the... I received a picture yesterday of the sign is no longer, the sign of Premier is no longer on that parcel either. So that's an update that I'm not sure if you were privy to that.

Mr. Harvey: No sir, I didn't see that message.

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Mr. Coen: Okay. I'll look at it; it may have been a text message which I'll send to you. Okay. I'll send that to you so you'll have it for if ever there should be any requests. Alright, thank you Mr. Harvey. Ms. McClendon?

COUNTY ATTORNEY'S REPORT

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

Mr. Coen: Okay, thank you. Any Committee Reports from the Sign Ordinance Committee?

COMMITTEE REPORTS

- ◆ Sign Ordinance Committee
Next Meeting: October 25, 2017, at 3:00 p.m.

Mr. Boswell: Next meeting, October 25th at 3 o'clock.

Mr. Coen: Alright. After that one, if you'll give us an update or an idea of when you think it'll be concluding, that will help us in scheduling the other items. Parking and Drive Aisle.

- ◆ Parking and Drive Aisle Standards Subcommittee
Next Meeting: October 10, 2017, at 3:30 p.m.

Mrs. Vanuch: I can give a quick update on that. So, we met yesterday and we will have all final assessments done of what we're recommending to change and what we're not recommending to change. Staff was just making a few minor tweaks and they're going to have that final version to Mike and myself, and then we're going to look it over and make sure that it incorporated all the comments that we made in yesterday's meeting. And then the plan is to send it out to the full Planning Commission the week of October 25th, right before our Planning Commission meeting. And then, obviously, if anybody has any questions, they can reach out prior to the meeting if they want to or we can just answer the questions in the meeting. And then we'll be able to hopefully be able to move to a public hearing from there.

- ◆ Landscaping Standards Subcommittee
Next Meeting: October 25, 2017, at 4:30 p.m.

Mr. Coen: Alright, thank you Mrs. Vanuch. And Mr. English, if memory serves me, we... purposely we're not going to meet until after they met.

Mr. English: Right.

Mr. Coen: Because they had some issues that they were going to give us feedback on. And then the A-1, as we just said, needs to be established. Chairman's Report -- I have nothing to report at this time. Other Business -- we have our TRC information. There are no minutes; I'm sorry Mr. Rhodes. And so if there's nothing else for new business, we are adjourned.

- ◆ A-1 Uses - Subcommittee to be Established

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CHAIRMAN'S REPORT

OTHER BUSINESS

4. TRC Information - October 25, 2017
 - ◆ Hope Forest - Aquia Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 7:30 p.m.