

STAFFORD COUNTY PLANNING COMMISSION MINUTES
February 14, 2018

The meeting of the Stafford County Planning Commission of Wednesday, February 14, 2018, was called to order at 6:30 p.m. by Chairman Crystal Vanuch in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Steven Apicella, Roy Boswell, Darrell English, Fillmore McPherson, Barton Randall, Crystal Vanuch, (George Washington District - Vacant)

MEMBERS ABSENT: None

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

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: At this time I'd like to call for any declarations of disqualification from any of the Commissioners on tonight's public hearing or agenda items.

Mr. English: Chairman, I have been in touch with Chris Hornung in reference to one of the items on the...in reference to the proffer amendments, I've been talking with him back and forth, just to let you know that.

Ms. Vanuch: Okay, perfect. Thank you so much for that disclosure. So now we're going to move on to tonight's portion for public presentations. This an opportunity for any member of the public to come and speak on any item or any topic whatsoever, other than the items listed for the public hearings on the agenda. There will be another opportunity for the public to speak on those items later, so if anyone would like to come forward to speak on an item for a public presentation, they may do so at this time. And again, when you come forward for the presentation, please present items to the Planning Commission as a whole. Do not address any member individually, specifically. When the green light comes on you'll have three minutes to speak. When the yellow light comes on, you'll have one minute left, and when the red lights starts flashing, please wrap up your comments. So at this time, I'd like to invite anyone from the public to come and speak.

PUBLIC PRESENTATIONS

Mr. Waldowski: Paul Waldowski. Wow, we got some new faces here. Amazing. Change is what's in my right pocket, and I earn it. Well, first thing I want to address is there was a lame duck session done with a CUP about a medical center and I won't tell you the details of how I've been contacted, but I'm not going to do nothing about it, but if I ever see a lame duck session ever happen like that again, I'm going to make sure that everyone in the public knows that there are rules and laws that need to be followed, and if they're not, then we'll just address them accordingly. Now like I tell the Board of Supervisors, at least this Commission does acknowledge the citizen first. Because I don't want to listen to any of your so called speaker. I can watch you on TV and my time is valuable and normally I play Wednesday night Texas Hold'em but that'd be the Valentine's Day massacre for some of my friends, so we can't do that. Now I still want to make people aware that if you're on the BZA and you're on the Planning Commission I still believe that that's a conflict of interest. And now that I'm retired, I can only pick my battles. I attacked the Utility Commission last night, so we'll go from there. But the main reason for my speech today is, I'm gonna start giving speeches on re-districting. I am a retired mathematician and mathematics is the only thing that's universal, except music. So the justice

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department gives us a thing called variance, and what I'm gonna propose is, that Stafford County with its 280 square miles, 55 of it is Quantico, I don't have to read this stuff, I know it. So if you took a quadrant where you drew a x and a y axis, which looks like a cross, golly, that might be a Christian principal, maybe one of the Templars might come here, you never know, or the Masons. And then if you named them north-east, south-east, north-west, south-west, we made Falmouth become a town again, then we can make a major of that. Wouldn't that be interesting? That's what commonwealth's are. You need majors and knights of the round table, not just the knights of the round table, just like you pick the Chairman. You went in the backroom and you go, hey, let's vote for someone. Okay. So I won't get into any more details, but I hope that you got a \$100 fine, because I'm the one who reported you for not using it on your campaign signs. Thank you.

Ms. Vanuch: Thank you very much Mr. Waldowski. As always, it's a pleasure to see you, coming back out to the meetings. Anybody else want to come down and address the Commission? Alright, with that I'm going to close the public presentation portion of tonight's meeting, seeing no one coming forward and we can move on to item number 1 on the agenda, under public hearings, which is the re-classification of Dunkin' Donuts on Route 17 and Melchers Drive. Director Harvey?

PUBLIC HEARINGS

1. RC17151868; Reclassification - Dunkin' Donuts Rt17 & Melchers Drive - A proposed zoning reclassification from the R-1, Suburban Residential Zoning District to the B-2, Urban Commercial Zoning District, to allow for the development of a restaurant with a drive-through on Tax Map Parcel No. 53B-1-7 (Property), consisting of 0.2 acre. The Property is located on the north side of Warrenton Road, approximately 550 feet southeast of Solomon Drive, within the George Washington Election District. **(Time Limit: May 25, 2018)**
2. CUP17151869; Conditional Use Permit - Dunkin' Donuts Rt17 & Melchers Drive - A request for a conditional use permit (CUP) to allow a drive-through in the HC, Highway Corridor Overlay Zoning District on Tax Map Parcel Nos. 53B-1-7 and 53B-1-11 (Property), consisting of 0.83 acre. The drive-through is proposed with a restaurant use. The Property is located on the north side of Warrenton Road, approximately 500 feet southeast of Solomon Drive, within the George Washington Election District. **(Time Limit: May 25, 2018)**

Mr. Harvey: Thank you Madame Chairman, we request combining the staff presentations for item 1 and 2, the reclassification and the conditional use permit and please recognize Brian Geouge for the presentation.

Ms. Vanuch: Thank you, Mr. Geouge.

Mr. Geouge: Good evening, Madame Chairman, members of the Commission. I'm Brian Geouge with Planning and Zoning, tonight I'll be presenting, as Mr. Harvey stated, items 1 and 2 on the agenda, a reclassification and conditional use permit for Dunkin' Donuts on Route 17 and Melchers Drive. The request is to rezone and also have a conditional use permit for a restaurant with drive through. The zoning is R-1, suburban residential on a portion, B-2, urban commercial on a portion and all within the Highway Corridor Overlay district. This is parcels 53B-1-7 and 11, and the total area of the CUP is .83 acres, with .2 acres for the reclassification. The applicant and agent is Samer Shalaby with DCS and this is in the George Washington district. The site is located on the north side of Warrenton Road, approximately 500 feet southeast of Solomon Drive. The two parcels comprising the site are outlined in red. A smaller parcel is subject to the reclassification from R-1 to B-2. Both parcels are subject to the conditional use permit. The two parcels have been zoned B-2 and R-1 since at least 1978 and there are

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no proffers on the property. The site is located within the HCOD and surrounding uses include the B-2 zoned Arby's Restaurant to the northwest, R-1 zoned single family homes to the east, M-1 zoned automobile service and rental business to the south. The comprehensive plan designates the property within the Warrenton Road Planning Area, a more detailed land use concept shown here, designates the area for mixed use development, commercial and residential, and that's shown in purple here. A CUP was approved in 1998, which allowed an auto service facility in the area of the property that is currently zone B-2. Another CUP was approved in 2002, which approved a motor vehicle sales facility on the same parcel. The site plan for the motor vehicle sales facility pictured here was approved in 2008, but no development has occurred. The property is currently undeveloped apart from one single family residential home in the southeast corner and I believe that was constructed in the 1960s. The property is cleared of trees and level. The majority of the larger parcel is within a 225 foot width Dominion Power easement. I'm just going to approximate the location of that. And this easement limits where structures can be placed on the property. The driveway for the home is accessed directly from Warrenton Road and both parcels have been purchased by the developer. There are a couple of photos of the site from Warrenton Road. This first one is from the eastern Arby's access and the home pictured in the background is the same one pictured in the second picture here and from this you can see, how close the next home is to the property line. The Generalized Development plan provided by the applicant depicts a 1,737 sf restaurant with drive through, parking areas to the south and west and a new right-in, right-out access on Warrenton Road. And this would replace the existing access that serves the Arby's development, the one in the picture, that sort of comes in like this. This would include a 2-way drive aisle that extends all the way up to Melchers Drive with access points to the proposed development and into the Arby's site. This will include the construction of a new right-turn lane on Route 17, along with a section of raised median, which would restrict left-turn movements into and out of the site. The median is consistent with the recommendations of recent VDOT STARS Route 17 corridor study and if I get this right, STARS stands for "strategically targeted affordable roadway solutions" and this identified several safety and traffic flow improvements for Warrenton Road, between I-95 and Route 1. Here's a closer look at the GDP. A one way internal traffic pattern is proposed with a drive through lane and by-pass lane circling the building. The drive through menu board and loudspeaker at the east end of the building, located here, and the pickup window would be on this side of the building. This configuration should provide adequate stacking links and there shouldn't be any negative impacts on the Highway Corridor from vehicle stacking. Dumpster and loading space are proposed to be located at the front of the site, near Warrenton Road. Those are shown here. The Highway Corridor requirements state that dumpster and loading spaces have to be screened from view from the Highway. The applicant is proposing a masonry dumpster enclosure and at that time a site plan would have to demonstrate that the landscaping proposed along the road is sufficient to provide adequate screening for the loading space. And also, to help with that, there is actually a three foot berm that would have to be constructed along Warrenton Road. That's another requirement of the HCOD. In order to allow adequate space for the development, the applicant is proposing reduced width transitional buffers, a 6-foot board on board fence is proposed along all property lines that are adjacent to residential uses. So, all the way up to the front of the property here. The provision of the fence allows for a 50% reduction in buffer width, the 25-foot buffer is shown with the red dash line. Just gonna highlight that. As you can see, there are several areas where the proposed development encroaches with that required 25-foot buffer and at time of site plan, the applicant would be required to go through the alternative compliance process, which is approved administratively. Basically all it means, you can reduce the buffers in certain areas in terms of width, but you still have to provide the required of plant units, so really it creates a much more dense landscaping, and if they're not able to get approval for alternative compliance, then they would need departure from design standards, which would go to the Planning Commission for approval.

Mr. Apicella: Mike? I'm sorry, Brian? Can you go back? The fence that would abut the house to the east, how close is that fence to the actual house?

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Mr. Geouge: So the fence would be here, as close to the property line as possible and the home is shown here. I don't have an actual measurement, but...

Mr. Apicella: So we're talking just a couple of feet potentially?

Mr. Geouge: Yeah, a few feet potentially.

Mr. Apicella: The travel way, every car that enters and exits this site is going to go around that exit lane or through drive through lane, right, as they come in on either side?

Mr. Geouge: Right, they would have to circle counterclockwise.

Mr. Apicella: And what was the vehicle count per day? Was it like 1,500?

Mr. Geouge: That was the estimate, around 1,400 – 1,500.

Mr. Apicella: Okay, thanks.

Mr. Geouge: A TIA was submitted for the application.

Mr. McPherson: Excuse me, Brian? I got one question. Could you go back to the pictures of the site, right there. So the blue line that you drew, is that the property line, that little fence that we see between the white house and the brick house, that's the property line?

Mr. Geouge: That should be pretty close, yes sir.

Mr. McPherson: And we expect that this fence that they're proposing will be roughly at the same place as that chain-link fence, the 3-foot chain-link fence?

Mr. Geouge: It could be. I'm not sure who's property... I'm guessing that's on the property owner to the right's property, so it could be...

Mr. McPherson: But this driveway we see is probably for the white house, correct? So it's probably fairly close to that general area. So what are we talking, maybe six, no more than ten feet away from that brick house? That'd be my guess.

Mr. Geouge: Right, right.

Mr. McPherson: Okay thank you.

Mr. Geouge: A TIA was submitted for the application, since the proposed use would generate an estimated 1,500 vehicle trips per day. VDOT has provided comments on the TIA and their recommendations have been incorporated into the GDP. Here's an image from the VDOT STARS study for the section of Route 17. You can see some of the improvements there, they were talking about. So one of them is a raised median east of Solomon Drive, and really, the objective there is to limit points of access. You can see this industrial use, this industrial zoned property to the south has several points of access, which is not ideal from an access management standpoint. And also they've identified a couple of the entrances at the Arby's site for potential closure to consolidate that into a single entrance.

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Mr. Apicella: Again, kind of going back to the neighbor, how would this median break impact them, if at all?

Mr. Geouge: The people who live here?

Mr. Apicella: Right.

Mr. Geouge: I guess it depends on where it lines up. There is a potential that they couldn't take a left out of their driveway to head, I guess, southbound on 17.

Mr. Apicella: Okay, thank you.

Mr. English: Brian, I got a... Has that resident spoke out whether they're for or against this. Have you heard anything from the resident? Have they been notified about this?

Mr. Geouge: They were notified through the normal adjacent property owner notification process.

Mr. English: Have you heard anything back from them?

Mr. Geouge: I have not.

Mr. English: Okay, thank you.

Mr. Geouge: Architectural renderings provided by the applicant depict the style, materials and colors to be used for the proposed building. Since the site is located within the HCOD, buildings must conform to the neighborhood design standards plan. The building design provided by the applicant is consistent with many of the architectural design recommendations of this plan, but due to the proximity of this gateway area to Falmouth, staff has recommended that the building incorporate styles and materials that would be more consistent with the Falmouth area. Creating a historic gateway area along this section of Route 17 is also an objective of the 2002 Falmouth plan. However, proposed proffer would require conformance with the architectural rendering shown here. Proposed proffers for the reclassification, just as a reminder, this would only apply to the smaller parcel, would require general conformance with the GDP, dedication of right-of-way along Route 17, require consolidation of parcels, require submission of a demolition plan for the existing home, state that the rezoning parcel will not have direct access to Route 17, there would have to be access through the adjacent parcel, conformance with the architectural rendering and the restaurant may operate from 4 am to 11 pm, seven days a week.

Mr. Apicella: So that's 19 hours a day, 7 days a week?

Mr. Geouge: That's correct. Proposed conditions for the CUP include general conformance with the GDP, access limit to what is shown on the GDP, requirement that the inter-parcel access to the Arby's property be provided as shown on the GDP, require the construction of the right turn lane and the median and also condition about automatic volume control systems for the drive through speaker, which would basically adjust the volume based on the ambient noise, and no illuminated signing facing residential uses and require the masonry dumpster enclosure. Staff finds several positives with this. It's consistent with the Comprehensive Plan recommendations for commercial development along major road ways. It's consistent with the established development patterns in the area. Development will incorporate some of the recommendations of VDOT STARS study for the Route 17 corridor. Proffers will help minimize impacts on the transportation network and the building incorporates some of the elements that the neighborhood design standards plan, however the building does not incorporate styles

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and materials of the Falmouth area. In conclusion, staff was supportive of the application with the proposed conditions and proffers, but suggests the Planning Commission consider conditions which would increase architectural compatibility with the Falmouth area. And I'll take any questions.

Ms. Vanuch: Do Commissioners have questions for Mr. Geouge?

Mr. Apicella: Madame Chair? I had asked for an overlay to show how the site plan would line up with the neighboring community. Do you have that?

Mr. Geouge: I have it here, yes sir. I have the other one as well.

Mr. Apicella: Yeah, why don't you go to that and then flip back to this one.

Mr. Geouge: Okay.

Mr. Apicella: So, just to kind of reiterate what you said about the buffers, it's not clear at the moment, that even at the smaller buffer level, that they can meet that amount? The 50% reduction?

Mr. Geouge: In their GDP they got fairly detailed on their landscape plan, morsel than the typical GDP, and they seem to have demonstrated that they can fit in the required plant units. Again, that's going to mean narrower buffers in some areas, however that buffering will be denser, so there could be some sufficient screening effects of having the denser landscape.

Mr. Apicella: Can you remind me again, what are the setback requirements under B-2, or are there any setback requirements?

Mr. Geouge: In the front yard it's 40 feet, I don't recall what the other ones are. Mr. Harvey, do you recall?

Mr. Harvey: The side yard is 0, if it's adjacent to another commercial zoned property, 15 feet if it's adjacent to something other than a commercial zoned property, and the rear is 35.

Mr. Apicella: And what's the distanced the drive through is from the nearest house? The one to the right?

Mr. Geouge: I think we estimated the by-pass lane is somewhere around 60 feet, 65 feet from the closest point of this house that fronts Warrenton Road.

Mr. Apicella: And I think you also did a calculation on the actual speaker to that house?

Mr. Geouge: Yes, that was approximately 40 feet.

Mr. Apicella: Okay, I think it's the other way around.

Mr. Geouge: Oh I'm sorry, yes.

Mr. Apicella: Just kind of from a staff perspective, have you seen drive through facilities this close to a neighboring house?

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Mr. Geouge: I don't have a whole lot of background in dealing with previous cases on that, so personally, I couldn't answer that, if there are others that are that close or not.

Mr. Apicella: Okay. And under B-2 uses, would you say that a drive through is probably one of the more intense uses?

Mr. Geouge: Yes, that's a pretty intensive use.

Mr. Apicella: You mentioned that you reached out through the normal process to the neighbor. I guess that was through the mail? Some return receipt or just a stamp on it and sent it to the neighbor.

Mr. Geouge: Certified mail.

Mr. Apicella: Certified mail. And did you get any... when it's sent certified, I can't remember, do you get something back that says, they got it?

Mr. Geouge: I don't think so. You get a slip that states that it was sent.

Mr. Apicella: As far as you know, there is somebody living in that neighboring house?

Mr. Geouge: As far as I know.

Mr. Apicella: And when was that built?

Mr. Geouge: I would think 1960s, around that time, along with the adjacent house.

Mr. Apicella: Okay, thank you.

Mr. McPherson: And when was that letter sent, Brian?

Mr. Geouge: That would have been 30 days out from...

Mr. Harvey: Mr. McPherson, we try sending letters out 15 days in advance, so two weeks.

Mr. McPherson: Okay, thank you.

Mr. Randall: Madame, I have a couple more questions. The 60 feet and...40 feet and 65 feet, is that from the property line or is that from the actual residence itself?

Mr. Geouge: That's from the actual structure.

Mr. Randall: The actual structure itself. Okay.

Mr. Geouge: As you can see in that one picture, the structure itself is very close to the property line.

Mr. Randall: Yes, okay, thank you.

Ms. Vanuch: Any other questions from the Commission. Thank you Mr. Geouge. Mr. Harvey, typically when these come forward, we allow the applicant to come up and speak. Would that be appropriate in this context?

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Mr. Harvey: Yes, ma'am.

Ms. Vanuch: Okay, so if the applicant like to come forward?

Mr. Shalaby: Good evening Ms. Chairman and members of the Planning Commission. My name is Samer Shalaby. I'm with the Development Consulting Services. I'm here representing Dunkin' Donuts for the site, and the owners are here too, in case there is any questions operationally, they can probably answer. I don't want to go through the whole, you know obviously, report again, or details, but I just want to try to comment on some of the questions or concerns that came up. There is no question that house is very close. We actually reached out too and sent a letter to the neighbor to try to see if we could communicate with them. Matter of fact, we had someone stop by, but we weren't able to talk to them face to face. So hopefully, if they're here, maybe they'll speak, if they have a concern, or if they're not, they'll reach out again. We also, one of the things pertaining to the house, because that was a big concern, we did spend a lot of time with the landscaping and with the landscape architect and the county, trying to make sure that the buffer, even though in some areas it is slightly less than 25 feet, that the density was pretty high enough, that would hopefully help to alleviate any kind of sound, or light, or noise. Also, the reference to the automatic control on the speaker volume, not sure if anyone is familiar with that, but basically what happens, typically most speakers on a drive through are the same volume, however they do have some of the higher, new technology. What happens is, as the ambient volume around drops, the speaker volume drops, because usually during the day, if you have a lot of traffic, a lot of noise, the speaker is at one level, but in the evening or at 4 o'clock in the morning there's not much traffic, the speaker actually drops, because the person that's talking can actually hear and there's not a lot of backup noise. So that's one of the things we went through and made sure it was listed that we will use that. There was some concerns also, we met with Arby's early on next door, and there was some concerns, they sent a letter to the Planning Commission, or to County staff, and I can go through some of the...a lot of the issues that were addressed were concerns that came about with the median, which is obviously a STARS requirement, which was a VDOT requirement, so if it was up to us, we prefer not to put the median there, but obviously controlling traffic on 17 and the entrances became a concern. There are a couple of other thing that I actually talked to Mr. Wallace, who's here tonight, that we're going to try to meet next week and try to go through those. And again, was about the flow of traffic and making sure people parking on the lots, etc. So we try to work those out in the next week or so. Trying to see if there's...there was a question about the driveway for the house. What we're doing today is not going to impact that at all. They're actually about 150 feet before the median starts. So they wouldn't have any issue getting in and out today. Obviously when VDOT, or the STARS program gets complete, that's gonna impact how they get in and out the house. Alright, I think I've kind of covered most of the highlights of the questions. Again, if there's any specific other questions, I'd be glad to try to address those.

Mr. English: Doesn't Arby's have a...they have a drive through, correct?

Mr. Shalaby: Correct.

Mr. English: There speaker faces probably...if I'm correct, the drive through is on the right side, where the Dunkin' Donuts is going to be, correct?

Mr. Shalaby: I think that is correct.

Mr. English: So the speaker kind of would go towards the residents as it is now?

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Mr. Shalaby: Correct.

Mr. English: So that would just...but you're speaker would probably...is not going to be same direction, or is it going to be...

Mr. Shalaby: Again, one of the things with this site, as Mr. Geouge kind of drew, there's these powerlines, and that's the reason why actually our building is so tight next to the house. It's not our preference. We would have slid it down in the middle, but because the powerline kind of takes about 80% of the site, that's kind of the only way we were able to fit it. So what we tried to do is to put the speaker, it's kind of on the corner. It's about, I think was in the reference here, 65 feet from the building of the existing house, but it is facing kind of in that direction, but it's behind the house. Because if you look at the plan, Brian, can you pull up that one. Actually right here. The house actually starts right here. That's kind of the back of the house and then the speaker's up here, so you can see, we're kind of in the backside of it.

Mr. English: Okay, thank you.

Mr. Randall: Would it be possible to move that speaker a little more up on the corner maybe, to prevent that from being more direct to the house?

Mr. Shalaby: Well the problem becomes is the distance between the speaker and the pickup window and the travel lanes, there's certain requirements for stacking so that's the reason why we tried to move it up as tight as we can and again, using that automatic control volume, that will hopefully alleviate. Plus the landscaping is going to be pretty heavy in that area and if you look at just again this little spot here where the parking is, this is going to be almost 40 feet of landscaping. So it kind of has that... it's gonna create a buffer a little bit towards the speaker.

Mr. Randall: Thank you.

Mr. Apicella: And when you say landscaping, I mean landscaping changes during the seasons. We're in the winter time. What kind of barrier would that be to noise in the winter time?

Mr. Shalaby: There's the fence also, plus there's going to be probably a combination, again, we can work that out with staff in terms of Evergreens, you know, there's gonna be hardwoods, there's going to be shrubs. It's a combination. And by us reducing even the distance or the depth of that buffer, we still have to put the same amount of landscaping. One of the discussions we had is to take that landscaping and focus it in those areas, closest to the house. Are we going to be able to stop the noise 100%? No, absolutely not, but probably we're going to generate the same or less noise than is on 17 anyway today. Their house is pretty close to 17 as you can probably tell there. It's unfortunate. It's a noisy area.

Ms. Vanuch: Anybody else have any other questions? Thank you so much.

Mr. Shalaby: Thank you.

Ms. Vanuch: Mr. Geouge, can you come back up just for another couple of quick questions? Before we move on to the public hearing portion, I just wanted to see if anyone has inquired to you through any of the public notice and sent any questions and concerns about this particular project directly to you?

Mr. Geouge: Only the Dunkin' Donuts owner.

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Ms. Vanuch: You mean Arby's?

Mr. Geouge: I'm sorry, the Arby's owner. Excuse me.

Ms. Vanuch: Because I know, I got an email yesterday from Charlie Payne, who I think represents Arby's and he had some questions. I'm not going to go through them line by line, but was hoping that maybe, you know, they could work together to get some answers to their questions for sure.

Mr. Geouge: Okay.

Mr. Apicella: Madame Chair, I do have another question. So, what is the distance from Route 17 to the front of the neighboring house?

Mr. Geouge: From the front of the neighboring house to 17?

Mr. Apicella: Right.

Mr. Geouge: I'm not sure. It looks to me to be somewhere around 40 feet maybe?

Ms. Vanuch: Thank you, Mr. Geouge. Any other questions? Okay. So now I'm going to open up the public hearing portion of this presentation. So if any members of the public would like to come and speak about this particular item on the agenda, please come forward. Please state your name, your address for the record when you come down and when the green light comes on, you have three minutes to speak. When the yellow light comes on, you have one minute and when the red light comes on please wrap up your comments.

Mr. Wallace: Good evening Madame Chair, Planning Commission, Commissioners. My name is Dan Wallace. I own the Arby's, me and my daughter I should say, own the Arby's at 164 Warrenton Road in Spotsylvania...in Stafford. We've only been there 41 years. We're on the third generation. I think my daughter's about ready to kick me out, and I hope she can be there another 41 years. We hopefully have been real good to Stafford County. Stafford County has definitely been real good to us. We want to continue to be there. We are excited about Dunkin' Donuts. We think that would be a good match for us, but there's a lot of issues on this, that we see, that's very scary. Taking away one of our entrances. Our trucks, tractor trailers coming up Route 17, coming in that entrance to us. We're losing that. That's the only way they can get in to us. That cuts our volume of sales down, because of losing the tractor trailers. And there's a lot of issues in that. The GDP, and I don't know what GDP really means, I'm reading it and it states in the GDP, southbound travelers may turn left at the signal at the intersection into the property through Arby's or Melchers Drive. I don't, this is not a joint parking lot. This is not a joint property. We were there by ourselves. We're not designed to have pass through cars through our parking lot. We don't feeder lanes through our property. It wasn't designed for that. We've been there 41 years. Would it work today, no? But unfortunately we have been there 41 years and we don't want to be penalized by this. There's a lot of little issues like that scare the heck out of us. They're dumpster that they're putting right on 17. A typical dumpster wall is 8 feet tall, and they're going to put heavy shrubbery around that? Trees? You're blocking my view tremendously. This is going to affect me tremendously, if that happens. And this is what we're concerned about. So we hope you consider this and really look at this, and is this the right thing for everyone? And I appreciate y'all's time and thank you very much. And on the STARS report, I sure hope y'all look at that, because where I am on that, they're closing every one of my entrances off Route 17. You can only get to me through the backway off Melchers and I tell you what, you're going to put me out of business. It's gonna be a sad day. So I really hope you do look at that too? Thank you for your time.

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Ms. Vanuch: Thank you, Mr. Wallace. Anyone else like to come up and speak?

Mr. Waldowski: Paul Waldowski. Just what we need, another Dunkin' Donuts. Just like another 7Eleven, maybe another medical center, you know that fills in the empty 7Elevens. 41 years, 3 CUPS, 1978, 1998 and 2002 and there better not be on in 2018. This is also a stormwater issue in this county. We are in the Chesapeake Bay water shed and the setbacks have all been brought up. The 35 foot one is a very important one and the most important thing for any business is, when you block a customer's view from seeing something, or they have to react differently, you're creating a safety hazard. So, this is a really bad, bad idea. The only thing that's good about Dunkin' Donuts is, you eat a Arby's roast beef sandwich and then for desert you can have a french cruller. Or you can go to the Baskin Robins side and you can get a waffle cone with a single scoop of ice cream. But I didn't plan on speaking on this thing, but this is atrocious. I'm a big fan of dumpsters, but I want to make sure that you have access. I'm the inventor of the Waldowski dumpster ordinance. Be aware of that. So you don't want to be blocking that business from there. I like what the man said, that it's a third generation business. That's 41 years, so it seems that you keep on dealing with these drive throughs. If you take the Dunkin' Donuts on 610, he's sitting there in that corner. He could use the drive through that the old bank has, but he doesn't do it and he's open up at 4 am to 11 pm and he has no problems making a profit. He's got people that are employed. So I'm for businesses that bring in anything, but this piece of land is not going to bring the revenue to the county for what it's gonna do, you're gonna effect a business and I'm more concerned about the resident that you're not able to get a hold of, because I've been in messes like this, where the adjoining owner is notified and then you have to do a knee jerk reaction, because you're really not notified enough because you're blindsided. Now this owner is truly blindsided by this aspect, and if someone came knocking on my door to do something like that, you know, I wouldn't say hello to him.

Ms. Vanuch: Thank you, Mr. Waldowski. Would anyone else like to come forward and speak? Okay, seeing no one rushing to podium, I'm going to close the public hearing.

Mr. Apicella: Madame Chair. If I may, I think it would be appropriate to keep the public hearing open, just the case the neighbor would like to come forward at the next meeting, to the extend...if this thing gets postponed, to give them an opportunity to share their views on this.

Ms. Vanuch: What's the sense of the Commission? Everybody okay with leaving the public hearing open? Okay. Great. Perfect. Do we have any questions for staff before we move forward? I do have a couple of questions that were raised by the Arby's owner, Mr. Geouge, if you wouldn't mind? Has staff looked at the tractor trailer access that was raised by Mr. Wallace? Like, how... I'm assuming that supplies are delivered via tractor trailer to both, Dunkin' Donuts and Arby's. And then being that it's right next to one of the old truck stops off of Route 17, I would imagine that tractor trailer access is probably pretty important. Have we looked at that?

Mr. Geouge: Well, with the proposed median traffic heading eastbound on 17, they're going to have to take left on Solomon Drive anyway to get into the site, the backway through Melchers, so I think access that way is probably a little more conducive for tractor trailers.

Ms. Vanuch: Got it. And then, what about the dumpster wall that they mentioned? Have we looked at alternative arrangements for the dumpster location?

Mr. Geouge: This layout has been through probably 4/5 different versions. At one point they, I believe they proposed the dumpster and loading space at the rear of the property, but the issue there again is, you start to encroach more into that transitional buffer.

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Ms. Vanuch: Okay, perfect. Would the applicant like to come up again and address any of the questions?

Mr. Apicella: Madame Chair, I actually do have a couple of questions. So the neighboring owner, who operates the Arby's mentioned some entrance issues and the inter-parcel connection. So, how does that work? How does one adjacent property owner basically take over the entrances and/or push for an inter-parcel connection, if the adjacent property owner doesn't want that to happen?

Mr. Geouge: I believe there would have to be some sort of agreement at the site plan stage, if there's any actual work being done on the adjacent property, but I'm not sure what the specifics are or how you go about that.

Mr. Apicella: But wouldn't you want to deal with that, before you approve something like this, to make sure there's not going to be some problem down the road, no punt intended.

Mr. Geouge: To have some sort of agreement before hand, yes, that would be beneficial.

Mr. Apicella: And maybe I missed it, but where are VDOT's comments about this project?

Mr. Geouge: They were, I believe they were attached.

Mr. Apicella: And what did they say about the median?

Mr. Geouge: They encourage the construction of the median, because it was a recommendation of their corridor study.

Mr. Apicella: Okay.

Mr. Geouge: And it help, it actually helps block some of the existing entrances, like to the industrial use to the south. I believe it would block one or two of those entrances from having left-in left-out movements.

Mr. Apicella: Thank you.

Mr. Geouge: Thanks.

Mr. McPherson: If I may, one more question. Regarding closely related to what he asked, the median recommendations per the STARS, are those recommendations or are those written in stone? Are those things that can be changed?

Mr. Geouge: They could, yes. They were recommendations.

Mr. McPherson: What would typically cause them to change their mind and recognize that they may be causing than good in some cases?

Mr. Geouge: I'm not sure. I guess just site conditions and maybe where the actual entrance winds up being, that could have some impact on it.

Mr. McPherson: Okay, thank you.

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Mr. Geouge: Thank you.

Ms. Vanuch: Any other questions from any of the members of the Commission? Okay. If you'd like to come up?

Mr. Shalaby: Just a couple of comments and I'll start with the last one you had about the STARS. We met with VDOT probably 3 or 4 times, and with the County, and we kind of against it ourselves, and unfortunately it came down to something that's coming and they wanted us to pay for portion of it, so it's one of the requirements we had to do. We didn't have much choice. So if VDOT is willing to change their mind and the County is willing to accept it, we're obviously all for it. But even though it was a recommendation, it wasn't quite put that way, so I just wanted to clarify that. With regard to the dumpster, being in the Highway Corridor Overlay District, everybody knows that's the whole intent the County is trying to do, is to screen business a little bit more. Again, we would rather have the dumpster in the back. We tried, again, like Brian said, several different locations and again it kept encroaching, because the way the site is with those powerlines. We only have very limited area to work with. So every place we put it, it made the buffer smaller, so we kind of...it was our only option to put towards the front. And because of the landscaping anyway, we have to deal with the Highway Corridor with the 3-foot berm, which the intent is to screen. That's why we kind of put it there. Is it going to block the view, absolutely, it's going to block the view for the Dunkin' Donut, just like it's going to do the Arby's, but I think that's kind of part of the intent of the Highway Corridor. One of the things, the comments, I think Mr. Wallace mentioned about obviously impacting his business, no one wants to impact his business. I've know Mr. Wallace and his father for years and you know, they operate a very good business. Dunkin' Donuts feels, and we feel like it's more of a complimentary, because just like the gentleman who spoke said, yes, now you can go, you know, get your sandwich, but be able to get a donut the same time. So hopefully that would increase his business and also be complimentary from Dunkin' Donuts standpoint. Again, and hours of operation too, Dunkin Donuts most of its business is in the early morning. You know commuters going for breakfast or coffee while the rest of the day, afternoon and lunch, is more heavy, you know, probably Arby's will take that. So traffic shouldn't be conflicting but so much. Again, with regard to tractor trailers, if we kept the entrance the way it is, the big slanted entrance, which is the one that is shown here...

Ms. Vanuch: Computer please.

Mr. Shalaby: Yeah, this is the existing slanted entrance that exists today. So obviously for a tractor trailer to come in it's pretty simple to get in here. By closing that, in any configuration, not being slanted, it's going to make it difficult. So the intent is, most tractor trailers would have to go around to Melchers, come back in and they'll probably come in this direction and be able to drop off the deliveries and be able to drop off the deliveries and then pull out. So it's definitely a tight site and as I mentioned earlier, our intent is to sit with Mr. Wallace and go over with him some of these other concerns that he has to try and alleviate those.

Ms. Vanuch: Mr. English.

Mr. English: You'll have tractor trailer drop offs too, right?

Mr. Shalaby: They do. They sometimes have small trucks, but they do have some tractor trailers, yes, that come in.

Ms. Vanuch: Any other questions for the applicant?

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Mr. Apicella: Yep, how would that work on this site? Show me how a tractor trailer gets around.

Mr. Shalaby: Most likely they'll come in just like from here. It depends if they're dropping off, they'll either pull in the site, which again, it is a pretty tight...they'll pull up here, you know, and then back up, which is going to be difficult. Or they'll probably stop right here, park on the edge, unload and then pull out and go.

Mr. Apicella: Yeah, but wouldn't they be blocking people who want to get into either the Arby's or you site?

Mr. Shalaby: Deliveries are usually there for probably 15 minutes? 20 minutes? It's usually a pretty quick... they probably put their flashers on, they pull on the side, unload it and then leave.

Ms. Vanuch: Wouldn't that create like a blind turn though. I just think that's kind of dangerous that they would...I guess that's my fear is, that you're almost creating a scenario where you're encouraging the tractor trailers to sit on that road.

Mr. Shalaby: Well, I'll be honest with you, again, it's a very tight site. They're not going to be able to get in and turn very easy. Can they make it around? Probably, but it's not very easy. Yes. So the reality is, just like in most deliveries, they pull up in the front, the trucks take the easier route. Then they'll pull in the front, drop off, again, because it's a 10-15 minute take their load off and leave.

Ms. Vanuch: Any other questions?

Mr. English: What about...how long, Mr. Wallace, how long was Arby's...if they drop a tractor trailer off at your place, how long are they there.

Mr. Wallace: Typically it takes 30 minutes, 45 minutes to unload.

Mr. English: For you?

Mr. Wallace: For me. But the problem is, they're on times, so they might pull off and we can't take a delivery till a certain time. He might sit there for 3 hours, or he might sit there for 3 hours, before he can get to his next stop. He's waiting. Truck drivers, they're going to do the most convenient thing possible. What's going to happen is, they'll be in my lot, the way I see it, unloading for Dunkin' Donuts and using up all my parking spots, and that's another concern that I have. I can't see how a tractor trailer can get in that lot, and a tractor trailer driver that's not from this area, he's going to make the most convenient thing possible and end up in my lot and roll his stuff across...own my lot to get to the Dunkin' Donuts. If that happens to happen during the middle of lunch, I've lost a lot of customers.

Mr. English: Right.

Mr. Wallace: I need as much parking as I can have.

Mr. English: Thank you.

Ms. Vanuch: Any other questions for the applicant?

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Mr. Boswell: How do you plan to address that inter-parcel connection there, that, it sounds like this gentleman doesn't want any part of.

Mr. Shalaby: The one that we're putting right here?

Mr. Boswell: Yes.

Mr. Shalaby: This entrance?

Mr. Boswell: Yeah, mhm.

Mr. Shalaby: We don't have to put that there. We did that...again, that's a requirement from the county, because technically right now, we can extend this median across and not touch at all, but then there is no inter-parcel connection between us and Arby's.

Mr. Boswell: Well he sounds like he doesn't want one, that's what why I'm asking.

Mr. Shalaby: And that's okay. If the County is okay with that, I mean, we're okay with that.

Ms. Vanuch: Mr. Harvey, would that be a possibility to cut that inter-parcel connector out, or would the County's ordinances and codes not allow for that?

Mr. Harvey: Ms. Chairman, in the Highway Corridor Overlay District it talks about having an access plan for a property. One of the means of that access plan is inter-parcel connection. It also acknowledges the use of parallel roads or frontage roads. In this case Melchers Drive could be considered to be something like a frontage road or a parallel road, because it provides access to multiple properties off the main road. So there is a possibility that the inter-parcel connection could be moved or removed.

Mr. Boswell: Madame Chair, just one thing. So if an existing business, like this gentleman has just said, does not want this, we're not going to force this on him, are we? I mean, that's what I'm asking.

Mr. Harvey: Mr. Boswell, we'd be in the position if we required it as a condition and they couldn't work out an arrangement where the Dunkin' Donuts would have to come back in for an amendment to the CUP, because they wouldn't be able to meet all the conditions the County imposed.

Mr. Boswell: Right, in other words, if the Dunkin' Donuts cannot work this out with the Arby's, they gotta make a change. You cannot force Arby's to put this in. That's what I'm asking.

Mr. Harvey: Correct.

Mr. Boswell: Okay, thank you.

Mr. Shalaby: So again, if the County allows us to not put it in, or everyone is in agreement, then we don't want it obviously. That's fine.

Ms. Vanuch: Any other questions for Mr. Shalaby before he's done? Thank you so much Mr. Shalaby. So, any other questions for staff before we move on? So typically what we do is, we ask the Planning Commissioner in the jurisdiction where this sits, but unfortunately, this evening that seat is vacant. So

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I'm going to kind of put it off to the full Commission to see what the will of the Commission is on this particular item.

Mr. Apicella: Madame Chair? I would recommend we defer this item at least till the March 14th meeting. As you just mentioned, we don't have a Planning Commissioner seated tonight. I'm hoping the Board will get us one before that meeting. I think there's several issues and concerns that were raised tonight. Certainly the ones raised by the neighboring business. I think also that we need to get some...really need to do some strenuous reach out to the adjoining neighbor who I think is going to be impacted by this project. So we need to do more than send him letter. I don't know what else we can do, but we definitely need to make more of an effort. So I think we definitely need to postpone this.

Ms. Vanuch: Okay, so we have a motion from Mr. Apicella to defer action on this until the March 14th meeting, where we will continue to have the public hearing open for the reclassification of the Dunkin' Donuts, and a second by Mr. Boswell. Mr. Apicella, do you have any further comments?

Mr. Apicella: No, ma'am.

Ms. Vanuch: Mr. Boswell, do you have any further comments?

Mr. Boswell: No, ma'am.

Ms. Vanuch: Okay, any other members have comments. Okay. So if we would all take our vote. Okay, the motion passes unanimously. What is the Commission's will on the conditional use permit for the Dunkin' Donuts?

Ms. McClendon: Madame Chair, actually the Commission doesn't have to vote on this separately, because this deferral is not action.

Ms. Vanuch: Okay, perfect. So we can move on to item number 3 on the agenda? Ms. McClendon, we're free to move on? Okay perfect. Thank you guys so much for coming out.

3. COM17152019; Comprehensive Plan Compliance Review - Stafford County Northern Fueling Station - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the placement of a county vehicle fueling station on the site of the Aquia Wastewater Treatment Plant, Tax Map Parcel No. 30-3B, located on the north side of Coal Landing Road, approximately 550 feet east of Greenridge Drive, within the Aquia Election District. **(Time Limit: April 15, 2018)**

Ms. Vanuch: So at this time, I would like to recognize Mr. Geouge for the Comprehensive Plan Compliance Review for Stafford County's Northern Fueling Station.

Mr. Geouge: Good evening again, Madame Chairman, members of the Commission, I'm Brian Geouge, Planning and Zoning. Next item is a Comprehensive Plan Compliance Review for a County Fueling Station. The district is R-1, suburban residential and, I'm sorry, are we on the right thing here. This slide is incorrect, I apologize for that. The zoning is actually R-3 and M-1. The proposed site is approximately 3 acres and is shown in red here. It's located on the north side of Coal Landing Road, about 550 feet east of Greenridge Drive. The fueling station would be constructed on the southeast portion of the 37.7 acre Aquia wastewater treatment plant property shown in black. The area of the proposed fueling station is zoned M-1, light industrial. Surrounding uses include R-1 zones, single family residential to the south, R-3 zone, apartments to the north, undeveloped R-1 zoned property to the

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east and undeveloped B-2 property to the west. The site features are cleared and level area, about 1.5 acres in size, with a wooded strip along the southern and eastern boundary and wooded resource protection area with steep slopes along the northern boundary, that is associated with the Austin Run Creek. The site was used as a laydown area during the construction of the wastewater treatment facility and is not currently being used for operations. There is an existing access road at the west-end of the site that serves the treatment facility. Here's a photo of the site, specifically the existing wooded buffer along Coal Landing Road, facing east. You can see a little bit of that cleared area on the left hand side of the picture there. The concept plan submitted by the applicant depicts four fueling pumps with a canopy, a vehicle wash station, highlighted in blue here, a small building, which would serve as a pump station storage area and restrooms, a parking area and site access which utilizes the existing eastern access point on Coal Landing Road, which serves the wastewater treatment facility. As proposed most of the planned facilities would be constructed within the existing cleared area. There is possible encroachment into the wooded strip along Coal Landing Road. The applicant has indicated that the fueling station would be open 24/7 for fueling of County vehicles. There would be no vacuums at the site for vehicle cleaning and there is no gate or fencing proposed.

Mr. Apicella: Brian?

Mr. Geouge: Sir?

Mr. Apicella: Can you go back? Is there any reason why this layout can't be flipped, so that the wash and the fueling canopy can be on the other side and the parking where it is proposed now? I'm just thinking, again, the lower part is closer to the residences. So by making that adjustment, it might have less of an impact on those neighbors, if they flipped that site plan around.

Mr. Geouge: That seems like a potential to me, that that could be reconfigured. The Comprehensive Plan designates most of the property within the suburban land use designation, a 3 acre portion, with the northern portion being resource protection designation, the proposed facility can be considered commercial in nature and the plan recommends a commercial development. Within suburban areas we conducted such that noise, transportation and visual impacts on residential uses are minimized. The comprehensive provides recommendations for public facilities; however county vehicle fueling stations are not addressed specifically. Staff finds the proposal is consistent with several general recommendations of the comprehensive plan and that the proposed facility is within the urban services area, infill development is encouraged. The facility would help maintain levels of service for county services. The proposed co-location on the Aquia wastewater treatment facility property would avoid site acquisition process and provide great efficiency and cost savings, however there are possible noise and visual impacts on nearby residential uses, particularly if the wooded strip along the road is impacted. Staff finds that the positives that this is consistent with some of the recommendations of the comprehensive plan, it's consistent with the established industrial use at the Aquia wastewater treatment facility. Negative would be potential reduction in existing natural buffers and greater noise transportation and visual impacts on nearby residents. Finally staff recommends approval of the application. Pursuant to resolution PCR18-01, staff believes that potential issues regarding buffering may be adequately addressed at the site plan stage. I'll take any question.

Mr. English: Is this fueling station going to be for all County vehicles can go in there, or is it just for school?

Mr. Geouge: It is my understanding it's for all County vehicles.

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Mr. English: Okay, so just another satellite for them. The one at Park Ridge, would that be shut down, or would that continue? Do you know, or is that a school question?

Mr. Geouge: I'm not sure. Somebody at schools would have to answer that.

Mr. English: Okay.

Mr. McPherson: Brian, I have a question too and this might be better for the applicant. What is the purpose of the pumping station? What County vehicles are going to require pumping out wastewater?

Mr. Geouge: I'm not sure. Maybe it's just for the restrooms.

Mr. McPherson: Okay.

Unknown speaker from the audience: Inaudible.

Mr. Geouge: Right.

Mr. McPherson: Well the question was which vehicles would need it, but yes.

Mr. Geouge: Okay.

Ms. Vanuch: Mr. Apicella.

Mr. Apicella: You identified some evaluation criteria. Are there any other county or state criteria that we should consider in making a comp plan compliance review determination?

Mr. Geouge: None that I'm aware of, sir.

Mr. Apicella: And this is just sort of an up or down vote? A yes or no?

Mr. Geouge: That's correct.

Mr. Apicella: So we can't impose any conditions.

Mr. Geouge: That's correct.

Mr. Apicella: But we can any concerns that we might have, if this thing doesn't get approved tonight?

Mr. Geouge: Yes, you can.

Ms. Vanuch: Any other questions? Mr. Randall.

Mr. Randall: Yes, I have a couple of questions. Could you go back to the site overlay please? Do you know what the distance is between the residential neighborhood and the actual fueling station itself?

Mr. Geouge: I'm not sure what the right-of-way width is, that's something I'd have to measure and get back with you on.

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Mr. Randall: Okay. I'm concerned that, if it's open 24/7 and you're running busses through there at 3 in the morning to get fuel before they start their routes, that that may be an impact. Also, in the proposal, was there some way of protecting those wetlands, in case there is some kind of an accident, some kind of a spill? Is there some way of being able to determine or control...did they brief that in their proposal as to some way to keep that from getting out into the protected wetlands, if there is an issue.

Mr. Geouge: They didn't detail that. I know there are requirements through EPA and what not for fueling facilities and containment and underground storage tanks, so I'm sure that deals with some of those things, but I'm not sure of the specifics.

Mr. Randall: Okay, alright, thank you.

Ms. Vanuch: Any other questions?

Mr. McPherson: Madame Chairman, may I make some comments.

Ms. Vanuch: Sure.

Mr. McPherson: So, I did have a chance to speak with the applicant the other day, who I understand is somewhere in the chambers this evening and I just wanted to point out what I discussed with him, that my concerns as the representative of the Aquia district are, since this is a comprehensive plan review, are the buffer and then potential noise. It does state in there, in the application, that there is power washing facilities, and per the drawings, we do see that that canopy can encroach significantly into the buffering zone, so just wanted to make the comment that, personally I do find that as a rather large deviation from the comp plan, not just a minor issue.

Ms. Vanuch: Thank you, Mr. McPherson. Any other questions? Okay. Would anyone would like to come up on behalf of the schools? Mr. Horan?

Mr. Horan: Good evening Madame Chairman, Commissioners. Appreciate it. Scott Horan with Stafford County Public Schools. And for your information and background, the vehicle fleet services that's operated by the County is a joint facility, both County and School facilities, and back in the day when it was established, the school became the host, and so that's why the school is the sponsor for this particular project. To answer some of the specific questions on Park Ridge Elementary School, we're not sure if we're going to close that. Obviously we have some restrictions on the use of those facilities there with some of the peak hours during the Elementary School traffic. We have, because of the loss of the BP Quarles fueling station at Courthouse, we expanded the use of the Park Ridge facility, but before that, we had self-imposed restrictions on its use for county vehicles. So we're not sure, if we're gonna keep that open, depending on the volume of use of this particular one, if it's approved and we proceed, then we'll evaluate it, and it would be our desire to remove it from the Elementary School site, but we don't know at that time. The pump station, it's specifically for the bathroom. We can't gravity feed sewage out of there. The bathroom was requested by users across the transportation community, especially the bus drivers. When the bus drivers come in to refuel their busses, they have no place to go to the bathroom, and that's kind of a convenient stop, you know, so we listened to them and certainly it is not the number one priority of the project. Our number one is to provide above ground fueling stations, which is a package unit, very similar to what we have located on Wyatt Boulevard at fleet services location. So it's gonna be an above ground. It's not going to be underground USTs. So the pump station is for the bathroom. It would be, again, probably an additive bid item, but assume that will be built if we had the resources as part of the project. Flipping the layouts? Certainly. We can certainly

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consider that. I'm not sure if one of our concepts had that or not, or why our engineer aligned it that way? I think it was probably traffic flow as you come to the pumps first, and that would be the primary reason why you're there. The bus would then proceed or go around to a real rudimentary wash rack. We're just talking some hose bibs and some areas to collect the water, treat it, you know, grease trap type stuff and then the busses may pull over to some of that parking. But that parking is not even secondary. It's third or fourth down the list on our priority. Certainly not set up to become a parking lot for any vehicles, you know, because there's no overnight stay that we're proposing. But it'd be for a couple of busses that pull in, you know, they're waiting between 11 o'clock and the next run. They might have a 12 o'clock midday run. So those type of things, so that's what the parking is. So if we have to sacrifice that parking, we certainly can. So if this is something desired by the Commission as part of the review, we can certainly look to do that. We have no problem flipping it. You know, so we get that further away from and we don't have the likelihood of encroaching at all, into the natural wooded buffer area. And certainly I have no problem extending the buffer if we can. We understand the impact. As far as the containment, secondary containment for above ground, most above ground, in fact all, now have dual wall tanks for containment spill. If it's a desire, we can certainly look into a secondary containment. We don't have that on our above ground tank at Wyatt, which is very close to RPA and so the water shed. Any other questions?

Mr. English: Just to clarify, not only schools will be using it, Fire & Rescue and everybody will be using that facility, so it's a good security feature too, because the Sherriff's office will be using it during the night, if need be, for the residents. And I hope that they would get rid of the one in Park Ridge, because of the safety for schools, so I see it's a big benefit to do this. I'm for it.

Mr. Horan: I won't say it will never happen, because we do have busses sometimes coming back late from field trips, so there could be...the whole intent is to have the fueling station open for all of the county users, and so the reason it's 24/7 is really mainly for our Sherriff Department. They expressed a desire based on their...when they're on patrol any item, but especially at night, they have to take time out of their patrol, while they're in that specific area of the County and go all the way down Route 1 to the industrial park located on Route 1 to fuel up and go back. We considered and talked about, well can't we have our vehicles go to some commercial sites, but running busses and EMS vehicles into like a Sheetz or Wawa just is not practical and doesn't work. We've looked at other sites. The Utilities Department identified this site as a potential, as was identified in the presentation, there is no land acquisition here. So certainly a savings to the county for us to utilize that land. There is somewhat of an industrial use with the water treatment plant there. It does make sense, there will be an increase of traffic, absolutely. We have no idea how to measure that at this point in time, other than measuring the traffic to our existing fuel stations. Any other questions?

Mr. McPherson: I have a comment. Thank you very much for your clarification regarding the pump station. I assumed that that was for pumping out sewage tanks like you'd find in an RV. It makes perfect sense that that's for an existing bathroom.

Mr. Horan: Yes, yes, sure, it's certainly not that and maybe we articulated it incorrectly to staff.

Mr. McPherson: I just wanted to bring that up for clarification and also I seem to recall that currently there's 4,600 trips per day along that stretch of road, so I would have to be a pretty significant jump too, and that's already a fairly trafficked road, it seems like, along there. I saw that in the application. I think that the location does make perfect sense. The fact that's industrial, the way it's already zoned, and before Mr. Apicella stole my comments about flipping it, I just think it makes very good sense to locate the fueling station there. And the power wash kind of...when I think power wash I think noisy

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high-pressure hoses, so I think that we can definitely come to a working agreement regarding the concerns for protecting the residential area across the street.

Mr. Horan: You bet. Consider the site flipped, if we can't do it, we'll certainly come back to the Planning department and let them know so they can pass on that information. Obviously you have already ruled I would hope, one way or the other, but we're going to go, obviously, through the TRC process. We'll meet all the Ordinances and requirements through that process, but we'll certainly do everything in our power to flip it.

Mr. McPherson: I have one question. This might be better for DPW or Mr. Harvey, maybe you know. Given that there's now a county fueling station there, would that change the priority of that road for when we have a snow storm, the plows clearing out that road. I assume there's priorities for things like fueling stations for busses and police vehicles.

Mr. Harvey: Mr. McPherson, I believe that wouldn't change the status because the sewer treatment is a critical facility already with the county. It's gotta be operational 24/7.

Mr. McPherson: Okay, so that road is already cleared quickly then?

Mr. Harvey: Yes.

Ms. Vanuch: Any other questions from the Commission?

Mr. Randall: I have one quick question. What's the size of this above ground refueling tank?

Mr. Horan: I want to say it's 55,000, no I'm sorry 5,500 gallon. It has four fueling stations associated with... it's divided into both, Diesel and gas.

Mr. Randall: Okay, thank you.

Mr. Horan: But I will confirm that and pass it on to Planning, because I don't want to mislead you. I don't know that for a fact.

Mr. Randall: And the other thing was, and the protections to this tank, there'll be steel barriers? Concrete barriers around the...

Mr. Horan: Yes, sir. We have a lot of vehicles and sometimes not the greatest drivers.

Mr. Randall: I understand. I'm not going to say anything about the driving, but I just wanted to make sure that there was something available.

Mr. Horan: And there will be some level of lighting. Obviously it will meet all lighting ordinances, you know, not to spill over the property line, but it won't even be close, I don't suspect.

Ms. Vanuch: Any other questions? Alright, seeing none, thank you so much Mr. Horan. At this point I'd like to open up the public hearing on this item on the agenda, so if anyone from the public would like to come forward. You have three minutes to speak. Please state your name and address for the record. When the yellow light comes on you have one minute. Red light means wrap up your comments quickly. Any...Mr. Waldowski?

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Mr. Waldowski: Paul Waldowski. Just so you all know, just by watching your body language, you already gave a yes to this. The county has four access points on I-95, let me keep reminding you. Exit 143, the divergent diamond exit 140, 136 is Mountain View and 133 is US-17. We already have this on Route 1, almost directly in the middle of the County. I'm glad it's going to Aquia, because Aquia is my favorite HOA. The houses of Aquia. And my main concern is always, when I see an RPA, a resource protective area, and you put any kind of fuel on it, I'm not taking any man's word that it's not gonna leak, because it's gonna break. That's what's called engineering 101. All things will break eventually. Now the first comment I thought about when I saw this, I said, I thought to myself "holy sheetz", but then it got cleared up, it was waste. You know we already have a Sheetz, you know, but they got the best octane on 610, just so you know. That's why I don't go to Wawa anymore. Now the parking lot really concerns me, because god doesn't make any more land. And I'm tired of Planning Commissioners and Board of Supervisors approving horizontal land being paved. You are effecting the Chesapeake Bay watershed, the stormwater aspect. If you remember the picture of the Leeland Cyprus that was standing there. Even in winter it's a good blocker. So just so you know. Probably good place for that. And the other thing is about the trips per day. It's already 4,600, according to the comment made, so where is the traffic impact analysis? And I will add to the comment about Park Ridge. I don't like anything near a school system. Kids are the future and that should be a conditional use permit that they have to get rid of Park Ridge to do this, because that's just one of the key aspects of the next generation. Thank you.

Ms. Vanuch: Thank you, Mr. Waldowski. Anyone else like to come forward on this issue? Okay, seeing no one coming forward, I'm gonna close the public hearing on this item and bring it back to the Planning Commission. Does anybody have any questions for the applicant, based on the public hearing, or for staff? No? Okay. So Mr. McPherson, since this is in your district, what is your will tonight?

Mr. McPherson: Madame Chair, I move that regarding item 3 on our agenda COM17152019, I move that we defer the vote as to substantial compliance to the comp plan to the March 14th meeting and make a decision at that time.

Ms. Vanuch: Okay.

Mr. Apicella: I'll second that.

Ms. Vanuch: Any further comments Mr. McPherson?

Mr. McPherson: Yes I do. Thank you very much. We do have the deadline for this, it's April 15th. I think that a one month delay just to give the applicant time to possibly review the application, change some of the redline drawings, possibly flip the layout as we discussed, would be in everybody's best interest. I'd like to reiterate what I said before, I do think that this is overall a good plan. We just need to make sure that we look not only at the industrial and what's good for the county, but what's fair to the residential area across the street. Thank you Madame Chair.

Ms. Vanuch: Thank you so much Mr. McPherson. Mr. Apicella?

Mr. Apicella: Nothing to add to that.

Ms. Vanuch: Alright, anyone else on the Commission care to discuss? Okay, with that, please vote. Okay, the vote passes unanimously. So now we move on to item number 4 on the agenda, the Reclassification for Celebrate Virginia Multi-family Minor Proffer Amendment. For this presentation I'd like to recognize Mr. Zuraf.

4. RC17152138; Reclassification - Celebrate Virginia Multi-family Minor Proffer Amendment - A proposal to amend proffered conditions on Tax Map Parcel Nos. 44W-2A and 44W-2B, zoned RBC, Recreational Business Campus to modify the requirements for washers and dryers in each unit. The Property consists of 24.63 acres, located on the west side of Celebrate Virginia Parkway, approximately 3,000 feet south of Banks Ford Parkway, within the Hartwood Election District. **(Time Limit: May 25, 2018)**

Mr. Zuraf: Good evening Madam Chairman, members of the Planning Commission, Mike Zuraf with the Planning and Zoning Department. If I could have the computer please. This item is a minor proffer amendment for a portion of Celebrate Virginia; the Silver Collection at Celebrate Apartment Complex specifically. This is a request to amend proffered conditions on this site. There are two properties affected that cover 24 acres. The zoning is actually RBC, Recreational Business Campus, and the applicant is Chris Hornung with Silver Companies. This evening, Jervis Hairston is filling in for Mr. Hornung who has another obligation. The site is highlighted in red and located on the west side of Celebrate Virginia Parkway, approximately 3,000 feet south of Banks Ford Parkway. The M-1 zoning surrounds the site on three sides; that's in the darker blue. That's actually, sorry, M-2 zoning, Heavy Industrial. And then RBC zoning is located adjacent to the property to the south; that's the purple shade on this zoning map. This is an aerial view of the site. A flex office use is located across the street, across Celebrate Virginia Parkway from this project. There's undeveloped land on the other three sides of this property. The area includes two pad sites where the apartment buildings are clustered and divided by a stormwater detention basin. And also surrounding this site are forested areas with a mix of deciduous and evergreen trees. Looking at the zoning history of this site, back in the 70's the land was originally zoned from A-1, Agricultural, to M-2, Heavy Industrial; it was part of Heritage Commerce Center and there were no proffers back in that time. In the early 2000's, the land was incorporated into the Celebrate Virginia North project, and the Celebrate Virginia Parkway was constructed through and these parcels were created off of that road. Then in October of 2013, one of the parcels, 44W-2B, was rezoned to the RBC zoning district. The development plan at the time was for secure short-term housing, including 192 dwelling units. There were proffers that applied at that time. Then that project did not come to fruition and, in October of 2015, the proffers on that property were amended and then the adjacent parcel, parcel 2A, was rezoned to RBC as well. There was a Conditional Use Permit received... that was obtained and that allowed for 278 apartment units on the overall site with new proffers and the Conditional Use Permit conditions. And since then, the applicant's been working through site development. On January 20, 2017, site plan was approved and the site's under construction with the first phase of the project complete. Here's an image of the original General Development Plan as approved, and the site plan closely resembles this layout. For orientation, across the top of the screen, the two grey lines represent Celebrate Virginia Parkway. These are the building renderings that accompanied the zoning approval at the time. And the next few slides show representation... current representation of the project as it exists today. These images show the inside of the clubhouse on the property. And then this shows photos of the inside of some of the units. The bottom photograph is the focus of this amendment. This is a photo of the washer and dryer closet in one of the units. The proffers require that all dwelling units include features that ensure high quality product, including that all of the units have washers and dryers. With the washer and dryer requirement, each unit must have a washer and dryer to obtain an occupancy permit. The applicant has discovered, through experience with other projects of this type, that more than 50% of the new residents bring their own... or opt to bring their own washers and dryers. For the others, the owners can lease... or the tenants can lease a washer and dryer from a third party company that provides washers and dryers to the other tenants. Because of this, the applicant would rather not install washers and dryers in every unit and then turn around to remove them for more than half of the units. So, to be able to have this flexibility, the applicant is proposing a modification to proffer 3e. The version that you received in your

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staff report, that amendment required each unit to provide the space with electrical and plumbing to accommodate a washer and dryer, rather than physically install the washer and dryer itself. Following the release of the staff report, there were some concerns raised from Commissioners about the amended language, and staff was asked to, along with the applicant, to look into modifying the language to provide more assurances that washers and dryers would be provided in the units in the future. So, this evening, you received at your desk, a revised version of the proffers that we worked through with staff. So, I'll just go ahead and read the new amended language. So, it says, "At the time of final inspection for occupancy, each residential unit shall have electric and plumbing and venting connections installed for washers and dryers, but washers and dryers do not need to be physically installed at this time. Thereafter, each tenant shall be provided the option to install their own units or use the units provided by the complex, which may be provided through a third-party leasing and management company. In no event shall an occupied unit be without a washer or dryer. Any changes to this condition will require a future proffer amendment in accordance with the County Code." So, we worked through... staff and the applicant worked through this and that's the current proposal before you. Staff believes this is an acceptable modification that would not degrade the desired high quality of the development, and although the presence of washers and dryers cannot necessarily be fully guaranteed requiring the physical area and electrical and plumbing connections will ensure the option is available to tenants. The overall evaluation, as far as positives, the amendment does not degrade the desired high quality of the development; the amendment does not change the intensity or use of the development; and it allows for a reliable compliance with the proffers. Staff doesn't see any negatives with this and is supportive of the amended proffers pursuant to Ordinance O18-11 and recommends approval.

Mr. English: Mike, question. The initial proffer says that they would provide washer and dryer, correct?

Mr. Zuraf: Yes.

Mr. English: That's the initial. Okay, I guess my next questions are going to be for the applicant.

Ms. Vanuch: Any other questions for staff? Mr. Apicella?

Mr. Apicella: The language is a little quirky to me. But I take it the bottom line is, you either provide your own washer and dryer, and if you don't provide your own washer and dryer the complex is going to provide it. All the language about third-party leasing management, I'm not sure why that's important here. But for the person who brings their own washer and dryer, there's no credit or not benefit to them bringing their own washer and dryer. I don't see any relief provided to those people who choose to bring their own washer and dryer.

Mr. Zuraf: The way it works, from my understanding in talking with the applicant, is the tenants who sign a lease for washers and dryers that are provided by the complex, they would pay \$30 to \$35 per month. So the benefit to an occupant bringing their own, they don't have to pay that extra monthly charge for their rent.

Mr. Apicella: Okay, so I've seen the marketing materials for this complex; I don't see anything in there about paying an upcharge if you rent a washer or dryer. It just provides a basic fee structure. Have you seen their marketing materials?

Mr. Zuraf: I have not seen that information. That's just information that was provided... I didn't look through any detailed marketing information other than some pamphlet with layouts, and this was information shared by the applicant.

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Mr. Apicella: So, I'm going to belabor the point here because I have some concerns, even with the changes that they've made. In your research that you conducted in newer apartment complexes, do they typically provide washers and dryers?

Mr. Zuraf: Yeah, we looked at and we provided some additional information to you tonight. We looked at some of the surrounding new apartment complexes in the County and in the City of Fredericksburg and Spotsylvania, and yes, most of the other complexes do provide washers and dryers.

Mr. Apicella: And the one... the Silver Collection at Fredericksburg, do they indicate on their website that they provide in-unit washer and dryers?

Mr. Zuraf: I think in general it does show that they provide them, yeah.

Mr. Apicella: Did you see anything there about an upcharge for washers and dryers if provided by the complex?

Mr. Zuraf: No I did not.

Mr. Apicella: Based on your research that you collected, are in-unit washer and dryers a desired amenity in apartment buildings?

Mr. Zuraf: Yes it is.

Mr. Apicella: And have you found any evidence to support the contention that a significant number of people renting apartments in Stafford would rather bring their own washer and dryer than have a complex provide them for them?

Mr. Zuraf: Well, the only, you know, it was just noted by the applicant in their instance in their products that they've discovered more than half the people in their complexes will...

Mr. Apicella: For this complex, how many people have rented apartments so far? The one in Stafford?

Mr. Zuraf: I think it has to be somewhere around from the time when I visited and talked to the applicant and the leasing agent, I think it was around 20 to 30 units.

Mr. Apicella: So, maybe 10%?

Mr. Zuraf: Yeah; less than that.

Mr. Apicella: Okay. Did you have a chance to research the average cost of renting a washer and dryer?

Mr. Zuraf: Well, there was a quick search on like looking at getting a washer and dryer from like Rent-A-Center, and that was \$130 a month for an average washer and dryer.

Mr. Apicella: And did they explain why someone would want to bring a washer and dryer, but not bring a refrigerator or stove or any other appliance that an apartment complex might normally provide?

Mr. Zuraf: No, that might be something for the applicant to explain.

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Mr. Apicella: Okay. When somebody moves from base housing, do they typically provide washers and dryers in base housing? Do you know that?

Mr. Zuraf: I'm not certain.

Mr. Apicella: Okay. So, as it currently stands, in-unit washers and dryers were proffered back in 2015 and there have been no changes to the proffers thus far.

Mr. Zuraf: Right.

Mr. Apicella: Do we know why, in their marketing materials, they say that they don't provide washer and dryers since we haven't changed the proffer?

Mr. Zuraf: No I don't.

Mr. Apicella: Does the complex have an elevator?

Mr. Zuraf: The portions that I went to did not have an elevator; there were stairs.

Mr. Apicella: So, if someone wanted to provide their own washer and dryer, it wouldn't be so easy to get it from the ground floor to the... I think it's a 3-story complex, right?

Mr. Zuraf: Correct.

Mr. Apicella: It wouldn't be so easy to get it to the top floor.

Mr. Zuraf: It may not.

Mr. Apicella: Okay, thank you.

Ms. Vanuch: Any other questions? Mr. Randall... oh, go ahead Mr. Randall.

Mr. Randall: In the information that you gave us, for those items, for those areas that say the cost of a washer and dryer is included in the rent, is there some rent... do they take some money off the rent if you bring your own? Or are you paying for a washer and dryer and you're still bringing your own, for those... I'm looking at Abberly, I'm looking at Abberly Southpoint -- they say that those are included in the rent. Do they give them an option to say if you bring your own then you can cut this much off your rent?

Mr. Zuraf: Those Abberly examples, they do not allow tenants to bring their own washers and dryers.

Mr. Randall: They do not allow them.

Mr. Zuraf: No.

Mr. Randall: Okay, so when you say included in the rent, you mean that it's already there, you don't need to bring your own because those are already there; you need to sell them before you move in type stuff.

Mr. Zuraf: Yeah, or do something... yeah, put in storage or, yeah.

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Mr. Randall: I understand. What's the demographics of those who we expect to be in this? Is it a younger crowd, is it an older? Who are they marketing?

Mr. Zuraf: From my recollection of the time when this was approved in 2015, the discussion was that this would attract maybe younger professionals, and then maybe retired... you know, people who are entering retirement age.

Mr. Randall: Who are downsizing maybe or starting out for the first time?

Mr. Zuraf: Yes.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Mr. English?

Mr. English: Nothing. I'm going to wait for the applicant.

Ms. Vanuch: Okay...

Mr. Apicella: I do have one more question.

Ms. Vanuch: ... yes, Mr. Apicella.

Mr. Apicella: I'm sorry, I meant to ask it. In terms of rental rates, how do they compare to other apartment complexes? Are they on the low end? The medium? The high end?

Mr. Zuraf: They're on the high end.

Mr. Apicella: High end? Okay, thank you.

Ms. Vanuch: Okay. Seeing no other questions on the Commission for staff, would the applicant like to come forward at this point?

Mr. Hairston: Madam Chair, my name is Jervis Hairston and I'm with the Silver Companies, but the President of the Multi-Family Division for the Silver Collection flew up today from Florida to be here to answer these types of questions that you have, because he has all the experience, especially with the specific questions that we're hearing. So, I'd like to introduce Mr. Tim Bostrom, the President of Multi-Family for Silver Companies.

Ms. Vanuch: Mr. Bostrom?

Mr. Bostrom: Good evening. Thank you guys for letting me speak tonight. As Jervis said, my name's Tim Bostrom. I'm from Florida but originally from Virginia. And we've been talking about this proffer for quite a while and Mr. Apicella... sorry if I mispronounce your name... Apicella has been bringing up a couple points, so I'll touch on a few of those. The current proffer, as it's written, says all units shall have washers and dryers within the unit. And that was written because we were... per Stafford's request, we wanted to show ourselves as very highly, luxury property. We weren't going to have a laundry room. There was no central laundry. There would be a washer and dryer hookup. With my experience of 20+ years in the multi-family world, specifically apartments, we... you see us all the time;

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I'm from a house, I'm buying a house, I'm selling a house, I've got this beautiful washer and dryer, I've got a front loading washer and dryer, I want to bring it with me. I'm going to move it into my unit, I don't want whatever you have there. Get it out of there, get it out of there, I don't want it there. That happens, as we have discovered, it's 50% of the 800 units that we have. This is not common in Virginia; you guys are very correct with that. It is common across the United States, I can tell you that. In North Carolina, where our other projects are, Mecklenburg County, it is very common. This is a common occurrence; everybody leases their washer and dryer from a specific management company. We use Automatic Leasing is who we use. I had a conversation with Automatic Leasing this week and said, well, how many companies do you do business with? So they do business in Maryland, D.C... sorry, Maryland, Virginia, and North Carolina. Over 400 properties they do business with. And their goal is, they come in and they rent... they say alright, I've got 200 units here, I'm going to take my... I'm going to charge you guys \$25 and we're going to mark that up to \$35 for each resident. So, if your rent's \$1,000, it's actually going to go up to \$1,035. So that is the common occurrence throughout this country. I'm using the Mid-Atlantic because I can speak to that. But I've been to the National Apartment Association and all over that trade room show floor is apartment leasing specialists. The biggest advertisers there are apartment leasing specialists for washers and dryers. So, this is a common occurrence. It may be unique to Stafford County. Silver is not unique to Virginia. We've got stuff all over the country. You guys are familiar with them obviously because this is where it all started, but that's who Silver is. We do classify ourselves as luxury property. We've got 9 and 10-foot ceilings, high-end finish stainless steel appliances, 10,000 square-foot clubhouses. We have... I would invite all of you to come out and look at our property. It is the... it is the premier property in the area, in my opinion, other than the other one we built in Cosner's Corner. We do this... we build these high-end properties because we want to attract good people and we believe they're coming from homes and they may be... their next step may be to move to a home and they want to have the highest and best. And so, us providing a washer and dryer that they have may not be what the type they want, the type they've always used; they don't want to use somebody else's that they've had at their property for 10 years. So that is the reason for that. I think that's where my points I had... I'm sure and I can touch on some of the questions that were asked before as to why we have marketing that says we have washers and dryers in the units; because the interpretation of the proffer, so far, has been that we have to have washers and dryers in the unit.

Mr. Apicella/Mr. English/Ms. Vanuch: No, that's not what it says.

Mr. Apicella: In fact, it says just the opposite. It says, you will provide washer and dryer hook-ups. It does not say you're going to provide washers and dryers. That's your marketing material and that site.

Mr. English: That's what it says, right here.

Mr. Bostrom: Sure, and online if you look, it says all units -- I'm on our website here -- all units shall contain... all units... washers and dryers provided in all units. That's are website.

Mr. English: I've got a couple questions. I feel like I've been duped when he just showed me that. I didn't even see that. I feel like, you know, you're marketing... you're going against the proffers by not offering the washer and dryer.

Mr. Bostrom: Well...

Mr. English: Wait a minute. The second thing is, you say it's a high-end, you want to keep it high-end. I come in and I bring my washer and dryer. Do you inspect it? Suppose my washer and dryer is 20 years old and I bring that in there and it may cause a fire. Do you inspect those washers and dryers?

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Mr. Bostrom: We do not.

Mr. English: Isn't that... do you feel like that's going to be a...

Mr. Bostrom: No, I don't. I mean, we haven't had that issue so I can't...

Mr. English: You haven't had it, correct.

Mr. Bostrom: No, no.

Mr. English: If I bring a washer and dryer in like Mr. Apicella said, will my rent go down? If I bring my own?

Mr. Bostrom: No, it won't.

Ms. Vanuch: It just won't go up.

Mr. English: So, but it will go up if you provide the washer and dryer.

Mr. Bostrom: It will go up if... yes, that is correct, that is correct. It's... we've got a lot of people that come and bring their own washers and dryers, and so there's... that's their benefit to bring their washer and dryer.

Mr. English: Alright.

Ms. Vanuch: I have a quick question if you guys will oblige me. So, your marketing materials say that you'll provide a washer and dryer hookup. You... I think Mr. Zuraf said that you had maybe 20 or 30 apartment units rented out. I'm just curious in those rental contracts. Did you provide washers and dryers in all of those contract already or just hookups and they rent them?

Mr. Bostrom: We did. We were required to as part of our Certificate of Occupancy, yes.

Ms. Vanuch: Okay. Any other questions? Mr. Randall?

Mr. Randall: I do have a question. I find it counter-intuitive when you say it's a premier luxury apartment complex and then we don't provide a premier washer and dryer in every unit. I would... I guess I am expecting that if I buy a car that is premier luxury car I should not have to provide my own garage door opener. I should be able to program it. It should be part of the car it should make it work without having an added thing that I bring to the car. Maybe that is not exactly the same type of correlation, but to sell it otherwise I think is one, you then can say as you normally would, we have had this for 10 years, we want to be able to continue to sell it as a luxury premier. The refrigerator has been there 10 years, it's getting old. We need to replace it. Washer and dryer has been there ten years, they are getting old. We need to replace them. Obviously if you leave everything in there for 20 years you can't call it a premier luxury apartment complex anymore. So I think you have a lot more flexibility with being to be able to control it as a premier luxury apartment complex, if you have those controls. I also think that some people would like the opportunity to be able to get rid of their old ones, especially if they are not going to get a rent reduction. If they know there is going to be something in there that's a premier washer and dryer for them.

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Ms. Vanuch: Thank you Mr. Randall. Mr. English.

Mr. English: You say... what I am reading here, the two bedroom runs between \$1,700 to \$1,900, correct?

Mr. Bostrom: That's correct.

Mr. English: So, I am paying \$1,900... \$2,000 a month, we will say, for rent and I say I want to go ahead and you have to put the washer and dryer in. How much is the rent going to go up on top of that?

Mr. Bostrom: Currently, at our other locations, it would... it's about \$35.

Mr. English: So you are talking... so is it going to be more at this location?

Mr. Bostrom: No. No, I am using the numbers that I have.

Mr. English: So it's going to be thirty...

Mr. Bostrom: \$35.00.

Mr. English: I don't like that. And... but you are saying if I provide my own washer and dryer, the rent is going to stay like it is. But if you put it in there, according to what you offered to proffer, you are going to cause these people to pay \$35 a month. And they you have already said that you are only providing hook-ups. I think you have been violating the proffer already with your advertisement.

Mr. Bostrom: With the ad...

Mr. English: With that advertisement because, you know, supposed I don't have a computer and I pick up one of the pamphlets. I am glad you showed me that Steven. I pick that up and it says hook-up but on your website it says you provide that.

Mr. Bostrom: Sure, and when the marketing material was done, we... Silver, interpreted it as we... you have the ability... there is a washer and dryer hook-up in every unit.

Mr. English: How can...

Mr. Bostrom: So, it reads all units will have washers and dryers within the unit. It does not... when the certificate of occupancy was... when it was first given we have to have a washer and dryer in the unit. So that is why the change was made. We obviously...I don't know when that was received. So we...

Mr. Apicella: Sunday.

Mr. Bostrom: Okay. So it... we would tell them at that point, it may say this but you are... our website is up to date.

Mr. English: But if I picked that up and I see that and then you are telling me then it is different. I think that you are duping the citizens or whoever, your residents. I think you are...

Mr. Boswell: Some of these people are going out and buying them...

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Mr. English: Right.

Mr. McPherson: That's a lure.

Mr. Boswell: ... with the pamphlet in their hand.

Mr. English: And then I think it's wrong that these guys are paying \$2,000 a month and you're going to hit them for another \$30 a month because you offered a washer and dryer hook-up and now you say washer and dryer and you're going to up the rent. That's bad business. That's my personal opinion.

Mr. Bostrom: Sure, we could tell them, we apologize for this error. If you go on our website, it's much more current.

Mr. English: But supposed I don't have a computer buddy?

Mr. Boswell: A lot of elderly people don't.

Mr. Bostrom: Sure.

Mr. English: I mean, I'm just saying, you know. And the only reason I have one is because my wife and kid has one; I probably would not have a computer if it wasn't for that.

Ms. Vanuch: Don't lie.

Mr. English: That's true. Okay that's all I have.

Ms. Vanuch: Any other questions? Mr. Apicella did you have some more?

Mr. Apicella: I do. So you said you had a lot of experience in apartment business, I appreciate that. Are you familiar with the apartment guide?

Mr. Bostrom: Very much, yes.

Mr. Apicella: Okay, what do you think it says is the number one desired amenity in apartments?

Mr. Bostrom: I don't know, I am sure that changes frequently.

Mr. Apicella: In unit washers and dryers and the date of this November 2017, three months ago. Are you familiar with the National Apartment Association?

Mr. Bostrom: Very much, yep.

Mr. Apicella: Okay, they did a study in April 2017. Do you know what the number one desired amenity is in apartments?

Mr. Bostrom: No.

Mr. Apicella: In unit washers and dryers. We asked our staff to survey newer apartment complexes in the Stafford are, and it included Fredericksburg and Spotsylvania. So 7 out of the 8 apartment complexes that they reviewed... guess what? They all provide in unit washer and dryers, at no

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additional cost, beyond what the identified price regime is. The only one that doesn't is the Silver Collection at Spotsylvania. However, the Silver Collection at Celebrate Virginia, guess what? It provides in unit washer and dryers. So, I hear what you are saying, but all evidence leads me to a completely different conclusion that the vast majority of people actually want in unit washer and dryers, contrary to what you are saying. And this notion that people want to bring their washer and dryer, it would require somebody being in a residence where they have already purchased a washer and dryer and they have to move it. Most people, when they sell a house... I know when I sold my house, the people who bought that house, guess what they wanted, a washer and dryer. So it is just illogical to me that the vast... at least half the people who are moving from one location to another want to bring their own washer and dryer. To Mr. Randall's point, if you are going to provide a top of the line washer and dryer, I would think people would be pretty happy with that. So, I just find this request completely illogical and contrary to all the evidence that we have collected thus far.

Mr. McPherson: Yes, if I may, one comment. While I agree with the comments of my colleagues on the Commission, to me the most salient point to all this is that I am looking at a written... regardless of what your website may say, I am looking at a print advertisement that goes against the previous proffer and to me that is above and beyond, even just the pricing and what people may or may not want to bring. That troubles me greatly, that I am looking at print right here, washer dryer hook-up in unit which is different from what has been agreed to prior to you coming to ask for an amendment. Thank you.

Ms. Vanuch: Mr. English.

Mr. English: I have got a question for Ms. McClendon. Ms. McClendon, in reference to what we have just seen tonight, and it says washer and dryers... and they have advertised like that and the advertisement on the website... are they in violation of the proffer? What could happen to them as far as that is concerned? Or is that... do you understand what I am saying? They are advertising what we found... what Steven has found and then he is saying on the website it is different. Is there a... something that is in violation of the proffer from 2015?

Ms. McClendon: Commissioner English and Madam Chairman, the County does not actually look at the advertisement as part of the proffer. The County has to look at the actual events of the building. For instance, the County looks at it at the time of occupancy. So at the time that they go to issue the occupancy permit, is when they would have to check the unit for meeting all the proffered conditions. So the advertisement, in and of itself, while the Commission may feel that it shows bad faith, it doesn't show a violation of the proffers when the County goes in for the individual unit with the occupancy permit.

Mr. English: Okay, thank you.

Ms. Vanuch: Mr. Randall.

Mr. Randall: I have one quick question, I am sorry. You know we talk about this proffer being an all or nothing. And I may be out of... correct me if I am wrong. But is there a way to say we are going to offer 50 percent of them with washer and dryer, with this rent and we are going to offer 50 percent of them without washer and dryer with this rent? Maybe all those on the third floor will have washer and dryers already there.

Mr. Bostrom: Sure.

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Mr. Randall: To Mr. Apicella's point, is that you are not... without elevators you are not carrying up and down, and having done that a hundred times, there is no fun in that.

Mr. Bostrom: Sure. Part of the issue is we can't even go for final occupancy permit without having a washer and dryer in the unit. So that if somebody moves in, then we have to then move it out. We can do that, if we can change the current proffer as it reads. We can put washers and dryers in there and do have the 3rd floor, half the 2nd floor and half the 1st floor, so that it does read differently.

Mr. Randall: It would read differently, but it may sway some of the concerns if we give the options available and then you have different rent structures for those that do and those that don't.

Mr. Bostrom: Sure.

Mr. Randall: At least it would then be clear up front and there may be some requirement that says, premier luxury... your washer and dryer need to be relatively new, they need to be this model, they need to have this hook-up, those types of things. So that, and to the point being made, it's not 20 years old and it's going to flood... or there is a greater chance that it is going to flood and cause damage to the second and first floor.

Ms. Vanuch: I have a question regarding your occupancy permits. Do you try to get an occupancy permit for every apartment at one time, or do you do it individually, or do you do 25 percent at a time, 30 percent.

Mr. Bostrom: In Stafford County it is by each unit. So we typically we try to do a building at a time. So it is roughly 20 to 30 units at a time.

Ms. Vanuch: So technically, if we use Mr. Randall's solution you could do one building and have washers and dryers in that building and then take them out of that building and move them into the second one and keep moving them around while you get your occupancy permit. Technically you could do that...

Mr. Bostrom: Sure.

Ms. Vanuch: ... and there would not be a way to stop you by doing the 50 percent.

Mr. Bostrom: Yes, we have not done that but we... yes.

Ms. Vanuch: But you could. That was my other question. Does anybody else have any other questions? Then we can move on to the public hearing portion. Okay. Thank you so much.

Mr. Bostrom: Thank you very much.

Ms. Vanuch: Okay, so now I will move on to the public hearing portion of tonight's meeting on this agenda item. If anyone is here to come up and speak, you have three minutes. When the green light comes on, yellow light means one minute, red light means wrap up your comments. So would anyone like to come down? Mr. Waldowski.

Mr. Waldowski: Oh man, I only get three minutes to beat you up. Paul Waldowski, it has been a long time since Silver has come to a Planning Commission meeting that I have been at. There are no benefits to this and I am glad that you advertise your apartments like that, because I have a furnished apartment

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and I have no problems doing it because I furnish a washer and dryer, a Maytag with a 10 year warranty. Can you believe that? I also furnish a tank-less hot water heater so, wake up to the 21st Century. Yes I am 65 and I have been doing it more than 20 years. This is not BYOW or BYOD, because if you let someone bring their own they are going to bring cockroaches, diseases, any other kinds of aspects. You heard about the fire. You put one on there that's got leaks and they don't have a pan underneath, it going to come down. My apartment is on the 3rd floor. Guess how I learned how to protect my neighbor? Because I had an old washer that leaked. It's just amazing to me that you have the audacity to say that this is a minor proffer amendment and we are dealing with property that is 24.63 acres. I live in a subdivision that has 25 houses that has 8 acres and we all have washer and dryers, of course. You... man this just irritates me so badly that you are trying to be premier and you have no idea what the word premier means. And if you have these units at \$1,700 and \$1,900, you are even excluding the people that get BAQ and VHA, which... well we only have Quantico, Fort Lee, Fort Belvoir, the Pentagon. Golly, a whole military population, and don't worry I know all about Florida, it's a State. I worked on Hurricane Andrew in 1992. So I am well aware about what's going in, but I am very concerned that everything is not modernized to 21st Century standards, move in ready and proffers mean, just what they mean, an unenforceable useless aspect and I would highly recommend that you buy Maytags versus Electrolux, because I already won in a lawsuit against Electrolux because they had leaks on their front ends, so call the Maytag repairman.

Ms. Vanuch: Sorry, My mic was not on. Thank you Mr. Waldowski. Would anyone else like to come up? Okay, seeing no one approach the podium, I am going to close the public hearing on this item and bring it back to the Planning Commission. Would the applicant like to address any of the questions that were raised by Mr. Waldowski? Do any of the Commissioners have additional questions for the applicant or staff? Okay. So Mr. English, since this is in your district, what is your will?

Mr. English: Unfortunately, I am going to have to deny this because of the facts... a motion to deny it. So, motion to deny RC17152138.

Mr. Boswell: Second.

Ms. Vanuch: Okay, we have a motion by Mr. English to deny the reclassification for Celebrate Virginia Minor Proffer Amendment and a second, was that a second that I heard by Mr. Boswell? Mr. English, do you have any further comments?

Mr. English: It kind of... just like Mr. Waldowski said in just the premium properties and you are getting ready to pay this kind of price and then now they are going to throw another \$30 on you for renting it. And then you don't know what you are going to get, if it's a premium property and so I have... and then plus with what Commissioner Apicella brought up about showing me the advertisement, the false advertising there. So that is the reason I am denying this.

Ms. Vanuch: Mr. Boswell?

Mr. Boswell: Nothing further.

Ms. Vanuch: Any other Commissioners like to make comments? Mr. Apicella.

Mr. Apicella: I'm just going to sum it up Madam Chair, that this is a really bad idea and leave it at that.

Ms. Vanuch: Okay, duly noted. Alright, so with that I would like to move to take a vote. Okay, so the motion passes 5-1.

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Mr. McPherson: Madam Chair, for the record that was miss-vote on my part. I thought I was hitting the green button, I don't know if there is a way to correct that.

Ms. Vanuch: Ms. McClendon, should we re-vote?

Ms. McClendon: I would.

Mr. McPherson: Thank you.

Ms. Vanuch: Okay, so Commissioners, please take a vote again on the same thing. You have got to press the green one.

Mr. McPherson: It's broken. It is broken, I am pressing the green one.

Ms. Vanuch: Okay.

Mr. Boswell: Can we do a verbal?

Ms. Vanuch: Yes, let's... you recommend doing a verbal vote?

Ms. McClendon: Madam Chairman, I believe the record can reflect that Commissioner McPherson's desire to vote yes and it would be a 6-0 vote.

Ms. Vanuch: Okay, so let the record show 6-0 vote. Alright, moving on now to item number 5 on the agenda, Conditional Use Permit for Mapei Minor Conditional Use Permit Amendment.

5. CUP17152105; Conditional Use Permit - Mapei Minor Conditional Use Permit Amendment - A request to amend conditions of an existing conditional use permit (CUP) for an exception to the maximum height of a structure in a M-1, Light Industrial Zoning District on Tax Map Parcel No. 45-15E (Property). The amendment would modify conditions to reduce transitional buffer widths along the north and west boundary of the Property. The Property consists of 6.56 acres, located on the north side of Nelms Circle, 800 feet west of its northern intersection with Falls Run Drive, within the George Washington Election District. **(Time Limit: May 25, 2018)**

Mr. Geouge: Good evening again Madam Chairman, members of the Commission.

Ms. Vanuch: Yes Mr. Geouge.

Mr. Geouge: This is a Minor Conditional Use Permit Amendment for Mapei. The request is to amend conditions of an existing Conditional Use Permit which permitted an exception to the maximum height of a structure. The zoning is M-1, Light Industrial, on parcel 45-15E, consisting of 6.56 acres. The applicant and agent is Steven Gorney of Mapei Corporation. And this is within the George Washington District. The site is located on the north side of Nelms Circle, 800 feet west of its northern intersection with Falls Run Drive. The site is zoned M-1 and is surrounded by M-1 zoned property. The property and many of its surrounding parcels have been zoned M-1 since at least 1978, and there are no proffers on the property. Adjacent uses include an industrial park to the west, a motor vehicle sales and federal government building to the south, and adjacent parcels to the east and north are vacant. The Comprehensive Plan designates this property within the Warrenton Road Planning Area. A more detailed land use concept for the Planning Area shown here recommends mixed use –

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commercial/residential development along this portion of Warrenton Road. That area is shown in purple. A Conditional Use Permit was approved in 1998 for a height exception to allow for the construction of a 75-foot material storage tower located at the back of the building. That's pictured here. The conditions imposed with the CUP required conformance with the proposed tower location and height, and required a natural 100-foot buffer to be retained along the northwest property line, generally shown here, and a 50-foot buffer along a portion of the northeast property line, generally shown here. The property is developed with a single industrial building, approximately 63,000 square feet in size. There are two full service access points serving the property on Nelms Circle. And there are wooded buffers along the northwest and a portion of the northeast property lines, as required by the Conditional Use Permit. The CUP amendment is being requested to reduce the widths of the conditioned buffers along the northwest and northeast property lines. The reduction would allow for a proposed building warehouse addition. A layout plan was submitted which shows the general area of the building addition, as shown here in gray, the realignment of drive aisles -- here is the existing and then this is the proposed location -- and the resulting buffer widths. So, the orange shading represents the areas of existing buffers that would be encroached on. The green represents the remaining buffers. The applicant is proposing to retain a 30-foot width buffer along the northwest property line, and a 40-foot width buffer along a portion of the northeast property line. Since the property abuts M-1 uses, and a vacant industrial zoned property, transitional buffers would not normally be required. The applicant has also expressed some urgency in this project moving forward. The proposed Conditional Use Permit revisions include reducing the required buffer along the northwest property line from 100 feet to 30 feet, reduce required buffers along the northeast property line from 50 feet to 40 feet, and require that existing vegetation in the buffer areas be preserved to the greatest extent possible. Staff finds the positives is that this is consistent with the established development patterns that proposed buffer reductions should not have a detrimental impact on adjacent properties since they are either existing industrial uses or zoned for industrial use. The proposal supports the Economic Development Strategic Plan goals by expanding business growth also. Negative is that the proposed expansion of industrial use is not clearly consistent with the Comp Plan recommendations; however, again, staff notes that the established... it's definitely a well-established industrial use in this vicinity. Finally, staff is supportive of the application with the proposed conditions pursuant to Resolution R18-32. I'll take any questions.

Mr. McPherson: I have a quick question regarding the reduction in the buffer width. Is there an existing fence there now? Or and if not, if the reduction in buffer require that a fence be added in addition to the vegetation they want to maintain?

Mr. Geouge: I think there may be a fence along the rear property line, but I'm not positive. And I'm not sure if it's like a board on board fence or a chain link or something of that nature.

Ms. Vanuch: I see the applicant shaking their head yes.

Mr. Gorney: (Inaudible - speaking from audience).

Mr. McPherson: Is it just a chain link fence or is it...?

Mr. Gorney: Yes, right now it's just a chain link fence.

Mr. McPherson: Okay.

Ms. Vanuch: Any other questions and then we'll let the applicant come up and he can go into more detail on his fence.

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Mr. Apicella: Madam Chair, I have one question.

Ms. Vanuch: Yes, Mr. Apicella.

Mr. Apicella: I'm looking at page 8 of 10, condition number 7, normally that condition reads this CUP may be revoked for violation of these conditions or any applicable federal, state, or county code, law, ordinance, or regulation. The language here is rather expansive. What it says is it may be revoked or conditions modified, and then it goes on to say, and the applicant is given the opportunity to cure the violation. Did we come up with that language or did they come up with that language?

Mr. Geouge: That's our standard CUP language that we always put with every Conditional Use Permit.

Mr. Apicella: Really? I don't recall this part about curing violations.

Mr. Geouge: Okay. I know some of the recent Conditional Use Permits have had that.

Mr. Apicella: Or, that the conditions may be modified. I mean, conditions can always be modified. It allows them to be modified if they violate the condition. So, I'm just a little concerned? Can you verify that that's the language we typically use?

Mr. Harvey: Mr. Apicella, we've had some conditions with that additional language about notifying the applicant, and we've had some that don't. From a practical aspect, it doesn't really matter because the code requires us to have a public hearing in order to modify that conditions or revoke the permit. So they are required by code to be notified if there's any change through a public hearing process.

Mr. Apicella: Right. So, again, my preference would be that we use what I think is the standard language, although the rest of us may disagree that we just use the simple CUP may be revoked for violation of these conditions or any local, state, or federal regulations. Do you have a concern with that Brian?

Mr. Geouge: I do not.

Ms. Vanuch: Any other questions for Mr. Gouge? And then I'll let the applicant come up.

Mr. Randall: I have one quick question. Would reducing this buffer potentially impact if somebody who had other land close, would they not be able to then reduce their buffer as well? Or would we be able then to say, you know, you've reduced yours to 30, we can now set yours at 30 and minimize that buffer. Or would now we be pre-empting somebody from being able to do that on another property?

Mr. Geouge: Well, take the vacant M-1 adjacent uses for instance. If they were to come in and develop by-right under M-1, they would not have to require any buffer at all along the property line. So, they would sort of... they wouldn't be held to this standard of buffering. It's just imposed because of the conditions.

Mr. Randall: Okay, thank you.

Ms. Vanuch: Any other questions? Okay, would the applicant like to come up and speak?

Mr. Gorney: My name is Steve Gorney. Just to kind of clarify what we're doing, we actually own two of the properties next to the existing property. We recently bought them. Our understanding is, a CUP

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only applies to the existing property, not the two additional ones we have purchased. So, just to be up front with you, if down the road we come in front of you and you see us developing the other two properties next to you, I just want to make sure you understand that we're not trying to withhold anything from you; we're just focusing in on this CUP. Again, I think this is my fourth public hearing. My company, Mapei, we manufacture construction products and we are dying for warehouse space. We want to consolidate all of our operations to Stafford County, invest in the property and the building, bring jobs, increase the property values for your tax base. And so, we're really anxious to get this going. We're screaming for warehouse space. We're getting to a point where we're going to come to a standstill on our design until we get these final issues kind of resolved, so, I am here to answer any questions and any concerns you may have that I might be able to help you with.

Ms. Vanuch: Any questions?

Mr. Gorney: And I also have our land developing engineer here if you have any questions for them as well. But again, we own the property to kind of the south... I think that's the southeast side; there's two properties going down... running parallel to Nelms. So, I think when we put out the public notice, we actually got a public notice from you guys that this meeting was going on; it finally got forwarded to me from our legal department. So I just want to make sure you're aware that we have other properties and we're not trying to withhold that from you.

Ms. Vanuch: Okay. No questions? Alright. Any other questions for staff? Okay, so we can move on to the public hearing portion of this item on the agenda. So, if any member of the public would like to come down and speak on behalf of this public hearing, you have 3 minutes to talk. When the yellow light turns on you have 1 minute. And when the red light blinks, please wrap up your comments. Mr. Waldowski.

Mr. Waldowski: Oh, this has been a lovely day. Right? Valentine's Day? Paul Waldowski. Now I have no qualms about existing warehouse space, but I personally believe you should be going vertical, not horizontal. We have standards for buffering for a reason 'cause it's based off fairness. Remember, Lady Justice wears a blindfold to be transparent and fair. If we give you 70 feet and then we give you 10 more feet, we'll be setting a precedent in this County so someone else can come and use the land. And you know my view of the land -- God ain't making no more. And if you keep on covering it up with warehouse space, you're taking away stormwater management. Uh, I believe everything is a resource protective area that doesn't have any manmade object on it. I don't have Colossians 2:8 in from of me, but I'll paraphrase it for you -- beware of the philosophies of man and not of things according to Christ. So, I don't like when owners come in and they... you made a mistake when you built your warehouse space. You... it's a typical operations research aspect. You didn't take into the capacity and the growth of your business. And, um, I don't know what they're gonna do and I really don't care what they do, but I just want to educate the public that we need to have standards where these warehouses need to consider going vertical, especially since it went above the 38-foot height aspects with a CUP to 75 feet. It's amazing how I remember this junk. But, um, it's a very important aspect for fairness and I'm hoping that they're not going to favor your application without you at least coming back and tell us that the warehouse could go vertically if possible to attain the same kind of space that you are seeking. Thank you.

Ms. Vanuch: Thank you Mr. Waldowski. Would anyone else like to come forward? Okay, seeing no one come forward, I would like to close the public hearing on this item on the agenda and bring it back to the Planning Commission. Does the applicant wish to address any of the things brought up in the public hearing? Perhaps on the vertical height?

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Mr. Gorney: Yeah, I mean that's kind of what got us into the CUP in the first place is the vertical height.

Ms. Vanuch: Come up to the mic before you talk though.

Mr. Gorney: I'm sorry. That's what kind of got us into the CUP 20 years ago. We went up higher than what we should have back then. And unfortunately there are some limitations with forklifts and how we store things in racks. Basically, if you think of about a bag of grout, we have multiple bags on a pallet and we lift them up onto a racking system, and there are limitations to how high you can go with a forklift. So, we have looked at going vertically and, unfortunately, there's just no economic way to do that again with existing forklifts and just from safety standpoint, all that weight going straight up on racking. It just makes it difficult. We have looked at that and we've optimized our heights for our warehouses.

Ms. Vanuch: Okay, thank you. Anybody else have any questions before he sits down? Nope? Okay, thank you so much.

Mr. Gorney: Thank you.

Ms. Vanuch: Okay, so, Mr. Apicella?

Mr. Apicella: You brought it back to the Commission?

Ms. Vanuch: Yes, it's back at the Commission now.

Mr. Apicella: Okay. Madam Chair, I'd like to make a change to condition number 7 to what I think is the standard language. And especially in light of the fact that our Planning Director said that, number one, notices has to happen and, number two, I think generally when there is a violation, applicants are given an opportunity to cure those violations. So, we shouldn't necessarily have to reflect every single thing that already happens in a condition. So, with that in mind, I'd like to change that condition to, this CUP may be revoked for violations of these conditions or any applicable federal, state, or county code, law, ordinance, or regulation, period. And, with that change, I would like to motion for approval of CUP17152105.

Ms. Vanuch: Any seconds?

Mr. Boswell: Second.

Ms. Vanuch: Okay. You got three seconds there. So I have a motion from Mr. Apicella, and I'm not going to be able to read all of those changes that you made...

Mr. Apicella: I think it's... and hope it will be captured in the minutes. I know Stacie does an awesome job.

Ms. Vanuch: Perfect then.

Mr. Apicella: I think this is a very good company. I have supported every single change they've asked for thus far, and I think the last change was one that we worked to satisfy and come up with a win-win solution. I think we should support what has been up to this point diminishing manufacturing, both in the County and across the country. I see no negative impacts on adjoining neighbors. In fact, the

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buffers that they've offered are greater than the current standards. For these reasons and the fact that I think this needs to move forward fairly quickly, even in the absence of a Commissioner from the George Washington District, I think this is a good project and the change is something we should support.

Ms. Vanuch: Okay. Thank you Mr. Apicella. Mr. Boswell, I think I heard your second first.

Mr. Boswell: No further comment.

Ms. Vanuch: No further comment? Anyone else on the Commission have any comments? Yes, Mr. McPherson.

Mr. McPherson: Yes, I'd like to say that I agree substantially with what Mr. Apicella said. From what I understand, the six CUP conditions are met and there's no nearby residences. I think that it fits in nicely with the surrounding use of the land.

Ms. Vanuch: Okay, thank you. So, if everybody would take a vote. Alright, so that motion passes 6-0. Thank you guys for waiting around so long. I hope this is the last time you have to come before us on this property.

Mr. Gorney: (Inaudible - speaking from audience).

Ms. Vanuch: Oh, yeah, definitely.

Mr. Apicella: So have we.

Ms. Vanuch: Well, thank you guys. Okay, so now moving onto the Unfinished Business portion of the meeting, which we are actually going to cover in the Committee Reports, so we'll move onto New Business, which we have none. So now we move onto the Planning Director's Report. Mr. Harvey?

UNFINISHED BUSINESS

6. Amendment to the Zoning Ordinance - Proposed Ordinance O18-06 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: April 2, 2018) (History: Deferred on September 27, 2017 to October 11, 2017) (Deferred on October 11, 2017 to October 25, 2017) (Deferred on October 25, 2017 to November 15, 2017) (Deferred on December 13, 2017 to January 17, 2018) (Deferred on January 17, 2018 - in Subcommittee)**

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

7. Bicycle and Pedestrian Facilities Plan Update

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Mr. Harvey: Thank you Madame Chairman. The first item on the Planning Director's Report deals with the issue of the bicycle and pedestrian facilities plan. We're currently in the update process. You can find an update in your package. We've identified major stakeholders. We have a draft outline, which is in attachment 1. We're nearing completion of initial route recommendations. We're also working on developing design standards for different classifications of facilities and a webpage has been created to provide project information. The next steps are to present the initial route recommendations to stakeholders for input and conduct public meetings and present recommendations and continuing developing the different parts of the plan. Mr. Geouge is here and available if you have specific questions about the information that you had in your packet.

Ms. Vanuch: Anybody have any questions for Mr. Geouge. No?

8. Neighborhood Design Standards Update

Mr. Harvey: The next item on my report is the neighborhood design standards update for senior apartments. Staff has not unfortunately made as much headway as we'd like. We really haven't made progress and we're going to refocus on that and try to make some more progress as we move forward here in Spring.

9. Repeal Cluster Development Standards

Mr. Harvey: Wanted to bring to the Commission's attention, which many of you already know, that we have a public hearing scheduled for February 28th to repeal the cluster development standards within our zoning and subdivision ordinances. The Board of Supervisors is a bit concerned about the outcomes that we've had with cluster developments and has requested that the Planning Commission move expeditiously on a repeal, with the idea the board will be working to come up with new regulations in a timely fashion. So when you look at the resolution that referred this item to you, you'll notice that the deadline for action is the end of February, which is the day of our hearing. So I want to make you aware of that.

Ms. Vanuch: Okay.

10. Discuss TRC Meetings and Electronic Plan Review

Mr. Harvey: Number 10 is an item that staff had discussed with the board's Community and Economic Development Committee. As you may or may not be aware, staff is currently working on a new plan review process that involves reviewing site plans and subdivision plans in electronic format. So we will no longer use paper. The electronic format is a web based format, which will allow reviewers not only to type in text comments, but circle and highlight specific portions of a development plan to further elaborate on where the plan needs to be corrected. In doing so, that raises a question about changing our code, because a number of our code sections specifically stipulate that we have so many pages that have to be submitted, so many plan sheets and the size of the plan sheets. So those aspects need to be changes, but also too, it leads us to a question about changing our processes. With electronic plan submittals, we will no longer necessarily have a deadline date for people to file, because they could file at any time, which leads to the question about our technical review committee meetings, and whether we need to consider restructuring those. Currently the code stipulates that a Planning Commissioner will be on the technical review committee. And the technical review committee is the group of individuals in the county government, VDOT and health department, that reviews new development applications. From a practical standpoint, what we do is, we provide Planning Commissioners for whoever's district the project is located in, a copy of the plan to look at and invite them to come to the TRC meeting.

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We've had on a number of occasions where developers have said that they would not participate in the TRC meeting because they were familiar with our regulations. They normally do business here and felt that coming to a meeting was not worth their best efforts. So that's raised some questions with staff as to the method going forward with TRC and the benefits. And when we had a discussion with the CEDC committee, there were some questions about the value of the TRC meeting from a transparency standpoint, because it gives a public meeting option where people can come in and watch the discussion, but also raise questions about Planning Commissioner's role with the meeting and comments that they provide and can provide to staff, since the review is now done electronically, rather than on paper. So the board asked me to reach out to you to get some feedback about the TRC meetings, 1) whether you think they're valuable and should continue on, 2) should we continue to make it mandatory or 3) go sort of at an at-will basis or as-needed basis. For instance, an at-will basis could be when a Commissioner or Board member or the applicant request a meeting, and we could have reserved dates for those meetings.

Mr. English: I think that's the better route of doing it, Jeff. That's the way I feel.

Mr. McPherson: Would we anticipate that we'll be reviewing large scale plans on small screens? That can be very difficult sometimes.

Mr. Harvey: Yes, Mr. McPherson. Not sure that you'll be able to access them on a mobile device. You certainly will on a regular computer. Our staff for preparation for this process has bought multiple monitors and larger monitors to help us be able to review plans.

Ms. Vanuch: Mr. Apicella?

Mr. Apicella: I'm just going to sort of give a situation where I thought at least a TRC package was helpful to me as a Planning Commissioner and the end result of the project. So I had a TRC package in front of me and from my vantage point, the problem with what was proposed on the site plan, for whatever reason, was not discussed or did not come to light, until I had a chance to look at the package, and the bottom line of which is, in that situation there was a townhome development and they were proposing to put the top lot right next to Route 1. And I thought, hey that's gonna be a problem, because kids are going to be kicking soccer balls across the Route 1 as cars are going across the street, or running to get the soccer ball. And it didn't come up at the meeting, but it came up as a result of just being able to look at the package. I do think that there may be some value to face to face discussion, because just electronic communication by itself, something get lost, you know, in that process via interpretation or lack thereof. Somebody can put a comment in and it's interpreted one way, when it's actually meant another way. Does every single package necessitate a TRC? Maybe not. I'm not sure how to play Solomon and figure out where that process needs to require somebody to come to the table, but I know we're moving to electronic means to save time and money, but sometimes a piece of paper is very helpful, and unfortunately we may not have the ability to come see that package on a large screen and miss something that's important. In my view, that thing that happened in Falmouth was very important and could have created several accidents that were unintended. So I'm not sure if I'm making a good case, that at a minimum we should still get a piece of paper. That helps us as non-experts in the process to kind of bring a citizen perspective to the table and potentially catch what others might not catch through the process.

Mr. Boswell: Can I ask a question Madame Chair? We're talking about going totally paperless, or are we talking about not having a TRC meeting? I'm kind of missing what we're doing here.

Mr. Harvey: Well, it's a combination of both, Mr. Boswell. The issue of going paperless and the better ability for an applicant to understand what the issues are with our plan review, because they'll see the

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written text, plus a mark-up. And we'll be able to overlay their attempt to resolve it over top of the mark up to see if it was resolved or not. It's going to make it so much easier for us to review, and also the applicants to prepare the plans. So there may be a situation where we have more instances where the applicant says, I know exactly what I need to do, I don't need to come to the meeting.

Mr. Boswell: Right, and I'm not disagreeing with you on that, but the incident Mr. Apicella pointed out, we handled that here at the Planning Commission. It wasn't handled at a TRC meeting.

Mr. Apicella: No, it happened as a result of a TRC meeting being scheduled and my getting the package and looking at it and saying, hey, wait a minute, what's going on here?

Mr. Boswell: But the one over here, at the Planning Commission meeting, I thought that we decided to put trees in there so they wouldn't be kicking the ball out.

Mr. Apicella: No, that was the solution, but it wasn't something that came to the Planning Commission, because the TRC is not something...the end result of the TRC...I can't remember if the site plan came to us again a second time.

Mr. Harvey: Mr. Apicella, my recollection was, it was a preliminary subdivision plan that was coming before the Planning Commission, which, that still will happen. In that case the staff will have to make paper copies of those plans for you all to see and/or provide pdf format, where you can look at those plan sheets. In the case of a preliminary plan, that process does still remain, where the Commission approves it. But that raises a good point and that we have somewhat of an electronic-paper interface that we're going to have to do for certain things, like the preliminary subdivision plans and possibly TRC, where we still print out 11x17 pages and provide it to the Commissioners. We have some state agencies that have told us that they can't go fully electronic at this point in time, so we may be doing a combination of electronic and paper for certain aspects of the process.

Mr. Apicella: But even just for a site plan, we do get site plans as part of the TRC, right?

Mr. Harvey: Yes, Sir.

Mr. Apicella: Again, something could get missed and there is some value added to us taking another look.

Mr. Boswell: I am kind of honing in on the meeting. Do we have to have the meeting to get the plan?

Mr. Harvey: No, Sir.

Mr. Boswell: That's what I'm talking about mainly. Because the same thing we go over in a TRC meeting, can be handled right here at this desk and it just appears to me that we're causing staff a lot of extra work. And like he said, maybe put it at an at-will basis. If an applicant is absolutely requesting it, but I don't think we need to have one for every application.

Mr. Apicella: Or the staff thinks is really necessary.

Mr. Boswell: Oh of course.

Mr. Apicella: Because, again, there's something lost in translation and they want to make sure the applicant really takes care of something to the degree that they think it's necessary to take care of it.

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Mr. Harvey: And similarly, if a Board member or Planning Commissioner asks for a meeting, that's what we would do as well, because there may be situations where we're dealing with by-right development, but we have community impacts and want to try to understand what those are and talk to the applicant to see if they'd be willing to address them.

Mr. Randall: Mr. Harvey, at least for me, I guess I agree a little bit with Mr. Apicella. I like the paper copies. I like to be able to pull it out. I like to lay it out on my table and at least for the time being, I would feel more comfortable having something on paper that I can look at and pull out and be able to study a little easier, for me at least, then trying to do it on a...I don't have a 48" monitor. I guess I would need to invest in that, if I was to do it that way. But for now, I would like to see the paper copies. That's just me.

Mr. Harvey: Yes, sir.

Ms. Vanuch: Mr. Harvey, do you have what you need to get back to the Board?

Mr. Harvey: Well, if I'm kind of hearing the consensus, and correct me if I'm wrong, is that the consensus is for the TRC meetings that they'll be more on at-will basis, or on request-basis.

Ms. Vanuch: But continuing to give us the packets.

Mr. Harvey: Yes, yes.

Ms. Vanuch: Okay. Sounds good.

Mr. Harvey: Thank you very much. That was very helpful.

11. Subcommittee Meeting Summary Form

Mr. Harvey: Also staff is trying to be responsive to some of the comments made by the chairman and other about having a meeting summary for the committees. Because at times you various committees that meet and right now we don't take minutes or provide any follow up, it's just a verbal committee report, so there was a suggestion that we develop a meeting summary, so staff has made an attempt to come up with a one page template and wanted to get your feeling, if you thought we were on the right track, if that would be sufficient for the level of detail that you were looking at. It basically would talk about who was there, the time the meeting started, the subject matter which was discussed and then outcomes of the meeting.

Mr. McPherson: Is this for internal or to be put on the website?

Mr. English: Just for us.

Ms. Vanuch: It would be public record, so it technically could still be for the public, but it's not anything that we would attach to our summaries. It's more than anything, just something that we could read off of when we're giving our report, instead of having to go back from memory, because I know sometimes, when I haven't had a meeting in like 3 or 4 weeks, I'm trying to remember, especially because I feel like on like 4 subcommittees right now. I'm like, wait, which one was that? What did we do? And so this could help provided guidance, because I do think that we accomplish an awful lot in these subcommittee meetings and we have a lot of resident impacts and feedback, but a lot of that is lost

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in translation when we have our 2 second debrief and then when, you know, whatever the subcommittee is working on comes back to the full commission, I think that other members of the commission lose a lot of that important knowledge, so that was sort of where I thought that it could be more helpful.

Mr. English: It also could be helpful like down the road future. Somebody could go back and say, or they discussed this like 5 or 6 years ago. I like what you came up with Stacie.

Ms. Vanuch: You did a great job.

Mr. English: I liked it.

Ms. Vanuch: Did you have a question?

Mr. Boswell: No, I was just gonna say, it's more than we have right now, so it's obviously a plus.

Ms. Vanuch: Yeah and we don't have to fill it out. That's the good thing. Stacie does. Stacie is super excited about this.

Mr. Randall: See, that's the only reason we like it, is because we're not doing it.

Mr. Harvey: Madam Chairman, staff's thought was, if the committee meeting was done in enough time, we would have it posted under the committee reports on the agenda.

Ms. Vanuch: Okay that would be good.

Mr. Harvey: So that is the outward facing part of it to the public.

Ms. Vanuch: Yeah, and I think that's great, because I think that also helps with our goal of transparency. So that people know what we've accomplished in these subcommittee meetings.

Mr. Harvey: And that concludes my report.

Ms. Vanuch: Thank you.

COUNTY ATTORNEY'S REPORT

Ms. Vanuch: Ms. McClendon, do you have any report at this time.

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

Mr. English: Yes you do. You do have a report.

Ms. Vanuch: Oh yeah, you do.

Mr. English: She's the county attorney.

Ms. Vanuch: Now you're the new County Attorney. Congratulations.

Mr. English: We are going to be losing you.

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Ms. Vanuch: I had a tiara for you to wear at the last meeting. Okay, so now we'll move on to the committee reports.

COMMITTEE REPORTS

☆ Sign Ordinance Committee
Next Meeting: TBD, if needed

Ms. Vanuch: Mr. Boswell.

Mr. Boswell: I have no report. We haven't met. I guess Mr. Harvey, are we going to have another meeting, or?

Mr. Harvey: Mr. Boswell, the request has been made. We're still waiting to hear if the committee is going to get re-constituted. It's a Board initiated committee.

Mr. Boswell: Okay.

Ms. Vanuch: So we're waiting on the Board. Got it.

☆ Landscaping Standards Subcommittee
Next Meeting: TBD

Ms. Vanuch: Mr. English.

Mr. English: Yeah, what we're gonna do is our scheduled next meeting would probably February 28th at 5 o'clock if that's possible. That's before our Commission meeting. I think that should be wrapping it up. Is that okay, Jeff, you think?

Mr. Harvey: Yes, sir.

Mr. English: Have it at 5 for about an hour.

Ms. Vanuch: And I will get you a new member for that.

☆ Parking and Drive Aisle Standards Subcommittee
Next Meeting: TBD

Ms. Vanuch: Parking and Drive Aisle Standards Subcommittee, which consists of myself and Mr. McPherson. Jeff, I know you guys put into everyone's packet the most updated version of what we've worked on in the parking and drive aisle. Did you want to point anything out on there? I think this is the second time we've attached a report into our subcommittee.

Mr. Harvey: Yes ma'am, just to give some background, because we have some new members. This work effort started back in the spring of last year with the Board of Supervisors in looking at processes and comments that they received from the development community. The committee itself started its work back in June of last year and talked about the ordinance requirements. We've looked at a variety of neighboring jurisdictions and looked at what they provide. Some of the commentary we heard was, that our ordinance requirement were out of step with neighboring jurisdictions. We compared ourselves to them, made some modification, found for the most part we were on track. We decided as an

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administrative proves to try and streamline things would make it easier for users of the zoning ordinance that we would have both, the parking lot space requirements and loading space requirement in the same table, based on use and we also expand the use types, so it'd be more user friendly than the current situation where you have to flip back and forth through multiple pages to find the correct information. We did solicit comments from the development communities, specifically civil engineers and developers to get their feedback and we've incorporated their comments into the overall draft. We also most recently established standards for motorcycle parking spaces and also revisited and discussed issues with sight distance and parking dimensions. So staff believes that we're in a position now that we could potentially have the Commission send this back up to the Board of Supervisors for authorization of public hearings.

Ms. Vanuch: Mr. McPherson, are you satisfied with what we've come up with so far? Do you want to address any final, last minute edits, or do you think we need to have another meeting.

Mr. McPherson: I would like to have one more short meeting just to address the final edits. I don't think it has to be very long or very comprehensive, but before we send it to the Board.

Ms. Vanuch: Okay. So how about this, if each of the Commissioners would like to take a look at what we've come up with so far, and if you guys have any edits or any thoughts or questions, if you could send them to Mr. Harvey or Mr. McPherson prior to February 28th. I think we'd like to move forward with this and go ahead and get it up to the Board, wrap it up. Okay? And that way we can have our last meeting, right after February 28th. So hopefully on the March 14th meeting we can move it on to the Board. Is everybody okay with that? Okay. Perfect. So, now we move on to A-1 subcommittee. Mr. English?

☆ A-1 Uses Subcommittee

Next Meeting: TBD

Mr. English: Yeah, I was looking at Steven, is it okay Tuesday, March 13th or Thursday, March 15th at 6:30. Is one of those days good for you? Or you want to get back with me?

Mr. Apicella: Yeah, can I get back to you.

Mr. English: Sure. That's fine.

☆ Cemetery Ordinance Subcommittee

Next Meeting: February 15, 2018, at 3:30 p.m.

Ms. Vanuch: Okay. And then next, subcommittee cemetery ordinance committee, which consists of myself, Darrell and we are now down a member. Mr. Coen has moved on to the Board of Supervisors. So we actually have our next meeting scheduled for tomorrow, February 15th at 3:30 pm in the ABC conference room, which is upstairs in the Stafford County Government Center. So we will be using the nice, handy-dandy summary sheet for the first time and we'll be able to report back on that probably at some point in March.

☆ E-commerce Subcommittee

Next Meeting: February 14, 2018, at 5:30 p.m.

Ms. Vanuch: Then moving on to E-commerce subcommittee. Mr. Apicella.

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Mr. Apicella: Madame Chair, we've had several meetings, including one today and we have a Valentine's Day surprise, which is a discussion draft. I think we've made a lot of progress and the reason why I'm passing this out is, what we'd like to do is have Commissioners take a look at it, so that we could potentially get your comments to staff before February 28th and provide those directly to staff. Hopefully they can answer your question, if not, they can pass those on to me and we can try to see and address any issues or concerns you have, but the goal really is to finish this up for the February 28th meeting. That's our drop dead date to schedule a public hearing and we'd have to make a decision by March 28th, because April 1st is the deadline.

Ms. Vanuch: So it sounds like kind of the same thing as parking, if you guys want to take a look at this, and if you have any questions, comments, or concerns if you could bring those to Mr. Apicella or Mr. Harvey directly. Do you have a preference?

Mr. Apicella: Ms. Blackburn.

Ms. Vanuch: Oh Ms. Blackburn, okay. Get that information to Ms. Blackburn and that way we can go ahead and try to move this forward with a final version on February 28th. Okay, so that wraps up all of the subcommittee reports.

CHAIRMAN'S REPORT

Ms. Vanuch: So now under the chairman's report, I just have a couple of little item. The first is, I need to appoint a new member to the landscaping subcommittee, because it consisted of Darrell and Mr. Coen and now Mr. Coen is on to Supervisors. So, Mr. Boswell, would you mind sitting in on the landscaping subcommittee?

Mr. Boswell: Yes, ma'am, I will.

Ms. Vanuch: Okay. Perfect. And then the two other subcommittees that Mr. Coen sat on, which was A-1 and the cemetery subcommittee, I think we'll wait to appoint those. We'll hopefully have a new Planning Commission member. I'd love to be able to discuss with him, what his intentions are and what committees he would like to be on. So I think we'll hold those for business maybe until February 28th. And then the last item on the Chairman's report is the Utilities Commission has actually requested us to do a joint public hearing on the sewer and water masterplan. And that, unfortunately, they're requesting March 14th, which we've heard a lot of times today, so looks like we're in for a couple of long meetings, but the Commission is going to need to authorize that joint public hearing. Does anybody have any issues, or want any more context? Mr. Harvey can give us a little more information if we need it. Mr. Randall.

Mr. Randall: Is the 14th absolutely necessary? Is that something we can push to the 28th?

Ms. Vanuch: Mr. Harvey?

Mr. Harvey: Madame Chairman, Mr. Randall, that's an item that does have a timeline because the Board of Supervisors has passed a resolution to request the commission's consideration. So based on state code you have 60 days from the time the Board send forth the resolution to conduct your public hearing and take a vote, so we do have some time past March 14th, but you may be up against the wall for your meeting on the 28th.

Ms. Vanuch: Any other comments?

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Mr. Harvey: Also, I'm sorry. Madame Chairman, the 14th also coincides with the Utilities Commission meeting schedule, so they were also going to continue their meeting into a different conference room during that same night.

Ms. Vanuch: Okay.

Mr. Apicella: What's the possibility of holding that joint public hearing at 6 instead of 6:30? Just so we're not here until 1 o'clock in the morning.

Ms. Vanuch: That's a good idea. Mr. Harvey?

Mr. Apicella: Well, earlier would be tough for me. I would hope that we could knock it out in a half hour to an hour.

Ms. Vanuch: So, I guess, just give me a little bit of clarity here, as far as what the next step is. Obviously you need to check with the Utilities Commission, and then do we, I'm assuming we have to move forward with authorizing the joint public hearing. Is that something I can do on my own, or does the full commission need to be together to do that?

Mr. Harvey: Madame Chairman, I believe you can authorize us to advertise a public hearing. We were wanting to get the consensus of the Commission, but the question about the 6 pm start time, we'd also have to check with the Utilities Commission to see if that could meet their schedule and they could have a quorum, but if the Commission wants us to authorize a public hearing, and if it's allowed to work out for 6 pm, we can do that. I think it may, Ms. McClendon is looking to see if it requires us to have the Commission suspend the by-laws to change the meeting time.

Ms. Vanuch: Mhm, okay.

Mr. Harvey: Yes, she's confirmed that the by-laws would have to be suspended in order to start at a different meeting time.

Mr. Apicella: Madame Chair, I move to suspend the by-laws and to the extent that it works with the Utilities Commission, hold the joint public hearing at 6 o'clock on March 14th, and if it doesn't work for the Utilities Commission, then we would hold it at our regularly scheduled time on that date.

Ms. Vanuch: Okay.

Mr. McPherson: Second.

Ms. Vanuch: So I have a motion by Mr. Apicella to suspend the by-laws and move forward with the 6 o'clock start time, and then 6:30, if it doesn't work for the Utilities Commission, with a second by Mr. McPherson. Any comment from either of you? Any comment from anybody else. Okay, we take a vote. So that motion passes 6-0. So that concludes my report at this time. So other business.

OTHER BUSINESS

12. TRC Information - February 28, 2018
☆ 610 Park Ridge - Rock Hill Election District

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Ms. Vanuch: I'm actually the impacted Commissioner on the Rock Hill – 610 park and I've already gotten my TRC information and we don't have any approval of minutes, so we can move on to adjournment.

APPROVAL OF MINUTES

NONE

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:14 p.m.