

STAFFORD COUNTY PLANNING COMMISSION

April 25, 2018

The meeting of the Stafford County Planning Commission of Wednesday, April 25, 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: Crystal Vanuch, Steven Apicella, Albert Bain, Roy Boswell, Darrell English, Fillmore McPherson, Barton Randall

MEMBERS ABSENT: None

STAFF PRESENT: Jeff Harvey, Daniel Wisniewski, Denise Knighting, Mike Zuraf, Brian Geouge, Andrea Hornung

DECLARATIONS OF DISQUALIFICATION

Ms. Vanuch: And now any declarations of disqualification or disclosures that anyone would like to make for any item on tonight's agenda? Okay, seeing none, now is the time we move on to the public presentations portion of tonight's meeting. So if anyone from the public is here that would like to talk about any item other than the items on the public hearing, and since there's quite the crowd I'm gonna go over: we're at the Dunkin' Donuts, the Cluster Subdivision, and the mass drainfield proposal. So if you're here to talk about those you cannot come up at this time; you will come to those public hearings. But if you're here to talk about any of the other items you may come up at this time. You'll have 3 minutes to speak. When the green light comes on please state your name, address, and the district that you reside. When the yellow light comes on you have a minute, and when the red light comes on your time has expired. Would anyone like to come down to speak?

PUBLIC PRESENTATIONS

Mr. Kimes: My name is Lawrence Kimes.

Mr. Randall: Speak into the microphone please.

Mr. Kimes: Sorry. My name is Lawrence Kimes, I'm a property owner in the Rock Hill District. This is in reference to the use permit for 5-Twelve convenience store. I have no objections to the expansion itself although looking at the plans from last month, it says that there's a 6-foot fence on the attachment 3 page 1, the 6-foot wood screening fence all the way across the property line. And on attachment 2 it says it's both 7 feet and 6 feet tall. So I don't know if it's an inconsistency or if it's just my understanding of the plans. It also says that the wood fence is to go all the way across the property line, it does not it only has 50 foot of my shared property line with the property. My property line is 193 point something feet, so that wood fence does not go the entire length of my property which backs up to that property. The fence itself does not come all the way down to the bottom there's like a 3-inch or 6-inch gap below. A 3-inch gap below I think it is and a lot of the trash from the asphalt pad cause it's right behind the dumpster area comes under the fence and litters my yard. So I've got to maintain and clean the trash up there using a leaf blower with in the last month and I got a lot of trash. Basically we're hoping that that fence gets put all the way across the property line cause it says that's their proposed plan but it also says the existing plan isn't supposed to be all the way there, so I'm a little betruexed as to what's going on with that. There's 3 lights that are at the front of the property line adjacent to 610, those lights are now LED they shoot over the top of the building and one of the lights that's in the middle of the 3 basically comes in a

couple of bedroom windows in my house so it's real bright, almost like a football stadium at night. That's about all I can remember, or think of right off hand. Thank you.

Ms. Vanuch: Thank you. Anyone else like to come down for the public presentations? Ok, seeing no one come down I'm gonna close tonight's public presentations portion of the meeting and move on to the public hearings. The first public hearing we have this evening is the reclassification and the conditional use permit for the Dunkin' Donuts on Route 17 and Melcher's Drive. For this we recognize Mr. Geouge for the presentation.

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) (History: February 14, 2018 Public Hearing Continued to March 14, 2018) (March 14, 2018 Public Hearing Continued to April 25, 2018)**

Mr. Geouge: Good evening Madam Chairman, members of the Commission, I'm Brian Geouge with Planning and Zoning. I'll be presenting the continued public hearing for Dunkin' Donuts at Route 17 and Melcher's Drive. The request is for rezoning of 0.2 acre to B2, Urban Commercial for parcel 53B-1-7 and a conditional use permit on 0.83 acre for a restaurant with drive-through on parcels 53B-1-7 and 11. The zoning district is R-1 Suburban Residential, B-2, Urban Commercial and it's also within the HC, Highway Corridor Overlay District. The applicant 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 foot southeast of Solomon Drive. The two parcels comprising the site are outlined in red. The smaller parcel is subject to the reclassification to B-2 and both parcels are subject to the conditional use permit. Surrounding properties are zoned B-2 to the northwest, R-1 to the east and M-1 to the south. The property is cleared of trees and level. The majority of the larger parcel is within a 225-foot width Dominion Power easement, I'll approximate that location. The property is currently undeveloped apart from one single-family residential detached home and the property abuts an Arby's restaurant to the northwest and single-family residential to the east, as well as an undeveloped parcel. Today staff received a revised generalized development plan for the project. This has been provided to the Commission in the handout materials. The latest plan includes changes to location of the dumpster and loading space along with changes to buffer widths and landscaping arrangement. There have been several changes to the GDP since the public hearing in February. First of all, the building has been reduced from 1,737 square-foot to 1,400 square feet which reduced the required number of parking spaces to 21. The entrance from Route 17 has been shifted west. It is now centered on the property line and this more closely aligns with the existing entrance to Arby's. The inter-parcel connection to Arby's has been shifted closer to Route 17 and changed to an enter only. This would provide easier access for trucks entering Arby's site and reduces the likelihood of traffic cutting through Arby's to access Dunkin' Donuts.

Ms. Vanuch: Mr. Geouge, real quickly I have a question there.

Mr. Geouge: Yes.

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Ms. Vanuch: So now if a truck, a tractor-trailer, is traveling, what would that be, westbound? Northbound? Can they get into the Arby's still? Because I know that was a big concern from the Commission last time, is access for tractor-trailers to get into the Arby's site.

Mr. Geouge: I believe they could, previously the plan had a 90 degree access directly across from the access to Dunkin' Donuts. So making that turn would have been more difficult, but now since it's an angled enter only I think they'd be able to make the turn. Loading space has been relocated to the southern end of the property. Due to HCOD requirements the applicant would need to demonstrate that the loading space is adequately screened for Warrenton Road. This would be verified at site plan review, and the dumpster has been relocated to the rear of the building. Here's a closer look at the GDP. Comments were made at the first public hearing regarding tractor trailer parking for deliveries. A 12 by 25 loading space is shown as required by code. And again that's here. There would likely not be adequate space for a tractor trailer to enter the site and circle the building, particularly if there are vehicles in the drive-through lane. The applicant has consulted with the vendor who would make deliveries to the property and they've indicated that all deliveries could be made via box truck. The applicant has therefore agreed to a condition which prohibits tractor trailers from making deliveries to the property. A condition has been added since the completion of the staff report. The latest conditions have been provided to the Commission in the handout materials. The applicant has received comments from Dominion Virginia Power regarding the proposed improvements with the 225 foot power easement that covers much of the property. There are height limitations to landscaping within the easement and landscaping plan in the GDP has been revised to show only shrubs within the easement area, again that's... the easement is here. Staff notes that shrubs will provide limited visual and noise screening beyond the proposed 6 foot board on board fence that's proposed along the property line. The applicant has revised the plan basically so that you can see as you transition into the easement the smaller vegetation is proposed whereas to the south they're showing trees and that includes the landscaping along the frontage. They've revised the plan to indicate that they're able to provide the required number of plant units in the transitional buffer areas and other areas. Therefore it's possible that an alternative compliance plan could be approved administratively to allow for the reduced buffer widths. Staff is not yet had the opportunity to formally review the landscape plan to determine if it meets all the requirements for alternative compliance.

Mr. Apicella: Brian, if it still doesn't, then what's the next step after that?

Mr. Geouge: If it can't meet the requirements for alternative compliance it would have to go to a departure of design standards which would be approved or denied by the Planning Commission. The architectural rendering has been modified since the February public hearing to reflect a new building concept introduced by Dunkin' Donuts. The new building concept is consistent with many of the neighborhood's design standards recommendations but does not improve compatibility with these styles and materials of the Falmouth area as recommended by staff. There've been revisions to the proffers and CUP conditions since the February public hearing. The proffers have been revised to include a condition which was formally in the conditional use permit, that deals with construction of the turn lane and median along Warrenton Road and the conditional use permit has been revised to include language which would provide some flexibility in the location of the entrance to Dunkin' Donuts off of the shared travelway and that was in response to some concerns expressed by Dominion as to if they need to go in there and make any improvements within their easement they want some assurance that the site could still be viable.

Mr. Bain: Brian?

Mr. Geouge: Yes sir.

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Mr. Bain: I had seen a drawing that showed that alternative entrance, do you have that as a display tonight or...?

Mr. Geouge: I do not.

Mr. Bain: Could you go back to your... to the site plan for just a minute? Do you, did you see that drawing by any chance?

Mr. Geouge: I did.

Mr. Bain: Okay, can you just show us on there roughly where that would be?

Mr. Geouge: So the revised entrance if I recall sort of came down like this, so you'd have the... this would be the two way.

Mr. Bain: Right, right.

Mr. Geouge: And I believe maybe this parking space was removed to allow for more turning here.

Mr. Bain: Okay, yeah, I just wanted to make sure everybody understood that. Thank you.

Mr. Geouge: Also a condition has been added as I noted before that prohibits deliveries via tractor trailer. Staff notes the positives as this is consistent with the comp plan recommendations for commercial development along major roadways, consistent with established development patterns, it implements some of the recommendations from the VDOT stars Route 17 study. Proffers help minimize impacts on the transportation network and the building incorporates many recommendations of the NDS plan. Negatives are that low lying vegetation within the power easement would result in greater visual noise impacts in certain areas and the proposed building design does not incorporate the styles or materials of the Falmouth area. Finally, staff is generally supportive of the application pursuant Resolution R18-35 but again notes the planning restrictions within the power easement would limit the ability to buffer in some areas. And I'll take any questions.

Mr. McPherson: Brian, I have a quick question. You mentioned alternative buffering methods. Can you give just a couple examples of what those might be?

Mr. Geouge: So alternative compliance is basically it doesn't do anything as far as required plant units, you still have to provide what's required as far as plant units go. But it allows you to reduce the buffer width so if you're able to show that you can sort of condense your landscaping plan into a more dense pattern, into your narrower buffer widths, than it can be approved.

Mr. McPherson: See it seems to me that the issue is not the width of the buffer it's the height of the trees, correct?

Mr. Geouge: In some areas yes, because of that Dominion Power easement.

Mr. McPherson: Right, so there's no way, I mean is there fencing or are there ways around that? Height versus width?

Mr. Geouge: Potentially as far as fencing goes I imagine they could go higher within the easement but I'm not positive. Maybe that's something the engineer could answer. Thank you.

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Ms. Vanuch: Any other questions on the commission? Okay. Thank you Mr. Geouge.

Mr. Geouge: Thanks.

Ms. Vanuch: Would the applicant like to come up and talk? Mr. Shalaby I'm sure you have lots to say.

Mr. Shalaby: I have a few things to say. Thank you to the chairs and the members of the planning commission. My name is Samer Shalaby, I'm with the development consulting services in the Hartwood District. I guess, Brian explained most of the big things I just wanted to kind of recap a few of the critical parts. One thing I kind of wanted to go back to the origin. This is a very difficult site and we understand that. It is, it is currently, or at least the applicant or previously it was zoned for and had a conditioned use permit for a car repair and used car sales. So you know I don't think 17 needs another one of those, we've got plenty of those and that's why we're trying to change it to something a little better. We've tried to accommodate, we've met with the staff numerous times, I'm sure Mr. Geouge is tired of seeing me. I've talked to Mr. Bain I've talked to all the rest of the staff many times and we've discussed with Arby's trying to accommodate or at least solve all the issues and concerns that everybody had and we feel like we've done that for the most part. The biggest things is that I know the easement, Virginia Power, Dominion Power, they have the limitation of the size of the plants because obviously they don't want trees growing and they have to go spend all the money to cut them etcetera, and of course falling down on power lines, we lose power etcetera. So their requirements is to use low lying shrubs, again when I say low lying shrubs most of these shrubs if you look at their actual definitions they grow to about ten feet. So they're pretty, they can get to a pretty good size. We are using a fence, and the only residence basically, or next to us is the one east of this property and we do have the fence and that area we do, we can plant the larger trees, caniper trees etcetera, so that's not an issue. The same thing at the back where there's a residence we're also, that portion is outside the easement, most of it so we can plant again, larger trees. The only issue becomes where the vacant lot is and the reason it's vacant is because there is a power line easement, they can't build anything on it, and of course the power line easement itself. So hopefully that, we try to accommodate we worked, we have the same number of plans, same number of units, the plant units, it's just a matter of the size of them, it's not gonna be huge trees. With the dumpster we'll relocate to the back cause there is some concern with Mr. Bain about the residents, the noise, smell, etcetera so we moved it to the back of the site. With regard to Arby's there was some concerns about the cross access, again we removed the cross access if you remember we had kind of a cross walk, we removed that, we offset the entrances intentionally so no one can come from their site into this site. We also angled it as Mr. Geouge said to allow for tractor trailers to come in and also prevent a vehicle to come in and have to do a really interesting maneuver to get back to the Dunkin'.

Mr. English: You said tractor and trailers I heard that they said they would not...

Mr. Shalaby: No, no, on the Arby's site

Mr. English: On the Arby's site.

Mr. Shalaby: Ours is no tractor trailers, we were able to discuss and agreed with the vendor who supplies 9,000 Dunkin' Donuts nationwide there the main supplier that they will only use box trucks here. No this was for Arby's they wanted to make sure they could still have access to tractor trailers so we made sure the angle allows for that. So, let's see if there's anything else..

Ms. Vanuch: I have a quick question Mr. Shalaby, do you guys have anything in there regarding downward lighting. I'm just dealing with this in another case where the lights are shining out toward the homes.

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Mr. Shalaby: No, typically, again there is a lighting ordinance for the county that we have to all meet, I mean if there's an older case, I don't know if it's an older case or a newer one but all the new ordinance requires that we cannot exceed I think half a foot candle, you know, at the property line and beyond, you know we cannot put anything, so obviously we'll meet that. Yeah. The last thing I want to say is obviously again, this parcel is difficult, there's no question there but we feel this is a good use for it. I know Mr. Geouge also mentioned that we do not meet the requirements for the Falmouth, I know that was kind of a suggestion. Unfortunately Dunkin' Donuts is a nationwide franchise and as a matter of fact, the whole reason the plan changed is that they've been working on this plan for the last year and we kept, because we've been working on this for almost a year and a half now, it kind of, it kept pushing back and saying ok we don't have to use a new plan, but obviously since we kind of got a delayed a little more they kind of required it but, that is the standard unfortunately for Dunkin' Donuts. Again last thing I just want to kind of mention with regard to tax revenue, just again everybody always says it's important. The property today, both the house and the property next to it, I think it's assessed at about \$375,000 give or take a little bit, with no really opportunity to increase that whatsoever, because again of the way the site and the powerline is. Obviously with this Dunkin' Donuts spends over a million and a half dollars on the building site etcetera, and of course meals tax, so hopefully that will be a plus and a benefit to the county. That's all I have to say, if there's any questions I'd be glad to answer them.

Ms. Vanuch: Any questions?

Mr. Randall: I have a couple questions.

Mr. Shalaby: Sure.

Mr. Randall: Thanks for coming back; I know this is difficult at best. When you say box truck, what is the size of the box truck that you're talking about?

Mr. Shalaby: They usually run about 20 feet to 24 feet.

Mr. Randall: Okay, have you been in contact with the resident to the southeast of the location?

Mr. Shalaby: Yes, we have, yes, thank you for bringing that up because last, last, the resident on the right side, there were some concerns about the resident. We met with them, I think the county also reached out to them, and Mr. Bain reached out to them, so I think we kind of hit them, all of us got and they, they,

Ms. Vanuch: He's probably like, leave me alone (laughter)

Mr. Randall: So to summarize...

Mr. Shalaby: It's basically, they said they had no concerns, they said that they had no problem with it, you know.

Mr. Randall: As long as you provide free donuts periodically.

Mr. Shalaby: Free donuts and coffee.

Mr. Randall: Free donuts and coffee, yeah, that would be good for lots of people.

Mr. Bain: They have a teenage son, I think they're gonna be looking for part time work.

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Mr. Randall: Whatever conditional use they require that's what you.

Mr. Shalaby: Exactly yeah they indicated that they had no issues with it.

Mr. Randall: Okay. That's great, that's great. Now, again, about the design, you were somewhat, you were somewhat controlled about what you could do with the design, correct?

Mr. Shalaby: Correct.

Mr. Randall: Does Dunkin' Donuts have a variety of plans that you can choose from or was it pretty much, they shall use this one?

Mr. Shalaby: Unfortunately it is thou shalt use this one. In the past, they had some variety, but no, recently they're trying to unify their look with drive-throughs and if you've seen all the new ones, they all look the same. And this is the new, I guess generation, and they're kind of, you have to use that unfortunately.

Mr. Randall: Ok, great, thank you very much.

Mr. Shalaby: You're welcome, thank you. Any other questions?

Ms. Vanuch: Any other questions?

Mr. Boswell: I have one for staff.

Ms. Vanuch: Mr. Boswell

Mr. Boswell: I have one for staff.

Ms. Vanuch: Oh, okay, well I think that's it, okay, that's good, we're good.

Mr. Shalaby: Well, thank you very much, I'll be close if you need me, thank you.

Ms. Vanuch: Okay, Mr. Geouge?

Mr. Boswell: We were just told that there's currently a conditional use permit on this property for a car lot.

Mr. Geouge: That's correct, its use, auto sales I believe.

Mr. Boswell: There's two parcels involved here with what we're zoning, is that correct?

Mr. Geouge: Yes, so, the conditional use permit that currently exists is only for the larger parcel.

Mr. Boswell: Only for the larger parcel. Do you have any idea what size car lot, how many cars? I think that goes along with the conditional use permit. How many they could put there?

Mr. Geouge: I'm not positive, I'd have to go back and look. But I know just because of the site configuration there's a pretty small footprint.

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Mr. Boswell: Okay, and do you know when that conditional use permit was issued, I was just kind of curious.

Mr. Geouge: I can check if you can hold for a second.

Mr. Boswell: Sure, go ahead.

Ms. Vanuch: Any other questions while we're waiting?

Mr. Geouge: 1998 Resolution R98322 allowed for an auto service facility in the area. In another conditional use permit was approved in 2002 R02493, which allowed for motor vehicle sales on the same parcel.

Mr. Boswell: Has it ever been used for that purpose at all, either one?

Mr. Geouge: No sir.

Mr. Boswell: Okay. And also just for everybody's knowledge, who's gonna enforce this not pulling tractor trailers into this Dunkin' Donuts, how is that enforced, is that I understand it'd be complaint based?

Mr. Geouge: Most likely, yes.

Mr. Boswell: So, you know if nobody's there to, you know there's no way to monitor that, that's a nice proffer, but you know, if they roll in there with a tractor trailer and block up half the parking lot, there's no way, unless someone knows to complain, there's no way we can..

Mr. Geouge: Unless, probably there's a complaint and if we're able to go out and monitor if they typically come at a time or

Mr. Boswell: Well, somebody has to complain to get that started though. And I'm just really curious about this used car lot and used repair shop that's been zoned and it's never been used for that, I'd almost think that maybe the parcel's too small for that. But, anyway... Okay, thank you.

Mr. Geouge: Thank you.

Ms. Vanuch: Alright, any other questions? Nope? Okay. So now we'll move on to the public hearing portion of this meeting. So if you would like to come down to the podium, please state your name, address, the district you reside, you'll have three minutes when the green light comes on, one minute yellow, red light comes on your time has expired, so come on down.

Mr. Wallace: Madam Chair, Chair members of the Planning Commission, I'm Dan Wallace, I own and operate the Arby's at 164 Warrenton Road, in the George Washington District. Me and my family have owned and operated the restaurant there for forty one years. I do appreciate the work the county has done, and Dunkin' Donuts, on looking at my issues. My concerns are still the same ones I've had from day one, Dunkin' Donuts states that will have 1500 cars coming to their lot a day. I'm saying that's 750 cars going north on 17 and 750 cars going south on 17. 750 cars a day coming south, trying to get into Dunkin' Donuts, we can have all the arrows we want, I have double arrows in my drive through to go one direction, it doesn't make any difference, they go the other, they go anywhere they want. You see Dunkin' Donuts sitting there, and you get that light, and you've not turned at that light, you've got to come

through Arby's to get to Dunkin' Donuts, because they're putting a median strip in front of where you can turn into the Dunkin' Donuts, it's no right in, left in, excuse me. So, they're going to be coming through my lot. We have 500 cars a day, my lot is not designed very well as it is right now to handle the 500 cars. How in the world is my lot gonna handle 750 cars going south on Route 17 trying to get to Dunkin' Donuts to get a cup of coffee or a donut. I have nothing against Dunkin' Donuts, but it's just too small, it's just not designed, our lots were not designed to have joint parking, our lots were not designed to have joint access between the two. It's just not, the flow is just not there. If you come to my lot during the lunch, or late morning, and look at the traffic that I have and then picture 750 cars a day coming through there to get to a Dunkin' Donuts, it's not meant to happen that way. It's going to cause a problem. My other issue that I have, and I think it's no tractor trailers can get into Dunkin' Donuts. Well they're gonna have tractor trailers, my equipment comes in on tractor trailers, their equipment's gonna come in on tractor trailers, there are different items that are gonna come in on tractor trailers, it's gonna happen. When a tractor trailer comes in, where is it gonna go? It's gonna go in my lot. If a tractor trailer driver wants a cup of coffee and a donut, where is he gonna pull into? He's gonna pull into my lot. We don't have joint parking, I don't wanna be out there fussing at a driver, hey you can't pull in my lot to run across the street over there to get a cup of coffee and a donut. It's not designed for that. But that's what's gonna happen. And it's gonna be a problem. And I'm gonna be up here stomping, and screaming, and hollering that tractor trailers are pulling in using my parking lot to go to Dunkin' Donuts, and it's not designed for that. But that's my concerns, like I said I think they'd be a good neighbor, they'd run a good operation, it's no doubt about that, I just don't think the in and out is right there. I know they have worked, they've done everything they can, it's just with the size of that lot, it's just not made for that. I appreciate y'all's time, and thank you for my consideration. Thank you.

Ms. Vanuch: Thank you. Anyone else want to come down? Okay, seeing none, I would like to close the public hearing on the reclassification and conditional use permit for Dunkin' Donuts and give the applicant a chance to come up and address any of the public comments.

Mr. Shalaby: Thank you Madame Chair. With regard to the traffic study that we ran, was run on a larger building as Mr. Geouge mentioned earlier, we had a larger building and we redesigned it to shrink it down. And basically the 1500 cars a day if in the transportation it said that is at the highest volume, so we don't anticipate that that will be the case. I'm sure Dunkin' would hope it would be the case, because again that's that means business is well. But the key is, we've tried to, I agree, people driving, I've seen people drive on roads, you know, in the wrong direction completely backwards, you know, I understand that, we can't unfortunately design everything and plan everything for every odd person does something wrong, in this case, we've angled the parking and released the entrance to make sure that you know, people would not be able to do it, it makes no sense if someone's traveling on 17, when they have a nice entrance, why would they go through the parking lot or past the entrance, go through the parking lot of Arby's do an odd turn, go a one way traffic to go in, go back again and left turn to get back in to the entrance. We tried to make it as cumbersome as possible to avoid that. And I think that is the case. With regard to tractor trailers, again, I agree you know unless someone's out there standing, but that happens in everything in the county, when you put rules, and there's proffers, unfortunately you can't have someone to police every minute. It's a matter of we understand and Dunkin' understands if we violate the proffer or the condition and we get caught, we could risk losing the whole thing. So trust me, that's not something that someone's worth or willing to risk a million and a half dollar investment, because a tractor trailer. That's why we got the commitment from the main vendor, which again they supply 9,000 Dunkin' Donuts, and they said yes we do it, and all the circumstances, for example, Washington D.C., New York City, those places, we understand, you can't get tractor trailers, they use the box trucks, and again if there is a complaint I'd hope that Mr. Wallace will bring it up to Dunkin' and they'll address that. Now the person who wants to stop for a cup of coffee or I don't know, I don't know what to say about that, I mean I hope

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that they would not use that. There is another Dunkin' down on 17, further down that they might be able to, truck drivers know, they'll probably use that, but unfortunately I don't know how to address that.

Ms. Vanuch: Mr. Shalaby, really quickly, I have a question. So I'm confused how a car will come into Arby's? Cause didn't you guys close off the inter-parcel connector? Can you get in the computer Jeff?

Mr. Shalaby: Okay, basically I'm gonna kind of draw, if a car is driving, this way they will basically come in and this will be the entrance they will take. If they for some reason, don't take that, which again, obviously being the labeled entrance and right there, they'll have to go this way, come in through this entrance, come this way, come this way, go against traffic, come back, and then come at and go in here.

Ms. Vanuch: And that's an in only though, correct?

Mr. Shalaby: That's an in only. So this is...

Ms. Vanuch: And that'll be really narrow.

Mr. Shalaby: It's narrow, it's one way, it has signs, "do not enter", "one way", so for someone to do that, obviously like I said, that's not a likelihood the case, so..

Ms. Vanuch: And I'm just, in my mind, I go to Chick-fil-A a lot, on 610, and there's a, (laughter), there's that what, they just redesigned their parking lot to do in only so it's kind of the opposite, but I know every time I go to turn I almost put my turn signal on to turn and I'm like "Nope, can't do it", and it doesn't seem like they've had problems with wrong, cause they've made it narrow and they put the do not signs..

Mr. Shalaby: Correct, and this is exactly what we did because again, the vehicle's coming, it's gonna have signs, there's a sign that says, you know "enter one way", there's obviously the arrows on the ground..

Ms. Vanuch: And if they did that, like what, so they could go in to that other exit and then they would go out to Melcher's Drive, right? Where is the exit on to, out of Arby's?

Mr. Shalaby: Out of Arby's, I mean Arby's has several entrances.

Ms. Vanuch: In the back.

Mr. Shalaby: In the back is back through here. I mean they would go straight.

Ms. Vanuch: So they could drive there, and then go around Melcher's to get there?

Mr. Shalaby: Correct, go to Melcher's, come back around, or obviously go around the parking lot and come back. There's another entrance.

Ms. Vanuch: Off of, on to, off of 17, there's Melchers Drive at the light.

Mr. Shalaby: There's an entrance here, and there's an entrance further down on 17.

Ms. Vanuch: Okay.

Mr. Shalaby: At the, near the traffic light.

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Ms. Vanuch: Go ahead. Yeah, no I was just trying to visualize it in my head

Mr. English: Yeah I just want to point something out, and I wished I had that little blue thing he's got, but if you're coming in off of 17, if I'm driving a tractor and trailer because I drive a large truck, over the 26 foot box truck they might be using at the deliveries to the donut shop, but anyway if you come in and make the right off 17, if I'm driving a tractor and trailer and I want a donut, I'm gonna look the situation over pretty quick and what I'm gonna do is I'm gonna go right into the Arby's parking lot and I'm gonna ease on down here to those red marked parking spaces, cause there's probably not gonna be a lot of cars parked there, and I'm gonna stretch my truck across there, and I'm gonna get out and I'm gonna walk over to this Dunkin' Donuts and I'm gonna get my donut, and I'm gonna tie up about 12 of those spaces. And that's what I would do, because there's no way you could get in there with a large truck. This, in my opinion, the site is not big enough for it; we're getting ready to talk about here. As a truck driver, that's what I would do. And I think a lot of that's gonna happen, and that's why the gentleman with Arby's is not pleased right now.

Ms. Vanuch: And I drive a truck and a trailer with my horses in it, and I always look for the path of least resistance too, but what I would do, cause I'm a terrible driver, is I would drive and turn at the light, and go park on Melchers and walk my happy little hiney all the way down to Dunkin' Donuts:

Mr. Shalaby: And, and I think that's more likely the case is someone might come in here, park right here, run get their donuts and go. And that's likely. I don't think.

Ms. Vanuch: Cause then I could just leave right out of there, cause I always am looking am I gonna get.

Mr. Shalaby: Exactly, and there is another Dunkin' Donuts on the other side of 17 that does have larger parking access

Ms. Vanuch: So you're a better driver than me, Roy. (laughter)

Mr. Shalaby: And I understand that you know, again.

Ms. Vanuch: You forget about the donut and just keep going.

Mr. Shalaby: Again, there's a reality, when people pull in, they're gonna see that there's not enough room to maneuver anything else, and I like I said, you know,

Ms. Vanuch: Or I'll just drive over all the curbs...(laughter)

Mr. English: I've got a question for Mr. Shalaby, of the people that are building this one, do they own the Dunkin' Donuts further down?

Mr. Shalaby: Yes, on the other side of 17.

Mr. English: So, what is the traffic flow for that one down there? What is...

Mr. Shalaby: You guys, I think we looked it was 500.

Mr. English: So they get 500.

Mr. Shalaby: I think it's 550 vehicles a day.

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Mr. English: Okay. I got a question for Mr. Wallace, if he doesn't mind. Mr. Wallace, when you have deliveries, you have tractors and trailers come in for deliveries correct?

Mr. Wallace: Yes sir.

Mr. English: What's the issue that you have? Do you see any issues when they come in, I'm sure you do, or how do they, or what time do they come in and how do they come?

Mr. Wallace: Well, we've had it to the point where we've had to make our deliveries come in at night deliveries now, they come in at the middle of the night. So they can come in through that back entrance right there.

Mr. English: Because of the traffic?

Mr. Wallace: They pull up, they unload, and they get outta there. When they come in, like you said, they gonna take up 15 parking spots across the back. And I can't be out there fussing at a truck driver pulling in there with a trailer or anything else taking up 15 parking spots.

Mr. English: Okay.

Ms. Vanuch: Okay thank you. We just broke protocol a little bit so bear with us.

Mr. English: I'm sorry, I just had to ask him a question. Alright, that's all I had.

Ms. Vanuch: Okay. Did you have a question Mr. McPherson?

Mr. McPherson: I did, just quickly using your magic blue pen, how do you anticipate traffic from southbound 17 getting into your Dunkin' Donuts? You've seen the two ways they can get in from northbound.

Mr. Shalaby: Correct, they will come to Melchers, they will have to take the traffic light, take a left at the traffic light, come to Melchers, and come in it from here.

Mr. McPherson: Okay, do you think that's realistic though, are they gonna know that they have to turn on Melchers to get to the Dunkin' Donuts, cause you don't see that median until you know, you come up on it.

Mr. Shalaby: Well, I understand but the other thing, well if not, once they realize they'll be at the median, and that's the reason that they'll have to come up somewhere further down to U-turn and come back.

Mr. McPherson: That's my worry is the U-turn. Okay.

Mr. Shalaby: Well I'm assuming there's somewhere, but that's, I would think that most people, because of how difficult everything would probably just keep going. I mean I understand they like donuts, but you know they'll learn next time to come from Melchers because, and that's the reason why we met with VDOT, they're the ones that specified that length because they figured out you know, that's enough to deter, no one's gonna be able to cross then.

Mr. McPherson: Okay, thank you.

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Ms. Vanuch: Any other questions?

Mr. Bain: One thing in the back of my mind, and maybe Brian can clarify, I recall something about VDOT is eventually going to have that median all the way up to the stoplight.

Mr. Geouge: That's what the VDOT Stars study is showing, yes.

Mr. Bain: Okay, is there any idea of the timing on that?

Mr. Geouge: No there's not, it's not a funded project.

Mr. Shalaby: I think there's, but there's no funding, I guess as people develop or whatever they'll end up building it, that's why we're building the first portion.

Ms. Vanuch: Any other questions?

Mr. Bain: Let me follow on with that then, is there any opportunity that the applicant could extend that median? Offer to extend it and that would...

Mr. Shalaby: If I may answer that, we've had discussions with VDOT, obviously there's a clause, but also reason that we kept it there was because of Arby's.

Ms. Vanuch: Yeah, I see them shaking their head no. That's the look of death to you.

Mr. Shalaby: Yeah, VDOT wanted us originally to go to the traffic light and in our discussions with them we said wait a minute, we don't mind impacting our site but we don't want to do any more impact on Arby's, that's why we left it.

Mr. Bain: Okay, I'm sorry, I'm sorry.

Ms. Vanuch: Go ahead Mr. Randall.

Mr. Randall: I saw, I've seen in the plans that we uh, tonight, where you want to put all your signs. Is there some feasibility to putting a sign outside, or I'm sorry, out by the intersection that would allow people to understand that if they want to get into Dunkin' Donuts going south that they need to turn at the light? Is there...

Mr. Shalaby: I mean obviously we wouldn't mind doing it, we'd have to kind of check with the staff and with...

Mr. Randall: There are some glitches that would be associated with that.

Mr. Shalaby: Yeah we can absolutely do something, yup. I mean if everyone agreed to it we can definitely put a small sign with a directional arrow or something.

Mr. Randall: Absolutely, absolutely, I mean to Mr. Wallace's point obviously we want to minimize the impact to his business as much as possible. And short of spiked strips going one way, you know, there's really no way we can do that, but if you make it as available as possible it won't be long before people will realize that alright I'm not gonna go against traffic, the best way to do it is to make a right, left at the light, make a right at Melcher's and then there I am.

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Mr. Shalaby: Absolutely, we can definitely you know, we'll be glad to do that, we'll just have to work the logistics with staff and Mr. Wallace to put some sign with the direction arrow.

Mr. Randall: Alright, that's all I had.

Ms. Vanuch: Okay, are we sure, no more questions? Okay, thank you. Alright so bring it back to the commission. Mr. Bain, this is in your district.

Mr. Bain: Yes, Madam Chairman, as has been as, has been said several times, I and the staff, county staff, met numerous times with the applicant and with Arby's. This is a terrible site, but I think that the applicant has gone to great lengths to try and address all of the problems that we have raised, all the issues. There's nothing they can do about that power line easement and unfortunately traffic movement is always gonna be a problem on Route 17 going both north and south but I think, I think, in retrospect there's really not much else that could be done with this site for pretty much any type of use other than something like the car lot so this is about the best that we're going to get, so for that reason I think I'm going to make a motion first that we approve the rezoning of the one lot and then I'll make a second motion. I guess I have to do it separately?

Ms. Vanuch: Do it separate, okay. Alright so the first motion will be to approve the reclassification of Dunkin' Donuts on Route 17 and Melchers Drive, by Mr. Bain. Do we have a second?

Mr. McPherson: I second it.

Ms. Vanuch: Okay, so we have a motion and a second by Mr. McPherson. Any discussion Mr. Bain?

Mr. Bain: No.

Ms. Vanuch: Okay, Mr. McPherson?

Mr. McPherson: No.

Ms. Vanuch: Alright, anyone else want to discuss, Mr. Apicella?

Mr. Apicella: Madam Chairman, I just want to thank the applicant, and Mr. Bain for working to resolve most of the issues, I understand that the owner of the Arby's still has some unresolved issues, I'm not sure that we'd be able to get to a fix that would be satisfactory. For me one of those important issues was the fix related to the tractor trailer concerns that I raised. So, it is not a perfect site as Mr. Bain said, but we might get something else there that maybe less desirable and more impactful so for those reasons I'm going to support the motion.

Ms. Vanuch: Any other comments by anyone. Okay so now, oh, oh, I'm sorry I didn't see you, I'm sorry, Mr. Boswell go ahead.

Mr. Boswell: I can't support this, the site isn't big enough, it's gonna impact Mr. Wallace's business, he's been there 41 years, way more than what some other things might, the car lot was brought up, it's been zoned for a car lot since 2002 I would venture to say that if no one has put one there in 16 years maybe it's not big enough for the car lot that it's zoned for either but either way I can't support this, it's just not big enough and I'm not gonna support it. Thanks.

Ms. Vanuch: Sure, thank you Mr. Boswell. Anyone else? Okay.

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Mr. Harvey: Madam Chairman?

Ms. Vanuch: Yes, Mr. Harvey?

Mr. Harvey: For staff's benefit, Mr. Bain, was the motion for approval of the reclassification with the proffers as presented by the applicant tonight?

Mr. Bain: Yes, thank you.

Mr. Harvey: Thank you.

Ms. Vanuch: Okay. Excellent. Okay so, we're voting to approve the reclassification with the new proffers presented this evening. Okay, the motion passes five to two, now on to item number two, which is the conditional use permit for Dunkin' Donuts, Mr. Bain?

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) (History: February 14, 2018 Public Hearing Continued to March 14, 2018) (March 14, 2018 Public Hearing Continued to April 25, 2018)**

Mr. Bain: Yes, ma'am, I also would like to make a motion that we approve the conditional use permit with the additional conditions that was specified tonight concerning tractor trailer limitations on the site.

Ms. Vanuch: Second?

Mr. McPherson: I will second.

Ms. Vanuch: Okay, so we have a motion by Mr. Bain, a second by Mr. McPherson, any comment Mr. Bain?

Mr. Bain: No

Ms. Vanuch: Mr. McPherson?

Mr. McPherson: No.

Ms. Vanuch: Anyone else?

Mr. Randall: Yes.

Ms. Vanuch: Mr. Randall?

Mr. Randall: I have a quick comment. You know this is one of those difficult decisions that you make sitting up here, understanding that there's a decision that there's interest on both sides. This has impacts on a lot of people and I don't look at those lightly, but to the point that's been made I'm not sure that Mr. Wallace would rather have a used car lot, outta there. Which is the only other option that they have for

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that land. Now to the point that's been made, is it's been 15 years do we think we're gonna get one? We may not, but it is zoned for that. There is a conditional use permit that allows that. And if they started building it tomorrow with a used car lot, there may be a thought that we would rather have a Dunkin Donuts. Do I think that there's some things that you can do, Mr. Wallace, on your property to make sure that it minimizes that traffic going backwards through that, I do. You know, that's on you to make sure that you can minimize that. Do we have control over the drivers? This is Stafford County, I don't know what more you can do rather than put in a sign out by the intersection to try to direct traffic around, but I think it's a good use for the lot. I know it doesn't have the right size that you would, that we would want, but I do think that there is some effort to meet the requirements and to provide something to the County that we need rather than another, to your point, another used car lot on 17. So for that reason, I'm gonna approve it.

Ms. Vanuch: Okay, any other comments? Okay, seeing none, please vote for the conditional use permit for the Dunkin' Donuts on Route 17. Okay and the motion passes five to two, thank you guys very much. And, I neglected at the beginning of the meeting to ask for a motion to make a change to the agenda and so Mr. Wisnewski has informed me that I can do that now, I can ask for a motion to change the agenda to add a closed session after the new business and prior to the planning director's report, does anyone want to motion for that?

Mr. Apicella: So moved, Madam Chairman.

Ms. Vanuch: Second?

Mr. English: I second it.

Ms. Vanuch: Okay, a motion by Mr. Apicella, second by Mr. English, please vote. Okay the motion passes 7-0. So now we're going to move on to item number three on the agenda, amendment to the Stafford County Comprehensive Plan – Cluster Subdivision Areas. And for this we recognize Mr. Mike Zuraf.

1. Amendment to the Stafford County Comprehensive Plan - Cluster Subdivision Areas - A proposal to amend the Stafford County Virginia Comprehensive Plan 2016-2036, adopted on August 16, 2016, to define locations where cluster subdivisions are recommended. The proposed amendment would modify Chapter 3, "The Land Use Plan," to incorporate amendments to the textual document, adding a new sub-chapter entitled Section 3.9, Cluster Subdivision Areas, and adding a new map entitled Figure 3.9, Cluster Subdivision Areas ("Map"). The proposed Map would establish the area(s) where cluster subdivisions are recommended in the County. The proposed text amendment explains, and describes the basis for determining the area of, the map. **(Time Limit: May 31, 2018)**

Mr. Zuraf: If I could have the computer please? Good evening Madam Chairman, members of the Planning Commission, Mike Zuraf the Planning and Zoning department, this item is a proposed amendment to the Comprehensive Plan for Cluster Subdivisions. The request would amend the comp plan to define locations where cluster subdivisions would be recommended. It would modify Chapter 3 of the plan, that's the land use plan chapter, to add a new subchapter entitled Section 3.9 Cluster Subdivision Areas and in that section add a new map entitled Figure 3.9 Cluster Subdivision Areas. This is the proposed Cluster Subdivision Area map, the areas recommended for cluster development include both the yellow and orange shaded areas on the map. The different shading does reflect different portions inside the urban service area, that's the yellow shading and the portions outside the urban service area are in the orange shading. The areas in white are outside of the defined area where cluster subdivisions, in those

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areas, cluster subdivisions would not be recommended. So, I want to take a moment to review the different steps in the process that the county is undergoing to review cluster development standards. There are essentially three phases that we're working through. Phase 1 is complete, on March 20 the County Board amended the zoning ordinance to adopt a cluster subdivision area map as part of the zoning ordinance. The map identifies limited areas where cluster subdivision design standards are permitted in the county and that map basically replicates the map you're considering tonight. Phase 2, that's ongoing, on March 20 also the Board referred the Planning Commission limited amendments of the comp plan and zoning ordinance. On March 28, the Planning Commission was notified of this referral, and at that meeting you chose to divide the referral, initiate the hearing to amend the comp plan to add the cluster subdivision area map. This is the step where we are now in the process. Also at that same meeting the remaining part of the referral, the Commission appointed a Cluster Development Committee and they reviewed and considered modifications to the remainder of the referral materials. Then on the, at your last meeting on April 11, the committee provided recommendations to the full Planning Commission, the full Commission accepted the adjustments from the Committee and the Planning Commission initiated a public hearing on May 9 for the remainder of the Phase 2 portion of the effort. Then Phase 3, this is an upcoming, on April 17, the Board referred, approved another referral requesting the Planning Commission conduct a full comprehensive review of cluster regulations and to develop modifications to the Cluster Ordinance and consider adjustments to the Cluster Subdivision map as the County's going through that effort, the effort is intended to address the fullest of concerns that the board has with the cluster subdivisions and that effort's expected to take nine to twelve months. So back to the issue at hand and the evaluation regarding kind of the area limits, the map and cluster subdivision area limits are identical to the map adopted by the Board as part of the zoning ordinance, then with minimum area requirements the proposed map that you have is in accordance with the state code requirements that cluster development regulations be applicable to forty percent or minimum of forty percent of the unimproved land in residential and agricultural zone districts in the county. For the purpose of designating these areas, unimproved land does include land without a dwelling or taskable structure and parcels of two or more acres in size. But also excludes land that's owned or controlled by the county, state, or federal government. Also excludes land subject to conservation easements and also unimproved lands that were part of dedicated open space areas of subdivisions. Looking at location issues, this proposal would address some long term concerns for the viability of private wells and septic systems on smaller lots in more condensed areas. Development outside of the urban service area is expected to be more self-sustaining with the use of private wells and septic systems. Locating cluster development near the urban service area could potentially allow for access to public utilities if homeowners experience system failures in the future. Also this would encourage cluster developments closer to other critical services such as public safety. On the issue of unimproved versus improved land the plan amendment clarifies that cluster development may occur on an improved land and unimproved land in the defined areas assuming conformance with the cluster development standards. The identification of unimproved land was mainly for the sole purpose of ensuring that the area we identified is in compliance with the state code. Staff does recommend approval of this comp plan amendment, it provides an effective means of growth management focusing more intense development in closer proximity to public facilities and services. And I'll take any questions at this time.

Ms. Vanuch: Anyone have any questions? Mr. Bain?

Mr. Bain: Yes, concerning the forty percent, is that a, maybe this isn't the right term, is that a rolling percentage as land within the current map area develops, do we then have to expand the cluster development area to continue making it forty percent of undeveloped land? Or is it a onetime assessment?

Mr. Zuraf: Well, it, basically it should be at the time of approval, you should make sure that that forty percent number is met. It definitely is going to be a number that's going to change over time as land

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develops and changes character and ownership changes as well. And so in this circumstance, as this is an adjustment to the comprehensive plan the chance to then re-evaluate that would be during a five year update, which the state code recommends and requires the county re-evaluate the comprehensive plan every five years.

Mr. Harvey: And, Mr. Bain, just to clarify, this time goes along and as Mr. Zuraf was saying, more land gets developed, that means there's less undeveloped property to consider towards that forty percent, so what would likely happen is your area where you could do cluster would actually reduce over time.

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

Mr. Randall: I do have a question, I just, for clarification the map that we're looking at was one of three maps that the Board of Supervisors took assessment of in order to determine which map they wanted to approve, is that correct?

Mr. Zuraf: Yes, yes there, that was as part of the zoning ordinance change, yes.

Mr. Randall: Okay, and I just wanted to make sure everybody's aware that the map that we're currently looking at has a, rather than a forty percent minimum it has a forty seven percent undeveloped land percentage, versus the forty percent minimum is that correct as well?

Mr. Zuraf: Well that figure was provided early on when the maps were first prepared, we did have to, we did discover that there were some duplicates of some properties and so we re-evaluated that. It's a little, it's a little, it's closer to, say I'm closer to forty it may be around forty two percent or so, approximately.

Mr. Randall: Okay, alright, thank you.

Mr. Boswell: Mike, this was sent down to us, we couldn't make any adjustments to the map correct?

Mr. Zuraf: Correct.

Mr. Boswell: Okay, thank you.

Ms. Vanuch: Any other questions? Okay, thank you so much Mr. Zuraf. So now we'll move on to the public hearing portion for this item. So, if anyone in the crowd would like to come down and speak please state your name, address and district that you reside. When the green light comes on you have three minutes, yellow light means one minute, red light is your time has expired. Would anyone like to come down? Okay, seeing no one rushing the podium I'm gonna close the public hearing and bring it back to the Commission. Do we have any additional questions for Mr. Zuraf? Alright, so what would we like to do with this item for today?

Mr. Randall: I'd like to make a motion that we approve, send a recommendation of approval to the board of the addition of the amendment to the Stafford County Comprehensive Plan with Figure 3.9 and the associated text.

Ms. Vanuch: Okay. Do I have a second?

Mr. English: I'll second it.

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Ms. Vanuch: Okay, so motion by Mr. Randall to approve the Comprehensive Plan Cluster Subdivision Area Map and a second by Mr. English, Mr. Randall any comment?

Mr. Randall: I have no further comments, thank you.

Ms. Vanuch: Mr. English?

Mr. English: No ma'am.

Ms. Vanuch: Anyone else? Nope? Seeing none, then go ahead and let's take a vote. I did push the button I promise. Okay, motion passes 6-1. Alright, if they could all be that quick that would be great. Item number four on the agenda, amendment to the Subdivision Ordinance O18-17. For this we recognize I think Mr., Zuraf, oh, Mrs. Hornung.

4. Amendment to the Subdivision Ordinance - Proposed Ordinance O18-17 would amend the Subdivision Ordinance, Stafford County Code, Sec. 22-118, "Water and sewer," to eliminate community sewage disposal systems from being classified and permitted as on-site sewage disposal systems. The amendment would no longer allow the use of community sewage disposal systems for new subdivisions. **(Time Limit: May 27, 2018)**

Mrs. Hornung: Thank you Madam Chairman, members of the Commission. The proposed ordinance O18-17 is for the Planning Commission to consider Section 22-118 Water and Sewer to eliminate community sewage disposal systems from being classified and permitted as onsite sewage systems for new subdivisions. The, currently the county subdivision ordinance allows for the use of community onsite sewage systems, or mass drainfields, and mass drainfields meaning a connection of more than at least three or more single-family dwellings attached or detached and these are private sewage treatment works that would process a septic tank afloat for more than the three single-family attached or detached dwellings and they're typically located in open space areas, easements, through those open space areas to the lots in that subdivision and the open space parcels would be owned by a home owners association. The Utilities Commission and Utilities Department expressed concern over the long term maintenance of these type systems where supporting residential uses because since these mass drainfields are privately maintained, it's possible that that HOA could default and then the responsibility of maintenance of that community drainfield system would be left up to the residents in that subdivision. And the county would not have authority or financial means to repair those systems. The issue was discussed at the March 6 meeting of the Board's Community Economic Development Committee and because of those concerns they recommended that the Board require that drainfields be on the property it serves for these new subdivisions and that easements to off-site mass drainfield systems would no longer be permitted. Currently we do not allow individual drainfields to have easements on other properties. Also the CDC recommended to clarify the capacity and design requirements for these on-site systems. So what I'd like to do is go through the ordinance and specify those items that are recommended to be changed. In 22-118 of Water & Sewer section of the Subdivision Ordinance, Section 4 On-Site Sewage Disposal Systems, the word "community" would be stricken and the statement would actually refer to "on-site sewage disposal systems", disposal would be added. The remaining paragraph would remain the same. Section B of that same Section 4 the on-site sewage disposal systems would have individual written before it so it would read "all individual on-site sewage disposal systems shall be designed and constructed in accordance with the code of Virginia in 1950 as amended". Paragraph C is the one that is amended the most, would also continue to add individual prior to on-site sewage and then include the word disposal system because we're including on-site sewage disposal systems. Which also coincides to state code and how those systems are referred to. These systems would be proposed to serve an individual lot and residential subdivision comprised of single-family detached homes shall be at least 150 gallons per day per bedroom.

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Per was added prior to bedroom. And then the next sentence which I will read is the one that has been amended to be removed, “The community on-site disposal systems shall be defined as a treatment works that serves more than three attached or detached single-family dwellings with the combined average daily sewage flow greater than 1,000 gallons per day or a structure with an average daily sewage flow in excess of 1,000 gallons per day”. An additional sentence to be removed as well is the minimum designed capacity for community on-site sewage systems shall be at least 300 gallons per day per dwelling unit on a peak flow basis. In all cases they reserve area in accordance with Subsection 4D, below shall also be provided for each lot or community system. Those three sentences would be removed which basically removes the ability to allow a community mass drainfield. And then the remaining paragraph would stay the same. Alternative design capacity may be required depending on the proposed use or intensity of use as determined by the Virginia Department of Health. Stafford County will not accept conditional permits for systems that do not meet these minimum capacity requirements. And further in Subsection D, paragraph D, would also remove “or community” and add “disposal” so it would say individual on-site sewage disposal system. Paragraph E also would replace non-community with individual throughout the paragraph and that no easements shall be permitted for individual on-site sewage disposal systems to be located off-site. This will ensure that there’ll be no easements for any drainfields off-site from the lot that it would serve. In boundary line adjustments shall not reduce or give away absorption capacity so the word “shall not” has been added. And the remaining paragraphs of F and G will stay the same. So basically the section of the Subdivision Ordinance would remove the ability to allow community drainfield systems, clarify that they are individual and that it’s on-site sewage disposal systems. The resolution referred to you 1876 from the Board of Supervisors refers these amendments to you through the Ordinance 18-17 to remove these references. You also have included in your packet the resolution 1876 that included references of amendments to the Utilities Ordinance but the Utilities Commission are the ones that will review the Ordinance O18-18 to make those changes. And the Ordinance O18-17 is ready for your consideration for those amendments to remove the community drainfield. I’ll be happy to answer any questions.

Mr. McPherson: Madam Chairman, I have a question.

Ms. Vanuch: Mr. McPherson.

Mr. McPherson: So, it’s my understanding that just to boil all that down to one sentence is it O18-17 is to get rid of mass drainfields and community drainfields is that even allowed by Virginia Code 15.2-2157 I’m looking at states that a locality cannot prohibit the use of alternative drainfields? Does mass drainfield count as alternative drainfield?

Mrs. Hornung: I don’t believe so. But maybe Mr. Wisnewski can assist.

Mr. Wisnewski: The proposed Ordinance changes comply with state law, that protection is for on-site systems.

Mr. McPherson: Alternative on-site systems?

Mr. Wisnewski: That is correct.

Ms. Vanuch: So what that means is if you have a septic system and it goes bad, and you have an alternative site, the county can’t regulate that alternative site.

Mr. Wisnewski: I’m sure the planning/zoning staff could speak more to the types of systems but an alternative on-site system is a, I guess you would call it a more advanced system over a conventional

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septic system. It's not in reference to an alternative site, it's an alternative system.

Ms. Vanuch: So it's the alternative system, got it.

Mr. Randall: It'd be something like a composting toilet

Ms. Vanuch: Like the newer, yeah I know what you're talking about, the newer ones, that can be uphill versus you know your field has to be downhill. Yeah, you pump it up. What do they call those Jeff?

Mr. Harvey: Madam Chairman, many times they have pre-treatment requirements for the alternative systems, rather than a conventional septic tank and drainfield system.

Ms. Vanuch: Yep.

Mr. Harvey: To get to, to make it clear with Mr. McPherson point, is he read the Code, and it is correct with regard to on-site systems, we cannot prohibit those. But in the case of a community drainfield that's an off-site system, so that's the distinction.

Ms. Vanuch: Any other questions?

Mr. English: Mrs. Hornung, this kind of code is gonna protect pretty much the homeowners, reason we're doing this is another thing too, because like you said before if it fails, HOA doesn't take care of it, it's back on the residents and then the county can't help out. So this is more of a protection for the, for a new resident, correct?

Mrs. Hornung: That is correct. It's meant for systems that serve more than three.

Mr. English: Understood. Have we had any issues that you know of, that these drainfields have collapsed or done something like this, or is it, to bring this on, or is it just...

Mrs. Hornung: I believe there was one for a mass drainfield for a mobile home park that has failed.

Mr. English: Okay.

Mrs. Hornung: And currently we have one cluster subdivision that has had a community drainfield approved. That was in discussion with the health department this week. That's the only one for a newer subdivision. And I know that we have maybe another commercial, community drainfield approved maybe for another, oh for campgrounds they have the, sometimes for campgrounds.

Mr. English: So basically when the, as it is right now it's up to the HOA to make sure that this thing's maintained or emptied or whatever, like every five years or whatever less than that, correct?

Mrs. Hornung: That is correct.

Mr. English: Okay, alright, thank you.

Ms. Vanuch: And, I think there was another community drainfield that failed, or maybe it was multiple individuals, I'm not sure, but it was off of Anvil Road because I remember when I first got put on the Planning Commission, a developer came to us because he got an environmental study that said he would have to put in a mass drainfield in order to do his 51 homes, I think, on Anvil Road and we actually

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expanded the urban services area because of the environmental concerns of having a community drainfield so close to a quiet creek, because that encroached and would have to be I think, I can't remember what the environmental study said but it was, there was a big issue, so we actually ended up expanding the urban services area for them to connect to well and septic instead of in lieu of doing a community drainfield because of the concerns that we had about contamination of mass drainfield being so close to the creek. So I know there's, and I remembered when we were doing that they had talked about another subdivision's drainfield had failed and that's the reason they were also very concerned, so, anyway.

Mr. McPherson: Another comment if I may, so, can you make any broad comments, I'm talking about the controllability of nitrogen leakage, you know, nitrogen is more easily controlled in a community system than it is by individual septic systems. Was any consideration given to the environmental pros and cons of a mass drainfield versus individual septic tanks because regardless, if you have a 50 house subdivision, you're having 50 houses worth of sewage no matter whether it's in 50 septic tanks or one big place. So, do you have any knowledge or comment on the environmental and ease of maintaining that?

Mrs. Hornung: Not all the technical aspects of it, but what we've seen in the development of some of the subdivisions is that when they cannot find the drainfield sites for let's say 50 lots, then their next step might be to have a community drainfield that can service those 50 lots. But as far as the specifics of nitrogen and phosphorous, I don't have that information for you at this time, but I'll be glad to get that for you, or I saw one of our soil scientists are, that works with the health department is in the audience, he might be able to answer some of those more specific questions for nitrogen and phosphorous.

Mr. McPherson: Okay, thank you.

Ms. Vanuch: Any other questions? Okay, so thank you so much Mrs. Hornung, we'll move on to the public hearing on this item, so if anyone would like to come down to the podium, please state your name, address, the district that you reside. You have three minutes to speak, when the green light comes on you have three minutes, when the yellow light comes on you have one minute, when the red light comes on your time has expired.

Mr. Hatch: Madam Chairman, members of the Commission, my name's Danny Hatch, I'm just across the Deep Run, there in Southern Fauquier from Stafford. I did have a consulting company, I am a soil scientist, been practicing soils for many many decades here in the Stafford area. I want to come to you tonight, and some of the things I've heard, you know I just kinda gotta bite my tongue. Community systems are not your grandmother's drainfield. They're not distribution boxes with septic tank flowing going into it and going out to a hundred gravel trenches in a big area. They're not those types of systems anymore. The alternative systems that we talked about, that are greater than a thousand gallons, or highly treated waste water that are regulated, that are operated by licensed professionals, by licensed people that are regulated by the SCC, just like your public utilities are. As a soil scientist, my main part of this is to find the dispersal areas. This clean water that has gotten ninety percent pure, or more, we've got to get it back into mother nature. That's what all drainfields do; we treat them, we get them back to the earth, and recharge the aquifer. I want to, Mr. McPherson, one of the things I want to point out is, I've got a statement here from Lance Gregory, he's the acting director of the Virginia Department of On-Site Sewage and Services. I had talked to him some time ago when this topic came up, and he was nice enough to look up some articles from the VDH, and there's been many reports that the VDH there in Richmond has sent to the General Assembly. One of the quotes is "Nitrogen is more easily controlled and commuted to systems and the mechanism to encourage or require community systems would result in additional reductions to the bay. The Department of Environmental Quality states that single-family home systems suffer from wide swings in flows and shrink of waste water so that it's difficult to get reliable treatment

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for any single-family home unit. The efficiency of any neutral removal technology is affected by these swings which are more pronounced in single-family homes.” The point is, community systems are operated and owned by one entity. It’s not the HOA, it’s a private utility company that’s gonna own and operate these systems that we’re looking at. I would want to encourage the Planning Commission, the county, the discussions I heard here tonight, in my opinion, we’re really moving backwards. We’ve got the technology, we’ve got the tools that we could help the citizens of Stafford County that have these failing drainfields, that may be clustered in areas of bad soils where we can find better soils and have treatment and do these, oh my goodness my time is up, these there. I recommend you not move this forward tonight. Thank you.

Mr. Lynn: Madam Chairman, members of the Commission, my name is Mike Lynn, and I’m not from Stafford, I live in Nokesville, Virginia, which is Prince William County and I’ve got 30 years of experience in this industry. I’m the Chairman of the Sewage Hauling Disposal Advisory Committee, appointed by the Commissioner of Health and my company owns and operates these communal systems that you’re talking about and I’d like to reiterate first what Danny said, the information that you’ve been given by staff, the definitions that you’ve been given by these fellows over here are incorrect. You’ve got bad advice, you don’t have the correct definitions of the terms. An on-site system is a system that discharges into the ground, regardless of whether it’s a communal system or on lot. If it’s not an on-site system it’s a discharge system that discharges into the stream. In effect, what you’re doing is you’re saying, well you know what, we’d rather have 600 individual discharge systems than a central sewage system down at Little Falls that treats all that. That’s the decision you’re making here. Danny pointed out a lot of things about the nitrogen reduction. Just want to tell you that I’m regulated by the State Corporation Commission. I’m smaller, but my requirements are the same as Verizon, Dominion Energy, Columbia Gas, all those things. So when I take these systems on, I have to have a budget that shows that we can perform, that we can maintain these systems the way they’re supposed to be maintained. That we have reserves for repairs and future replacements. And if all that goes wrong, if that goes completely wrong, then the County doesn’t step in, the State Corporation Commission steps in. So that’s your fail safe, not the County, it’s the State Corporation Commission. They would take that into receivership, they would find another entity to run it or manage it and they would take over it. I don’t plan on doing that. I think Danny pointed out some really good things that Virginia Department of Health really wants to move in this direction. You’ve got Fauquier County, your neighbor, installing an 80,000 gallon per day community on-site sewage system to serve the needs of the existing residents and future development in Calverton. Okay, so it’s much better for these systems to have one point of contact, one point of treatment, and one point of dispersal, than relying on 60 or 70 or 300 individual homeowners to do what they’re supposed to do. So, don’t band these things, if you want to look at requirements that require a utility to own or operate it, or require the HOA to form a utility to own and operate it, it doesn’t have to be me, it can be the HOA that does this. Those are the kinds of things that you should be looking at, but to band these things, you’re really shooting yourself in the foot and I don’t think it’s, I don’t think it’s very green, so, thanks for letting me speak.

Ms. Vanuch: Okay, anyone else? Okay no one? Seeing no one else come down, I’m gonna close the public hearing on item number four on the agenda. Mrs. Hornung, do you want to come back up? Does anybody have any other questions for Mrs. Hornung?

Mr. Apicella: I do.

Ms. Vanuch: Mr. Apicella, c’mon.

Mr. Apicella: Just for clarification, so the referral, it doesn’t give us an opportunity to make any changes, it’s an up or down vote on this right?

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Mrs. Hornung: Excuse me, that is correct.

Mr. Apicella: Alright, thank you.

Ms. Vanuch: Any other questions? Okay, seeing no one else having any questions, thank you so much Mrs. Hornung. I'll bring it back to the Commission for discussion, does anybody want to make a motion?

Mr. McPherson: Madam Chair?

Ms. Vanuch: Oh, I'm sorry, yes, Mr. McPherson?

Mr. McPherson: I would like to make a motion but defer if anybody has a comment first.

Ms. Vanuch: Okay, so motion to defer, can I get a second-

Mr. McPherson: No, I'm deferring in if somebody wants to comment, before I make a motion.

Ms. Vanuch: Oh, okay, I understand, does anybody want to comment before Mr. McPherson makes a motion? Mr. English?

Mr. English: No, I don't have anything.

Ms. Vanuch: Okay, alright, go ahead.

Mr. McPherson: Madam Chair, I move that the Planning Commission does not accept the proposed Ordinance 08018-17, I think that this is a short-sighted, very heavy-handed decision based, I think there's definite alternatives out there, that I can talk about that when, I move that we do not approve the proposed ordinance.

Ms. Vanuch: Okay, do I have a second?

Mr. Boswell: I second.

Ms. Vanuch: Okay so I have a motion by Mr. McPherson, a second by Mr. Boswell, do I have any, Mr. McPherson do you want to comment?

Mr. McPherson: Yes I would. I think that there are alternative ways to look at this, rather than banning mass drainfields, community drainfields, outright, perhaps we can look at, as it was brought up, other ways to mitigate or solve these problems. I believe there are environmental considerations that have not possibly been thoroughly considered, so that is why I make that motion. Thank you.

Ms. Vanuch: Okay, Mr. Boswell?

Mr. Boswell: (inaudible, microphone not on).

Ms. Vanuch: Okay, anybody else have any discussion, Mr. Bain?

Mr. Bain: I'm just wondering, rather than a vote tonight up or down is it possible to delay the vote and seek additional input on the issue?

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Ms. Vanuch: You can't change it, but you could do more research and then you could get additional, you know, you could make a better recommendation. So whenever we vote we can send another recommendation to the Board, we can say we'll vote to deny this or approve this, but with, this is what we think. So if you, want staff to do that you can make a motion and get a second and that would be a substitute.

Mr. McPherson: I would like to amend my motion to include Councilman Bain's, Commissioner Bain's comments. That we work with staff to, I move that we object tonight, work with staff to come up with an alternative plan and then possibly send that to the Board.

Ms. Vanuch: Go ahead Mr. Apicella.

Mr. Apicella: I think that would maybe be better, perhaps, if we deferred to get some more input. There was nobody from Utilities here who could respond and I have great respect for Mr. Hatch and the other gentleman, Hatch did my soil work, and so just so we get, I don't want to say an opposing view, but some comments from staff and/or from the Utilities, just to see, to look at the comments that they made, to kind of give us their view of the world.

Ms. Vanuch: Absolutely. Mr. McPherson, would you consider amending your motion to a complete deferral, and not voting it down tonight, but deferring it to maybe the next meeting or the meeting after that?

Mr. McPherson: I thought we had to vote up or down?

Ms. Vanuch: No, we have a timeline until May 27, so we can defer it up until May 27. We just have to vote by May 27. But it's an up or down vote on the text, we can't change any of the text. But we could vote to defer until May 27.

Mr. McPherson: Okay, so I would like some clarification, if we have to vote up or down on the text, then I still, my motion is still that we vote no on the text, because I think that there are still other input required. And then if we have to...

Mr. Apicella But we could do that next time, so if you still feel the same way.

Ms. Vanuch: If you defer it in two weeks, you could then defer, you could deny it. Like if we defer it for two weeks.

Mr. McPherson: I just don't want to keep pushing this down closer to the deadline.

Ms. Vanuch: Okay, so it sounds like you want to vote it down, and then get additional information and send it to the Board with the denial. So you have that motion, Mr. Boswell has a second, our discussion is kind of ongoing, would anyone like to make an alternative substitute motion.

Mr. Apicella: I move, Madam Chairman, that we defer this item until next week, to get some more research done by staff, the Utilities Department, and other folks who might have some input into this matter.

Ms. Vanuch: Okay.

Mr. Randall: I support that.

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Ms. Vanuch: Hang on, okay hold on, okay, the meeting is May 9, that would be the next meeting, so I have a motion by Mr. Apicella and a second by, who seconded..

Mr. Randall: I seconded.

Ms. Vanuch: Mr. Randall. So, any discussion Mr. Apicella? Any discussion Mr. Randall?

Mr. Randall: No, just to the point that's been made, is I think there's some questions that were brought up that we need to, yes or no, right or wrong, we need to have all the information before we make a decision, so I'm in favor of deferring it.

Ms. Vanuch: Okay, perfect. Any other commissioners like to comment? Mr. English?

Mr. English: I'm gonna vote no, because I feel like what it is, it is, and I think it's protecting the citizens so I think it was a reason for doing it, so I'm gonna have to vote no.

Ms. Vanuch: Okay, any other comments?

Mr. McPherson: Madam Chair, I do support Vice Chair Apicella's motion.

Ms. Vanuch: Okay, sounds good. So now we'll vote on a deferral until the next meeting which is May 9. Okay, the motion passes, 6-1.

Mr. McPherson: If I could, the two gentlemen that spoke, could I get their business cards, before they leave, if you don't mind?

Ms. Vanuch: Perfect. Yep. Okay, great, if you could just get us your contact information and then we can send it to the whole commission. Okay, moving on to Item 5 on the agenda, Amendments to the Subdivision and Zoning Ordinances for TRC and for this we recognize Ms. Hornung again.

5. Amendments to the Subdivision and Zoning Ordinances - Proposed Ordinance O18-19 would amend the Subdivision Ordinance, Stafford County Code, Sec. 22-4, "Definitions," Sec. 22-57, "Filing," Sec. 22-58, "Content," Sec. 22-59, "Public Access," Sec. 22-61, "Technical Review Committee," 22-62, "Commission review, action," Sec. 22-76, "Submission of plans," Sec. 22-77, "Content," Sec. 22-86, "Filing," Sec. 22-87, "Content," and amend the Zoning Ordinance, County Code, Sec. 28-25, "Definitions of specific terms," Sec. 28-247, "Submission requirements for minor site development plans," and Sec. 28-248, "Submission requirements for major site development plans," to allow for electronic plan submissions. The amendment would also stipulate that upon request of the agent, applicant, board of supervisors or planning district representative, the Technical Review Committee (TRC) shall conduct a meeting with the applicant; and to clarify the definition of the TRC. The amendment would also change and clarify the persons who may prepare construction plans for submittal, and who may submit statements regarding soil suitability for on-site sewage disposal systems. **(Time Limit: Subdivision Ordinance May 27, 2018 / Zoning Ordinance July 6, 2018)**

Ms. Hornung: Thank you, excuse me, thank you Madam Chairman, members of the Commission. By Resolution 18-74, the Board had forwarded proposed amendments to the Stafford County Code for the Subdivision Ordinance and Zoning Ordinance, specifically regarding e-plans, which is electronic plan review and Technical Review Committee which is TRC. And this would require, this would clarify not only certain requirements within the Ordinance, but also to address the Technical Review Committee and

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electronic plan review. The County is moving toward electronic plan review as currently the building permits are already at that phase for plans. And while doing that we would need to amend the Ordinance so that the, the Ordinance currently specifically states paper submissions but we want to revise, amend the Ordinance so that we are allowed to accept electronic format or e-plans. The plan applications would be, could be filed at any time at the, at the convenience of the applicant. And it would eliminate the need for filing deadlines for Technical Review Committee, or could, as well as minimizing the need for paper and in person meetings. The use of the e-plans would make it readily apparent what corrections would need to be made, typically the first review might take a little longer but once that's completed the subsequent reviews would happen a lot quicker. Currently the planning, a planning commissioner is designated as a member of the TRC, and provides community input during the administrative process and the TRC has at least one meeting with the applicant for major subdivision plans and major site plans, including preliminary subdivision plans which are less frequent. The TRC typically meets twice a month, and this meeting is required part of the process. The Board has asked that the Planning Commission add input whether or not at least one meeting between the applicant and TRC should be completed, should continue to be compulsory. At their meeting in February 14 of this year, the Planning Commission the TRC meeting be held on an as requested basis by the applicant, Board, or Planning Commissions District Representative. As an an requested meeting would allow the applicants to have a face to face discussion with the TRC reviewers about specific technical requirements and allow for planning commissioners and Board members to meet with the applicant to discuss these concerns. Prior to the implementation of e-plans, amendments to the Subdivison Zoning Ordinance chapters would re required. And what I'd like to do is, go specifically through those individual items and let you know what is actually being changed, or recommended for amendment. In 22-4 of the Subdivision Ordinance the definition of Technical Review Committee would just be amended slightly, just to include "technical review of preliminary subdivision plans and construction plans" because currently it just states "site plans". Under 22-57 of Filing it would add information that would state 'all preliminary subdivision plans shall be filed on standard forms' and then the new language " and/or electronic format as provided by the Department of Planning and Zoning". There's some information that's also going to be updated throughout the Ordinance because you have different information regarding planning and zoning so we want to clarify it and call it Department of Planning and Zoning as it's currently titled.

Mr. Randall: Ms. Hornung, can I ask a quick question? I'm sorry.

Ms. Hornung: Yes sir.

Mr. Randall: Do you already have the formats available? Are those formats ready to go?

Ms. Hornung: For e-plans?

Mr. Randall: For e-plans.

Ms. Hornung: No, staff is working toward that. Last year we were moving ahead but with the loss of two staff members who were heavily involved we took a hiatus until we completed, hired the two people to replace them. Now since they're trained in other things, staff is currently working full speed ahead for e-plans. We're hoping that by late June, there might be a soft opening so that we can do some e-plans submission with major site plans and construction plans and we're making sure that all our manuals and some videos and the documents that are needed for e-plans are updated for Planning and Zoning Department as well as anything that we need to provide for the website so that the applicants and engineers, typically are the professionals who we deal with for construction plans and site plans. They'll be able to look at that information and easily apply online and submit the information required in the format that we require in order for staff to do the reviews.

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Mr. Randall: So the intent would be that before approval, over all of this, that we would have something in place, it would have gone through some preliminary work and we would be sure that we had the correct formats for e-filing, is that correct?

Ms. Hornung: Right, staff is working on having the specifics for what needs to be required as far as the software what's required, but we need to make these changes in the Ordinance to allow, allow the e-plans filing, cause currently the Ordinance specifically states paper copies.

Mr. Randall: Thank you very much.

Mr. McPherson: Andrea I have a quick question if I may.

Ms. Hornung: Yes sir.

Mr. McPherson: I believe I know the answer, but for e-filing there would be no issues with the required things like PE stamps, the signatures, all that is available with e-file, right? Engineering stamps and all that?

Ms. Hornung: Yes, when the engineers and professional community uploads their documents they will already have those items embedded in the document.

Mr. McPherson: Okay, thank you.

Ms. Hornung: So instead of getting a paper copy of a site plan it would be receiving it electronically. So it's pretty much the same.

Ms. Vanuch: And I think this really kind of goes into the industry standards now, cause I saw a builder the other day and he had the little Ipad, could pull the plans right up on there, you could see everything, I mean it was a little hard to see and you had to zoom in on some things but I think it kind of aligns to what the industry is using already.

Ms. Hornung: Yes, we do have, I believe staff mentioned that about twenty percent of building permits are submitted electronically, and I think they started a soft allowance in September of last year. Under content of 22-58 the language would be added that "the plan sheets for both paper and electronic plans shall contain the following information pursuant to the standard format for electronic plan submission". We have in our Ordinance specifics on what needs to be on paper, so that will transpire as well to the electronic version. Some other language to clean up, currently in your Ordinance 12 of that same section, it refers to AOSE which is Authorized Onsite Soil Evaluator and the recommendation was to revise it to LOSE for Licensed, but having conversations with Health Department and looking at the State Code it is now referred to as OSE or Onsite Soil Evaluator. So, staff recommends that instead of replacing AOSE with LOSE we go through the ordinance and wherever AOSE and LOSE is listed we replace that information with OSE to coincide with State Code. 22-59 refers to public access and removing office of the agent and replacing it with Department of Planning and Zoning. Further in that paragraph, discussing that the information would be available for review by all interested persons during normal business hours for no less than five business days prior to receiving Planning Commission approval. Planning Commission is added, that refers to a preliminary Subdivision Plan, so once the staff report is completed, which is typically completed five days prior to the Planning Commission meeting, that is also listed in this paragraph so that the documents will be available those five days prior to your meeting. Under 22-61 Technical Review Committee the statement was added "upon request of the agent, applicant, Board of Supervisors, or Planning Commission District Representative the Technical Review Committee shall

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conduct a meeting with the applicant at a time and place as established by the agent. If such a meeting is requested then the rest is existing prior to presenting a preliminary subdivision plan application to the Planning Commission for review, new information and final decision or approval or denial". And the remaining stays the same. Basically that, solidify, is that while the Technical Review Committee will no longer be a requirement on specific days unless they submit paper, that, the agent, which is County staff, applicant, the Board of Supervisors, the Planning District Representative could recommend a TRC, Technical Review Committee if they're submitting by electronic plan review. Or at any time. Under 22-62 for Commission Review in Action the language is added "agent upon authorization by the Planning Commission and removing Chairman" so the statement will actually read "The Planning Commission shall review and approve preliminary plans. Approvals shall be indicated on the face of the plan by signature of the agent upon authorization by the Planning Commission".

Ms. Vanuch: Ms. Hornung? Can you time out for one second, Mr. Bain has a question about the paragraph just before that.

Mr. Bain: I'm sorry.

Ms. Hornung: That's okay.

Mr. Bain: It just occurred to me, you're saying that the TRC would, could be initiated by requests of the Planning Commission District Representative. Does it have to be limited to just the District Representative that that site is in or could it be any Planning Commission member?

Ms. Hornung: I'm sure it could be any.

Mr. Bain: And should the wording reflect that..

Ms. Hornung: Because it's agent, applicant, Board member, it specifically states right now Planning Commission District Representative.

Ms. Vanuch: Could it say Planning Commission member, that way it could be any, cause Mr. Bain brought up a good point, sometimes we're traveling and if we said hey, you know, could you keep an eye on this while I'm out it would allow for others to look out for other districts..

Ms. Hornung: Sure..

Ms. Vanuch: Mr. Boswell could be the designee.. (laughter)

Ms. Hornung: Designee would be better than member? Or Planning Commission member?

Mr. Boswell: Would you really want another Planning Commission involved with a TRC in your district, I mean, I don't know..

Mr. Bain: If they saw something that I didn't see I'd welcome it, yeah. I mean if you were going to do it I would appreciate your calling me and saying you're going to do it , but yeah I wouldn't object to somebody else picking it up and saying hey..

Mr. Boswell: I'm still not sure I would want to be able to call, all this together in your district without your permission, is what I'm saying, but you know...

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Ms. Vanuch: I see your point. Mr. Randall?

Mr. Randall: I think Designee is an appropriate alternative to that agent, that agent or his designated appointee or designated representative.

Mr. Apicella: I don't know what designee means, so...

Mr. Boswell: It means Steve if you weren't in town you could say, I would like Roy to have this...

Mr. Apicella: But, how, how are we gonna formalize that?

Mr. Boswell: I don't know, I don't think we should do it but... (laughter)

Mr. Apicella: I mean, I think if a Planning Commissioner has an issue, they have two options. They could go to the respective Planning Commissioner or they could go to the agent and say hey, I think there's an issue here, and if the agent thinks it's a significant issue then maybe it's worth having a TRC. I hear what you're saying, right, I mean so that's seven more, six more people who could initiate a TRC for something not in their district.

Mr. Boswell: And it's a lot of work right?

Mr. Randall: He withdraws his comments...

Ms. Vanuch: Yeah, so... well, do we need to take a vote on this change? I feel like it's getting contentious (laughter). Mr. Bain, do you feel very strongly about this or are you gonna let it slide?

Mr. Bain: No, I don't feel strongly, I'll withdrawal my suggestion. As long as the term agent is in there and that covers you know Andrea, and Brian, and Mike then alright.

Ms. Hornung: So we're good with keeping agent, applicant, Board of Supervisors, Planning Commission District Representative? And we have agent and agent defaults as well to staff in consultation with Mr. Harvey. Section 2276 on Submission of Plans, this is the section that refers to construction plans. Some extra language, additional language to clean up the existing language would add infrastructure, developments of less than 51 lots. The reason why developments of less than 51 lots was included is because since the General Assembly revised the State Code, that a preliminary plan is not required until you develop 51 lots and more. We wanted to put this in here because frequently we see construction plans of subdivisions that are less than 51 lots. Otherwise it would be covered by a preliminary plan where it's at least 51 lots, so we want to try to capture everything. Also, in that same paragraph because throughout the subdivision ordinance it frequently refers to preliminary subdivision plan we wanted to be consistent in the language, so wherever preliminary plan was submitted, was, is listed in the Ordinance, subdivision will be before it, because we have preliminary subdivision plans. Those are the projects that we'll see. In the next paragraph, paragraph 1, you see subdivision has been added and also language that states that the construction plans shall be submitted on standard forms or in standard format for electronic plan submission. What will happen is, while staff is developing these user guides in addition through the software that's required and also conforming it to the use of site plans and construction plans where we're going to move forward, we will have a format that's required so there's consistency with submissions and it will also help to make it a little easier for staff review and by doing that we will hopefully eliminate or, excuse me, minimize the time for review, so that by submitting electronically we hope that it will be much quicker than a paper copy. All plans shall be prepared by architect, landscape architect, which has been added, and then also, or other persons authorized by the Virginia Code. Again in paragraph 5 add standard

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format for electronic plan submission. And then in paragraph 6-A we have added, or in accordance with the size and scale requirements as provided by the Department of Planning and Zoning for electronic plan submission. So throughout the Subdivision and Zoning Ordinance, we've added language that refers to size and scale and information regarding electronic plan submission. 22-77 Content also discusses and adds the information for the sheets for both paper and electronic plans shall contain the following information pursuant to the standard format for electronic plan submission. There is a list of what's required on paper copies for construction plans and this also includes electronic plans so that they're, they're will be consistency of whats submitted for review. 22-86 for filing, after approval of preliminary subdivision plan, except where the requirement for preliminary plans are not required. That is because there's preliminary plan, preliminary subdivision plan, oops, I would like to add preliminary subdivision in that same, we got it in one statement, sentence, the beginning of sentence, but except where the requirement for preliminary subdivision plans are not required because of the State Code does not require a preliminary subdivision plan except for those creating lots 51 and more. And also adds the language for standard format for electronic plan submission. In 22-87, added the language again for size and scale requirements as provided by the Department of Planning and Zoning for electronic plat... plan submission... be in accordance with the size as well. The reason why it says plat is because the state code references plat, but also plat is interpreted to mean plans and plat. Further, in required forms and signatures for 9-B we've added, the information is added, that there be a cover sheet, an electronic signature may be provided, the same with paragraph C. And then number 14 again replaces some of the information and adds Department of Planning and Zoning. Formatting requirements are available through the Stafford County web page. By putting that information in there, it allows for future amendments to the formatting should the software change for whatever reason and whatever the requirements may need to be for electronic plan submission. Now we get to the Zoning Ordinance, in the, for site plans, site plan or site development plan, the language "or electronic images" was included. Also, under Technical Review Committee this definition will be exactly the same as the one in the Subdivision Ordinance, where the TRC is empowered with the responsibility of preliminary subdivision plans, construction plans, and site plans under the standards of the County Code. So whether you look in the Subdivision Ordinance or the Zoning Ordinance, the TRC definition will be the same. In 28-247, this is, the list of requirements for minor site plan, minor site development plan, the details for paper copies has been eliminated and the language "it shall be to the size and specifications required by the Department of Planning and Zoning". This allows for some flexibility should the size and dimensions change because of software other requirements. 28-248 also refers to major site development plans requirements and those changes are also addressing the sizes, the language "plan sheets shall be drawn in a size and scale as required by the Department of Planning and Zoning" was added. Paragraph E discuss, states at least ten clearly legible blue or black line copies that will be removed and the language added will be "the number of plan copies submitted via paper or electronic media format shall comply with the standards established by the Department of Planning and Zoning". One important reason for this is that through time VDOT now requires three paper copies because of how they distribute so ten copies are not enough anymore, we need at least thirteen and sometimes some departments may need more than one copy. So by allowing this we'll give more flexibility to receiving additional paper copies or the format needed for electronic plan review.

Mr. Bain: Does VDOT allow for electronic submission?

Ms. Hornung: Staff is working with VDOT, to give you a small update, staff met with Health Department and our IT will be working with Health Department's IT on giving them the ability to review for plans electronically. The electronic plan review software is through the internet, so there's very little license software that you really need, it's through a link that will come through us that they'll be able to be reviewed, they'll be able to review online real time the same as we do here, in the County. Staff is working with VDOT and there's been some concern because VDOT has different people that need to

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review and they send it out, so that hasn't been finalized yet. They have, VDOT has changed their email system to a Gmail, so they've had some computer system changes in the mean time, so staff is working with VDOT to coordinate and organize a time that we can all meet and see how the system will work. So we're positive that we'll be able to get there with VDOT to do electronic plan review as well.

Mr. McPherson: Are there any other entities other than VDOT, like DEQ or Chesapeake Bay Authority or anybody else who has to see these who we have to worry about?

Ms. Hornung: We don't, staff does for preliminary subdivision plans, construction plans, and site plans, staff doesn't interact with those agencies as much. Typically it's the environmental plan reviewers who will interact with them through some other types of Wetland or Chesapeake Bay applications, so they may have interaction more one on one, that they can do. They don't typically get, receive a site plan or a construction plan to review as fire, utilities, environmental, planners, VDOT, and Health Department do.

Mr. Bain: Okay, thank you.

Ms. Hornung: And the last part of 22-248 for requirements, the paragraph F discusses "profiles shall be submitted on standard plan profile sheets", the statement is being removed "special studies as required may be submitted on standard cross section paper and shall be in approximate scale, no sheet size shall exceed 42 inches", that's been removed and the remainder is the same. I wanted to...

Mr. Bain: Should that also say that the profiles can be by e-plan?

Ms. Hornung: I'm sorry?

Mr. Bain: Should that be changed to say that the profiles can be incorporated into the e-plan? Rather than on standard sheets?

Ms. Hornung: Sheets... that's a good point. We do have it... maybe we remove sheets and say "standard profiles"? Cause in the previous paragraph we have "via paper electronic media format", so maybe "profiles shall be submitted on standard plan profile sheets and electronic media format"?

Mr. Bain: I think that would be good.

Ms. Hornung: Would that... that way we can capture so that it's not, even though we might still say sheets for electronic plan review, it's still implied that it can be paper or electronic media format.

Mr. Bain: Right, that's good.

Ms. Hornung: And I didn't specify earlier but the resolution does state at the end that the Planning Commission may make recommendations, may make modifications to the proposed Ordinance as it deems necessary and appropriate for all these sections that are listed. Excuse me, I just wanted to make sure that I added the additional items that was... became apparent after discussing the information with Health Department. There's other sections in the Subdivision Ordinance in 22-87 for Section 12 where it discusses drainfields and it's not in your Ordinance as presented but we have a paragraph that discusses drainfields and it lists LOSE and so the recommendation is to just make it OSE, then there is a paragraph below as in a chart that also refers to LOSE as well as paragraph B, this is A and B under number 12, wherever it's listed as LOSE that it be replaced with OSE, if that's acceptable to the Planning Commission. That's a recommendation that's not currently in your Ordinance.

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Ms. Vanuch: Anybody have any issues with that? Alright, sounds like it's a deal. Anything else? Any other questions? Okay, Mr. Randall.

Mr. Randall: If we can go back to Section 22-87...

Ms. Hornung: Yes sir.

Mr. Randall: Is it the final plat or the final plan, and what's the difference?

Ms. Hornung: Well, under state code, plat refers to plat and plan interchangeably. In our Ordinance we refer to plan as the site plan and construction plan and preliminary plan and plat which is the recorded document as plat in our Code, in the Stafford County Code, but in the State Code plat is used synonymously to infer plat or plan.

Mr. Randall: Okay. We call it plan on all the other changes, is there some benefit to leaving it plan through this section as well? Does it remove any potential conflicts if we've now talked to two separate things without defining them?

Ms. Hornung: I think, if I recall 22-87 refers to final plat..

Mr. Harvey: Subdivision plat.

Ms. Hornung: ..final subdivision plat, so that's why this section says plat. The other sections previous to this refer to preliminary subdivision plan and construction plan, but 22-87 refers to the final plat and the requirements of submitting a final plat for review and recordation. So that's why this says plat.

Mr. Randall: Okay, thank you.

Mr. Bain: If you extend the use of electronic media, the actual plat that a surveyor prepares is done at a one to one scale. It's done in the computer at real world scale, it's not at 100 foot scale or anything. They set it to a scale when they print it out on a sheet of paper, but in the computer they're actually working at a one to one scale and so to a certain extent, that first sentence really is, is not needed, if you're going to accept an electronic form of the plat. Does that make, does that make sense?

Ms. Hornung: I understand and I, that's possibly correct but I'm thinking that when we're reviewing and we're comparing and we have to measure, like on a, the width of a lot, we'd have to measure the width and make sure that those dimensions are accurate. I would think we would need a scale on that so that when we're doing a measurement that we can verify that those dimensions on that lot conform to that zoning district requirement for bulk standards.

Mr. Harvey: And Commissioner Bain, I believe we should be covered here, because it said that scale one equals 100 or otherwise agreed to by the agent and with plats especially we're gonna probably be still living in the paper world until the state changes its requirements for recording subdivisions. We may be able to review the plat up to a certain point in electronic format but the final version still under the statute is required to have original signatures and be paper and filed with the clerk's office. So this, part of this Ordinance is to allow us the flexibility in the future if that changes the we can go to all electronic, but as Ms. Hornung said, in some cases, especially with subdivision plats, we're probably going to be working in both worlds, the paper and the electronic for some time to come.

Mr. Bain: Okay, thank you.

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Ms. Vanuch: Mr. McPherson, I know you had a question.

Mr. McPherson: Just one thing, Section 22-76 on page 4 there, the bullet number 3, about the all plans shall be prepared blah, blah, blah, is identical to the first sentence of 6A, maybe just, it's not a big deal but maybe clean it up and keep one or the other so we aren't being redundant?

Ms. Hornung: Okay.

Ms. Vanuch: Any other questions? Okay. Thank you very much Ms. Hornung. Now we will open up the public hearing for this item, so if anyone would like to come down and state your name, address and the district you reside. You have three minutes to talk when the red light comes on your time has expired, would anyone like to come down. Okay seeing no one come to the podium, I'm gonna close the public hearing on the amendments to the Subdivision and Zoning Ordinance and bring it back to the Commission, do we have any questions before somebody makes a motion? Seeing no questions does anyone want to make a motion?

Mr. English: I'll make a motion that we accept the amendments of the Subdivision and Zoning Ordinance.

Ms. Vanuch: Okay, do we have a second?

Mr. Randall: And I'll second those.

Ms. Vanuch: So, motion by Mr. English to make the amendments that we discussed here tonight with a second by Mr. Randall. Any comments Mr. English?

Mr. English: No.

Ms. Vanuch: Mr. Randall?

Mr. Randall: No, thank you.

Ms. Vanuch: Any others? Okay, let's vote. Alright, motion passes 7-0, thank you very much Ms. Hornung. Now moving on to unfinished business, item number 6 on the agenda, the Reclassification of the Staffrd Airport Industrial Park and for this we recognize Mr. Geouge again.

UNFINISHED BUSINESS

6. RC17151715; Reclassification - Stafford Airport Industrial Park - A proposed zoning reclassification from the A-1, Agricultural Zoning District to the M-1, Light Industrial Zoning District on Tax Map Parcel Nos. 38-13 and 38-33, consisting of approximately 65.99 acres (Property). The Property is located on the south side of Ramoth Church Road and west side of Centreport Parkway, within the Hartwood Election District. **(Time Limit: July 6, 2018) (History: Deferred on March 28, 2018 to April 11, 2018) (Deferred by Applicant to April 25, 2018)**

Mr. Geouge: Good evening again Madam Chairman, members of the Commission, Brian Geouge, Planning and Zoning. This is the application for Stafford Airport Industrial Park Reclassification. This application was originally considered by the Planning Commission on March 28. Comments made at the public hearing include concerns regarding compatibility of development of Stafford Regional Airport. The applicant has proffered that development will conform to the airport compatibility recommendations

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in the comp plan. Specifically, Appendix H, Table 1 Land Use Compatibility Matrix and Table 2, Additional Review Standards. There were also concerns regarding uncertainty of uses to be developed on the property. No applications or visions have been provided to specifically address this concern. Also there are concerns regarding traffic generation from the development and no application revisions have been provided to address this concern. Upon further review code requirements for application submittals, staff has found that the requirements for the submittal of a TIA have not been followed. The code requires a traffic generation estimates for rezoning projects be based on the maximum potential development of the property. Proffers which limit vehicle trips per day or that limits certain uses on the property may be taken into consideration when determining the maximum potential development. Although the applicant has proffered the maximum of 500,000 square foot of development there's no certainty that traffic generation for the development will not exceed what was envisioned in the TIA. Staff has recommended that the applicant proffer a maximum vehicles per day based on the traffic generation numbers provided in the TIA to comply with this requirement. Staff is recommending deferral of this application until revisions can be made to ensure compliance with submittal requirements. And I'll take any questions.

Mr. Apicella: The Chair is otherwise indisposed so I'm gonna ask some questions. You mentioned that there were some issues with the TIA, so I'm gonna walk through that. Can you read the requirements under Section 28-203-3C and C1.

Mr. Geouge: Yes sir, that states requests for rezonings, rezoning meeting the following criteria shall be accompanied with the, with an analysis of impact. Any reclassification to any land use district where maximized development under the regulations of that district would generate 500 or more average trips for the development. Traffic impact analysis has outlined in 24VAC3155 shall be submitted when any land use reclassification where the maximum development permitted under the district regulations would generate 1,000 or more vehicle trips per day or would meet the VDOT requirements for TIAs under 24VAC3155, proffers which limit the vehicle trips per day may be taken in to consideration when calculating the maximum development. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.

Mr. Apicella: Okay, there's a lot there, I'm wondering if you can tell us in laymen terms what you just said.

Mr. Geouge: So, when a rezoning comes in if they're not proposing to proffer out any uses than the TIA should be based on the maximum development of the properties so that, that takes in some assumption of how much square footage could be developed on the property and what the highest generating use is based on the ITE manual.

Mr. Apicella: Can you read the fourth paragraph of Attachment 5, page 4, Section 1.2 of the previous agenda package on this item and that is the TIA?

Mr. Geouge: For the purposes of this TIA the site has been evaluated for up to 500,00 square feet of light industrial development. The build out timeline for the site shall be, will be market dependent and is the assumed for the purposes of this TIA to be 10 years or 2025.

Mr. Apicella: Okay, so you did say light industrial uses was that basis for which this..

Mr. Geouge: That's correct.

Mr. Apicella: Okay, did the applicant proffer the GDP?

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Mr. Geouge: They did not.

Mr. Apicella: Did the applicant proffer light industrial development only?

Mr. Geouge: They did not.

Mr. Apicella: So the only limitation that they proffered, I think you indicated, was the square footage being limited to 500,000 square feet.

Mr. Geouge: That's correct.

M. Apicella: Again, and in laymen's terms this is a generalized re-zoning right?

Mr. Geouge: Right.

Mr. Apicella: Okay, so, in this case did the applicant base their TIA on the highest uses or on the lower end of the traffic impacts that might occur?

Mr. Geouge: I would say on the lower end. It depends on what uses you compare it to. A lot of the M-1 uses are relatively low traffic generators but there are some outliers such as convenience center, convenience store, and restaurants. So the applicant based the TIA on the assumption that it would be light industrial uses on the property, which the ITE uses 7 vehicle trips per day I believe, per thousand square feet of light industrial uses.

Mr. Apicella: Okay and of the 500,000 square feet I think they identified one structure of being a warehouse that was 250,000 square feet, being half of the total square footage that they've limited themselves to right?

Mr. Geouge: I believe there are two warehouse structures they identified on the plan. Yes, so this big building here 250,000 square feet and then the other one..

Ms. Vanuch: Hang on the computer..perfect.

Mr. Geouge: I believe it's 150,000 on that one.

Mr. Apicella: So that's about three fourths or more of the total being warehouses..

Mr. Geouge: Correct.

Mr. Apicella: Again with lower impacts in terms of traffic.

Mr. Geouge: Yes, warehouse uses, based on the IT manual, have a traffic generation of two and a half trips per day per thousand square feet.

Mr. Apicella: The bottom line here is we have a county code requirement for the submission of plans and part of that requires that a TIA be produced when certain thresholds have been met. In this case, did they meet the specific requirements identified in the code for a TIA for this specific development?

Mr. Geouge: We feel that they did not.

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Mr. Apicella: Okay and if they did not, and I think that's what you're saying what are their options to correct this matter?

Mr. Geouge: I see it as three options potentially. They could revise the transportation impact analysis based on the maximum permissible development and the highest traffic generating us. They could proffer a maximum vehicle trips per day that's consistent with the transportation impact analysis they've already done. Or they could proffer out uses that generate more traffic than, what, light industrial use is counted as in the ITE manual, which is around 7 trips per thousand square feet.

Mr. Apicella: Okay, thank you.

Mr. English: But this time they had no clue what's going in there correct? Nothing?

Mr. Geouge: That's correct.

Mr. English: They don't, so it could be two buildings instead of five, it could be one building, correct?

Mr. Geouge: As far as I know, they don't have any potential tenants lined up.

Mr. Apicella: Or it could be seven restaurants.. right? I mean in theory it could be seven restaurants.

Mr. English: It could be but I, you know I wouldn't see that happening..

Mr. Apicella: Well, who knows..

Mr. McPherson: Brian, is a, would a permitted use be something like a vocational school or some kind of a training if we were to re-zone to light industrial?

Mr. Geouge: Vocational school is a by right use in an M-1 district, yes.

Mr. McPherson: Okay so that would generate, you know any kind of a school, significant traffic I would imagine, thank you.

Mr. Geouge: That calculation is about 27.5 per 1,000 square feet.

Mr. English: I don't think that's allowed through the, with the airport. Is it, schools are allowed in there because of the way it's zoned..? I don't think it's allowed..

Mr. Geouge: I don't believe it's excluded based on the compatibility matrix, but I can take another look at that.

Ms. Vanuch: Any other questions for Mr. Geouge and then we can have the applicant come up? Mr. Apicella, no? Okay. Alright thank you Mr. Geouge. Alright, would the applicant like to come up and speak?

Mr. Cherwick: Sure. How are you doing, Lee Cherwick, Hilldrup Properties, applicant, where would you like me to start? I can address the concerns?

Ms. Vanuch: I would start with some of the concerns that you've heard.

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Mr. Cherwick: I disagree with the interpretation. The maximum development under that project is over 2 million square feet. What I did and what that does is it's matrix that allows you to say, listen, if you're gonna generate 500 trips you're required to do a traffic impact statement. If you go over 1,000 you have to do a traffic impact analysis. We knew very well we were gonna go over 1,000 square ft, 1,000 trips per day. And also 2 million square feet is not appropriate for that site. Under your, or under the classification here, I would have to do 2 million square feet of restaurant on a traffic impact analysis for that site. In my mind, that wasn't commercially reasonable. By doing the traffic impact analysis, it was based off the logical use there. And in doing the traffic impact analysis we had two members of Stafford County staff, on site, at the scoping meeting, where everybody agreed this is how we're gonna run the TIA. And when we did that, everyone was in agreement and we ran it through the process. I don't agree with the interpretation. I would have to run, per this calculation, over 2 million square feet of restaurant. That's not affable. And what I did is I proffered it to 500,000 square feet of a logical use, and so that is my response to it. It also says, the language here also says that we may proffer, add proffers to limit the vehicle trips per day in order to reduce it from 3,000 to 1,000 to 500. And so I don't agree with the interpretation on that, what I did is with staff's guidance and approval, I ran the TIA base on what everyone agreed upon.

Mr. Apicella: So I'm gonna use an analogy, we have lots of B-2 up on 610, same set of circumstances, let's just say someone had a parcel that was 2 million square feet capacity that they could've put on there. But they've only identified 500,000 square feet and they gave us a TIA that had the lowest possible impacts on 610 and you're telling me that that would be fine, it doesn't really matter that they've sent us something that doesn't really give us a good sense of the traffic impacts if they did go to something that was a very high intensity use. 610 I can imagine several restaurants going on a 500,000 square foot, footprint. So we should, what you're saying is, we should accept the notion even though it's a smaller amount of square footage that you can possibly do, we should accept low intensity uses as gospel, when you still retain the right, if this gets approved, to do far greater uses where the traffic impacts could be exponentially higher. You can't guarantee us today what you're gonna put on that parcel. So we can't know, in the absence of a guarantee which, I'm bewildered that you're not willing to consider a maximum daily vehicle count. It tells me that you're expecting it to be higher than 3663.

Mr. Cherwick: I am trying to maintain opportunity. And if it makes sense, I'd like to be able to pursue it.

Mr. Apicella: So what if it's 8,000 cars?

Mr. Cherwick: What if it's 100?

Mr. Apicella: 100. That's, our goal is to mitigate the impacts, if it's 100 there's not a lot of impacts. If there's a delta between 3663 and 8,000 that's a huge difference in terms of the impacts on Ramoth Church Road and Route 1. Do you agree or disagree?

Mr. Cherwick: I think that is a large delta, yes.

Mr. Apicella: Right so again, you've given us a concept plan. You haven't locked yourself in to any specific uses. You haven't proffered a GDP. The only limitation you've put on yourself is the maximum square footage, but again, the traffic could be anywhere from one car to who knows.

Mr. Cherwick: I would also say that under your scenario on 610 and the B-2 rezoning, if staff was present in the negotiations and staff agreed to that scope, I think I was given direction and everyone was approved with it. And so, the other aspect, just to make you aware, I did take your concerns to heart. I did spend a fair amount of money doing different scenarios, looking at Stafford County, looking at adjacent uses, looking at within Stafford I could not find, and granted I don't know every single parcel, I didn't see a C

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store. And to be honest I can't name a C store right now that doesn't have fuel. You guys are not allowed to do C stores with fuel with out a special use is my understanding.

Mr. Apicella: I don't know what a C store is.

Mr. Cherwick: That's a convenient store, sorry. So what I'm looking at is yes, I don't know what's gonna go there. I'm not gonna proffer a GDP cause I don't know. It could be 500,000 square feet of moving and storage, could be 500,000 square feet of restaurant, I don't know what's gonna go there. But I would like the opportunity to see what could evolve. By all means I cannot find a restaurant in M-1, in Stafford. There might be one, I might have missed it. Do I think this is going to actually play in to real life scenarios, no I don't. However, if something that makes sense, and a lot of people smarter than I can figure out what makes sense, I'd like to have the opportunity to pursue it.

Mr. Apicella: Sir, I want to give you flexibility and there's a lot I like about this project, again my responsibility as a member of the Planning Commission and hopefully the responsibility of the Board, is to ensure that potential impacts are mitigated. Ramoth Church Road is, in my opinion, one of the most dangerous roads in Stafford County and not only in my opinion but there was a transportation commission, I think, that identified Ramoth Church Road as one of the unsafe-est roads in Stafford County. So again, this is a possibility, and our goal is to mitigate risk, ok, you want to mitigate your risk by maximizing your flexibility and I want to mitigate our risk by ensuring we don't have 10,000 cars going off on to Ramoth Church Road. And I'm asking you to help me out here, by putting some reasonable cap on the maximum daily vehicle count. And you seem unwilling to do that because what that's telling me is you don't really, you're not really concerned if it's 10,000 cars.

Mr. Cherwick: That's not the case at all.

Mr. Apicella: It might be 3,000, it might be less than 3,000 but it could be 10,000 and that doesn't concern you, but it concerns me.

Mr. Cherwick: And let me address a couple of your comments, you were talking about impacts. I'm taking A-1 land, potentially, off of your guys books. A-1 land, well it's currently zoned A-1, that is a not, what is it, it's discouraged by your comp plan. So I'm trying to make this more in line with your comp plan. I want to add commercial business, jobs, taxes revenue, all that stuff. This will have a lesser impact on schools, it'll have a lesser impact on your water and sewer. Financially, its six times greater. Potentially it'll full build out, which I understand is out there, I don't know exactly how it's gonna develop. We think it's gonna be industrial and warehouse. That's gonna bring about a half a million dollars a year. Six times what is currently the potential of doing 22 residential homes on there. Every other concern brought up by staff, by fire department, by anybody else, I've addressed. There was a concern last time, I believe you addressed it, about having compatibility issues with the airport.

Mr. Apicella: And I appreciate that you added that.

Mr. Cherwick: Happy to, last thing I want is something reflective and causing any damage. The one thing that I am, I'm fairly comfortable that this is going to develop as planned. I just, I've been through enough situations, I'm in one right now in Caroline County, where certain proffers and land was put into place, I can not put an industrial use in an industrial property. And so that is my general concern. Do I feel, and also you are saying that I'm dumping 3600 cars onto Ramoth Church Road. You also forgot, my main entrance is on Centreport Parkway. A beautiful road that you guys developed and industrial aspects, take the path of least resistance...

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Mr. Apicella: Do you live in this area?

Mr. Cherwick: I do. I live in Stafford.

Mr. Apicella: Have you been on Route 1 on a Friday?

Mr. Cherwick: Yeah, I was there last Friday and I was up on Ramoth Church Road this morning. Absolutely.

Mr. Apicella: Okay, so, what happens when I-95 gets backed up?

Mr. Cherwick: I can't control that.

Mr. Apicella: But what happens when 1-95 gets backed up, I'm just asking what happens.

Mr. Cherwick: Alternate routes get looked at.

Mr. Apicella: And what are those alternate routes?

Mr. Cherwick: You know just as well as I do, it depends on where you are in Stafford.

Mr. Apicella: Well, usually it Route 1 and Centreport Parkway I believe feeds into Route 1, so you're telling me that it's not gonna be a, here's the bottom line. There's this little pesky issue called a code requirement and I appreciate staff might have said he, we think all is good but the code requirement is the code requirement, you either, sir, you either met it or you didn't meet it and from what I've heard from staff, and we can ask our County Attorney, you haven't met it so...

Mr. Cherwick: I believe that's an interpretation issue.

Mr. Apicella: Well, it could be your interpretation.

Mr. Cherwick: If you read the code, land use (inaudible) will maximize development. Maximized development is 2 million square feet.

Mr. Apicella: In my view it would be maximize development based on the limitation that you've set, which is 500,000 square feet, so I don't have a problem with you giving us a TIA based on 500,000 square feet, I'm not asking you to do it on 2 million square feet, I agree that would be unreasonable. You do have a cap on the square footage. But your TIA should be based on the 500,000 square feet.

Mr. Cherwick: It is based on 500,000 square feet.

Mr. Apicella: Of light industrial uses.

Mr. Cherwick: Absolutely.

Mr. Apicella: Right, no restaurants..

Mr. Cherwick: Let me understand just for my edification here, the fact that I had County staff at the meeting where everybody was in agreement and everybody signed off. I ran the process which everyone agreed to. So at that time we're talking about transportation staff that should know exactly how TIAs as

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well as every other aspects of their process should run. Everybody signed off on it. I ran in good faith doing all of that. VDOT had signed off on it. I met all your...

Mr. Apicella: Yes, VDOT based their analysis on light industrial uses, I bet if we went back to VDOT and said you know, it may not really be light industrial uses, it could be something far greater you might get a different take from VDOT. In fact I think you would get a different take from VDOT, I bet the code probably says, the state code probably says the same thing.

Mr. Harvey: Madam Chairman, Mr. Apicella, just to provide some more context, I was talking with the Attorney and our Ordinance refers to the Virginia Code in this particular case because of the traffic volume. So our Ordinance has a higher standard than the Virginia Code and that's what the County staff and VDOT were going on when we had the briefing with the client, was that Virginia Administrative Code says that, this is how you do traffic studies, these are the assumptions you're allowed to do, that's what we all came to agreement on. But, in looking at our local ordinance, it has the term maximum development permitted, which is not in the Virginia Administrative Code. That's where we run into an issue and really hadn't focused on it at this point in time because the applicant had proffered half a million square feet of industrial development based on the zoning. So that's how we got here, I think we're close to being all together, but there still needs to be I guess, some more discussion.

Ms. Vanuch: Okay.

Mr. English: When it says right here, in this section here, Jeff, it says with the submission of 28-203, and it says that proffers which limit the vehicle trips per day may be taken in consideration, it doesn't say shall, does that make a difference?

Mr. Harvey: Well, I had discussions with Mr. Wisnewski about that and he still feels that the maximum development potential is the driving factor in the amendment.

Mr. Cherwick: And who defines maximum developable, maximized...

: You proffered that didn't you?

Mr. Cherwick: Well I maximized, I did, 500,000.

Ms. Vanuch: Hold on, Mr. Wisnewski?

Mr. Wisnewski: Madam Chairman, the code section in issue, creates the standard very clearly as being the maximum development permitted under this district regulations. The permissive language regarding proffers gives applicants the option and potentially the Planning Commission and the County the option to consider or not consider proffered limitations when coming up to that, when coming up with that calculation and determining what the maximum development permitted is. So, the Planning Commission could choose to ignore any proffers and consider the maximum development permitted, if there were a proffer and in a particular case limiting the development.

Ms. Vanuch: Thanks. Any other comments? Anybody have any questions for the applicant?

Mr. McPherson: Just very quick, and it's not transportation geared toward. You said that this would lessen water and sewer, how do you see that? Cause I can easily think up several light industrial uses that would actually increase water useage and therefore sewer useage.

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Mr. Cherwick: Sure, this was based off of actual, the applicants Rich McDaniel and Danny Payne own probably 20 to 30 different industrial buildings in Spotsylvania and Stafford. This was taken off of actual metered numbers from several different large industrial buildings off of International Parkway. So that, and then the residential aspect was run off of your standard house calculations.

Mr. McPherson: Okay, but you would agree that conceivably it could exceed it but you don't think it would.

Mr. Cherwick: If I end up doing half a million square feet of restaurant, yes it could concede, could conceivably be...

Mr. McPherson: Or commercial laundry or things of that nature.

Mr. Cherwick: Potentially, yes.

Mr. McPherson: Okay.

Mr. English: But have they taken into consideration there's three routes that comes outta there, you go Ramoth Church you can go east or west, plus you got the parkway. So there's three different routes to go out of. So you don't normally, just because I think everybody's thinking, they're focusing on, when you come outta there you're going right directly to Route 1, you can either go either way so...

Mr. Cherwick: And that was part of our scoping meeting with staff and VDOT about how it would flow.

Mr. English: But your main, looking, your main goal is to use the parkway, you're not trying...

Mr. Cherwick: Our main concept as well as our main thought is everyone's gonna use Centreport Parkway to a degree. I'm sure there will be other people using Ramoth Church Road. However..

Mr. Riley: If I may, John Riley with Johnson, Miriam and Thompson. We conducted the traffic impact analysis and after a lot of evaluation and again, discussion with staff and VDOT we have about, a little over 50 percent of our traffic using Centreport so and maybe 20 some going to the west on Ramoth and the balance going toward Route 1 on Ramoth so, the actual impact on Ramoth Church Road is probably dependent on which way you're going is around 1,000 vehicle trips per day. One other point is that the use we analyze, the light industrial has actually a pretty significant peak hour intensity, relative to it's daily trips, so I know all of the discussion is revolving around the 3600 plus or minus trips per day, our whole analysis is really based on peak hour, how the driveways and the roads function in the peak. And this type of use actually generates probably 50 percent more traffic in that peak than a typical use might so, if you're just, have that in the back of your mind while this is maybe not the most intense use, in the peak hour it is more intense than the average. The average type of use generates about 10 percent of its daily traffic, during the peak hour our site that we analyzed generates about 15 percent of its traffic during the peak hours so, also we will be evaluated at each site plan submission which is as stated in the staff report by VDOT for entrance improvements so every time we have a site plan come through turn lanes will get another look, even access management will get another look and so forth, so there's another bite of the apple if you will on traffic as site plans come through.

Mr. Apicella: So, you didn't look at maximum uses?

Mr. Riley: We did not. Not in this study.

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Mr. Apicella: Okay, and if you did how would that impact Ramoth Church Rd?

Mr. Riley: Uh, it's speculative. I, it, when you change the use you change the distribution you change the entire..

Mr. Apicella: But you said it's 20 percent, I'm just gonna throw out a number, 10,000, that may be way too high, I have no idea, so 20 percent of 10,000 is more than the number you quoted earlier for the use under light industrial.

Mr. Riley: That calculation would be but I, that would be speculative for me to really speak to it without having done the analysis.

Mr. Apicella: But this project is speculative. That's, that's my point. We don't know what we're gonna end up with here.

Mr. Riley: I think the applicant can speak to kind of the risk balance that he's dealing with, I'll let him take that.

Mr. Cherwick: We see this as an industrial project. That's why it's called the Staffor Airport Industrial. Yes, if I end up doing 2 million square feet of restaurant by all means, traffic's gonna be a problem. Also, if you look at restaurants, they typically don't, their traffic is spread out throughout the day. And so, long story short, it's a balance, it's, I'm trying to understand the risks and concerns and address them to the best of my ability but I'm also trying to maintain a viable project where the goal in our mind was take it off agricultural land and put it into industrial. By all means, I don't, I don't foresee restaurants and convenience stores and these things throwing in there, but to be quite honest I've been wrong before and I'll be wrong again.

Mr. Apicella: I appreciate that, and I don't want you to think I'm against this project cause I'm not. I'm only concerned about the potential impacts and my biggest concern is that I really don't know what those potential impacts are, because you don't know what those potential impacts are.

Mr. Cherwick: And I couldn't sit here and tell you, yes it's gonna be this or no it's gonna be this. What I can tell you is that what we see in the market, and what we do is industrial, what we would like to continue doing is industrial. Do I want to maintain a little flexibility because I just don't know the groups coming through, yes. Could it be Amazon that comes in and pays a ton of jobs and doesn't use water and has robots so there's no traffic, could be.

Ms. Vanuch: Couldn't you come in for a proffer amendment at that point though?

Mr. Cherwick: What's that?

Ms. Vanuch: Couldn't you come for a proffer amendment? If that did happen.

Mr. Cherwick: My concern is the following, I'm not trying to delve or shirk responsibility, it is every time a project would come up I would have to do some sort of analysis and figure out alright this use, now I'm only left with 600 trips a day, how can I manage a project, so let's say you get a use that has more traffic at the very beginning, but in the back side it's a warehouse that doesn't use more traffic. I can't, coming in every single time that I have a potential plan, it, tenants will not hang around.

Ms. Vanuch: That's what Patriot's Crossing does.

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Mr. Cherwick: And I will defer to their thoughts on that.

Ms. Vanuch: Alright, thanks. Okay, does anybody have any more questions for the applicant? Alright, I think we're good. Thank you. Does anybody have any questions for Mr. Geouge? Okay, seeing no questions, so I'll...

Mr. Randall: Madam Chairman sorry I have question, if you don't mind.

Ms. Vanuch: Yeah, yeah Mr. Randall, yeah.

Mr. Randall: I'm looking at the light industrial uses by right, it's pretty varied, what's the maximum, is it the vocational school at 27 per thousand square feet, is that the maximum that you see on the M-1 by right?

Mr. Geouge: I believe it would be restaurants which is approximately 127 per thousand for a high turnover restaurant. ITE Code 932.

Mr. Randall: Okay, thank you. You know and it may be an option being able to say, not to necessarily to you, that maybe we, maybe we limit the number of restaurants. Maybe we're allowed one restaurant, maybe we're allowed no vocational schools, maybe we proffer some flexibility in the process versus, I don't know what it's gonna be you'll just have to live with whatever it is. You know, maybe there's some flexibility there, I don't wanna necessarily tie your hands completely, but I do think there's some flexibility other than we're just gonna go with it, you know 500,000 square feet of a vocational school, you're at 13,000 trips per day. You know at restaurants you're at 50,000 trips per day if my math is close, so absolutely, no no that's fine.

Mr. Cherwick: One of those things that, there are currently no restaurants there. There are currently no hotels there. Do I see them in any short term or even long term there being a hotel or potentially a restaurant, this isn't Garrisonville Road. It's Centreport Parkway. Looking at other Richmond Airport, other airports, and granted this is a much smaller scale, we don't have that here. Do I see myself having a situation where you're gonna have restaurant at like TGI Friday's next to Panera next to.. we don't have the demographics in that area to even come close to it. Now I understand, you're making a rezoning and that has to live going forward and who's to say what's going to happen in the future. With your aspects with regards to the vocational school as well as restaurants, any traffic would have to be dealt with at site plan so you know if there are concerns about getting inside and outside a project we would have to deal with tapered lanes, we'd have to deal with turn lanes, I've already proffered that if the site plan requires it I'll do a turn lane. I'm not trying to shirk responsibility, I just, do I see restaurant after restaurant after restaurant, noI really don't. But, I will kick myself if like oh we get two great restaurants that everybody loves and it would make sense. I just, not knowing, and trust me I,we, looked at this project for a long period of time trying to find a tenant in tow so we could answer all of these questions. It's just there were several different, and just to make you aware, I also work for CVRE and we're the ones that sold the site to Virginia Linens. We're the ones that sold the site to several of the investors and developers in the area. A lot of them were using it for their project, for their own goal, their own business. We tried to get them tied into this site, every time that we did, your zonings not right why wouldn't I just look next door where the zonings there? And so, that is part of the reason why, I would love to have a GDP, I would love to have a tenant and say hey, this is what we're doing, this is how it's gonna go, it's just I don't have that at this point in time. Do I think it's gonna be something similar, yes I do. But at this point in time I just, I have concerns about proffering out certain uses where, if it comes along, I'd like to have the opportunity to try and land it here in Stafford County.

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Mr. Randall: Thank you very much.

Mr. Apicella: Madam Chairman, it's kind of a departure from the way we normally do business, but I wanna ask Mike to come up because Mike is familiar with some projects that have been proposed in that general vicinity.

Ms. Vanuch: And while you're coming up, I have one quick question for you to think about Mr. Geouge, are junkyards allowed in M-1.

Mr. Geouge: No.

Ms. Vanuch: Okay.

Mr. Apicella: So, we had a couple of rezoning proposals, I wanna say Oakenwald was one of those that was in close proximity to the airport, how many homes were the original proposal? No the original proposal I think was 600. Maybe even higher, 700.

Mr. Zuraf: Something around there, yeah.

Mr. Apicella: And, and we've put a circle around the airport and called it the Central Stafford Business District, right? So, there's a plan that would have a lot of intensity in that area, right, so you got a nice piece of, a nice parcel next to the airport, that might be a, be a magnet for restaurants, retail, I know that's not included in M-1 but there are some uses in M-1 that might have intensity in relationship to what we're thinking about occurring in that area over the long haul, is that a fair statement?

Mr. Zuraf: Yes, as the area builds out sometime in the future, there could be enough population to support something like that yes.

Mr. Apicella: Sorry to bring you up, I know that wasn't your turn, but I just wanted to make some context to why I have a concern that this area could build out differently than even the applicant thinks as things change in that area, as we have asked for to change in that area. Thank you.

Ms. Vanuch: Okay, are we done with the questions? Alright, okay, it's back in the Commission now, so Mr. English this is your District, what do you wanna do.

Mr. English: I mean, I hear Commissioner Apicella's thing about the traffic, I understand that, but this is taking A-1 outta that, putting houses in there putting M-1, and I understand he doesn't know exactly what's going in there, I don't feel like, I can't say, I don't have a crystal ball to say that a restaurant's not going in there, but I don't foresee it. But I'm gonna approve this RC17151715 for the reclassification of this because I feel like that's what we want in there, and industry and not houses so that's why I'm approving this.

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Yes Mr. Apicella?

Mr. Apicella: I have a substitute motion to defer, for two weeks to give our staff and our attorney a chance to talk to the applicant to see the extent to which they need to comply with the code as was stated earlier. I don't think a two week deferral to have that further conversation is a bad thing. And it could wind up

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going into court if we haven't followed our own code requirement, so I think it's worthwhile to at least explore that as an option.

Ms. Vanuch: Alright thank you Mr. Apicella. So right now we have a substitute motion on the floor for a deferral until the May 9th Planning Commission meeting. Do we have a second?

Mr. Bain: I'll second.

Ms. Vanuch: Alright so we have a second from Mr. Bain on deferral until May 9. Mr. Apicella would you like to make any comments?

Mr. Apicella: Again, I think legally speaking despite whatever conversations had between staff and the applicant, the bottom line is, that doesn't supercede a legal requirement. Those requirements have to be met. They're not discretionary, they're mandatory, so if it hasn't been met I think it's something that needs to be at least explored, because we've had an interpretation and even staff now say that they don't think it's been met, so, just waiting two weeks is not gonna change the outcome if I'm wrong, so I don't see the harm in trying to reconsider whether or not that requirement was met.

Ms. Vanuch: Thank you, Mr. Bain?

Mr. Bain: No comments.

Ms. Vanuch: Anyone else want to comment on that motion? Mr. McPherson.

Mr. McPherson: Madam Chair, I would like to coment on the motion, I do support Commissioner Apicella's motion. I do think the use of this land is absolutely, your proposed useage where we need to go, and I do support this, I want it to succeed, but I do agree that we need to make sure that we conform with our own standards and ordinances, thank you.

Ms. Vanuch: Sure. Anyone else want to comment? Okay so now we are going to take a vote to defer this one meeting, to the May 9 meeting. Okay the vote turns into 5-2, that passes so it's deferred until May 9 and I think you know just to the applicants, I think the Commission generally supports what you're trying to do in the area, so just if there's anything you can do to help this out, and help Mr. Apicella with his concerns regarding the traffic, you know determining the traffic impact study analysis for the County Code, looking at if you're willing to exclude any uses from M-1 might be helpful so that we can send this to the Board with an approval. Alright. Okay, thank you guys so much for hanging out this evening. Now we're gonna move to to Item 7, a conditional use permit for the 5 Twelve Convenience Store, and I know Mr. Geouge is the staff representing this but in the interest of time I'm gonna let everybody know that the applicant has requested a deferral until the end of May, which would be the I think it's May 23, but I better check, the May 23 meeting. And so, I know there is some residents or a resident in here who has hung out to kind of see how this shakes out. So, I'm happy to have Mr. Geouge go through the presentation if we don't feel like we can get a consensus on the Commission because we do actually have to vote in order to defer this until the end of May. Does the Commission think we should hear the staff presentation or would you guys be comfortable voting for a deferral to grant that.

7. CUP17151679; Conditional Use Permit - 5 Twelve Convenience Store Expansion - A request for a Conditional Use Permit to allow for the expansion of a vehicle fuel sales facility in a B-2, Urban Commercial Zoning District and HC, Highway Corridor Overlay Zoning District, on Tax Map Parcel No. 19A-1-42. The Property consists of approximately 2.47 acres, and is located on the

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south side of Garrisonville Road and east side of Patton Drive, within the Rock Hill election district. **(Time Limit: July 6, 2018) (History: Deferred on March 28, 2018 to April 25, 2018)**

Mr. English: I'm ok with deferral.

Ms. Vanuch: Anybody else, anybody have any objections?

Mr. Randall: No, if somebody's here to speak on that, would they still be able to?

Ms. Vanuch: No, cause it's not a public hearing, so they were able to speak in the beginning. I will tell you that I've, I've actually met with all the residents behind the 5 Twelve convenience store and they've given me a list of items that are concerning to them, it's a pretty reasonable list, such as construction hours, moving the pumps to the side which we heard at the last public hearing, addressing the lights and the fencing are the big ones, and I will say that the applicant has agreed to most of those but not all of those. I think staff was working out issues with the sidewalk they're required to put in based on the County Code. There are two outstanding issues I think that are currently being looked at. I think the residents have been very concerned about the lighting that was just put in, there were some LED lights and so we've asked staff to take a look at that and to take a look at the current proffers to determine if we'd need a new proffer statement in the conditional use permit or if that is already in their current proffers and those lights may be a violation in addition to the fencing. So Mr. Geouge, I don't know, do you want to come up and talk? Have you guys done any research on that, and let us at least know where we are with the proffers regarding the fence; what the current ones are and what they're proposing as the new ones because I know the applicant's engineer is here so maybe he could take back to the applicant what our requests are regarding the lights and the fence.

Mr. Geouge: Yes Madam Chairman, staff has been notified of the issues with the lighting, the new LED fixtures that were put in. Videos and photos have been sent and staff has been sent out to the site to look at the configuration of that lighting, so zoning staff is working towards a resolution for the lighting matter. There is a proffer condition on the property which requires all lighting to be directed downward and inward from adjacent uses, so if they are in fact pointing towards those residents that would not be in compliance with the proffer conditions.

Ms. Vanuch: So we wouldn't have to expand that into the new proffers that's a current proffer on the property, so it sounds like if after staff identifies it, and I know this gentleman sitting in the audience came up to me and showed me some photographs and his whole yard is lit up at night, I mean the whole side of the house, I drove over there, so if staff could take a look at that before we move forward to be able to address those lights and then the second one was the fence.

Mr. Geouge: Yes, the fencing, there is a, under the current proffers again, there is a proffer that the seven foot tall board on board fence be set internal to the rear property line. Although it doesn't get in to details about exactly where it would go. Initial interpretation with the zoning administrator would be that that fence needs to extend the entire length of the rear property line which currently it does not, so even without this conditional use permit approval, they could be required to extend that fence all the way down to the corner. Currently what they're proposing on the GDP is retaining much of the existing seven foot fence and replacing a section of it adjacent to the fuel sales and then extending the seven foot fence down to the southern corner and then up the side property line.

Ms. Vanuch: Okay, and just to reiterate I guess and the public, the residents really wanted to see hours of operation, and this is supposed to help the applicant cause we want to get to a good point here, hours of operation on construction, an 8-foot tall fence that actually touches the ground so that debris doesn't blow

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through and it's 8-foot from the ground up, and that there is a strong language requiring the owner to maintain the fence when or if boards rot and are breaking and that is a no climb board on board and it goes all the way on the back of the property and then up along the side like you just mentioned. And then the, the site plan, water mitigation is under ground where the current tanks are, the tanks to be relocated to the other side of the property which I think they've already agreed to and then fix the lights. If they can get those lights fixed immediately that would be great, cause it sounds like they're definitely violating their current proffers and definitely disturbing the neighbors and the neighbors are generally supportive with those items caveated. So anyway, I just wanted to say that, but we can take a vote to defer it but I'm hoping that that information really helps the applicant. I don't think I can make, I'll hand it over to Steven for a minute.

Mr. Apicella: Ms. Vanuch, this item's in your district, what you like to do?

Ms. Vanuch: I'm gonna make a motion to defer the conditional use permit for the 5 Twelve convenience store until the May 23rd meeting.

Mr. Apicella: Okay, is there a second.

Mr. English: Second.

Mr. Apicella: Okay there's a motion to defer to the May 23rd meeting, it's been seconded by Mr. English, any further comment? Ms. Vanuch?

Ms. Vanuch: Nope.

Mr. Apicella: Mr. English?

Mr. English: Nope.

Mr. Apicella: Okay, anyone else? Okay, let's vote.

Ms. Vanuch: Alright, motion, oops sorry.

Mr. Apicella: Motion carries 7-0, passing it back to you.

Ms. Vanuch: Okay, so that takes care of our unfinished business, moving into new business we have none, so now on the..

Mr. Apicella: Madam Chairman?

Ms. Vanuch: Yup?

Mr. Apicella: I would like to move to go into closed session.

Ms. Vanuch: Alright, we have a movement to go into closed session, do we have a second?

Mr. Randall: Second

Ms. Vanuch: Okay we have a motion by Mr. Apicella, second by Mr. Randall.

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Mr. Apicella: Madam Chairman, I have a resolution to read. “Whereas pursuant to Virginia Code Section 2.2-3711A7 and A8, the Commission desires to hold a closed meeting for consultation, legal counsel, and briefings by staff members pertaining to actual or probable litigation, or such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific legal matters which require the provision of legal advice by such counsel and whereas such discussions may occur in closed session, now therefore be it resolved that the Stafford County Planning Commission on this 25 day of April 2018 does hereby authorize discussion of the afore stated matters in closed meeting”.

Ms. Vanuch: Okay. So, we have to vote. We have the motion by Mr. Apicella second by Mr. Randall, now we just vote to go into closed session. Alright motion passes 7-0.

Closed session: 9:16 p.m. - 9:53 p.m.

Ms. Vanuch: Alright are we ready for this?

Mr. English: If I were you I woulda left when we went in there.

Ms. Vanuch: Okay.

Mr. Apicella: Madam Chairman, I move to certify a closed session pursuant to Resolution CM18-02A.

Ms. Vanuch: We have a second?

Mr. English: Second.

Ms. Vanuch: Alright. Motion by Mr. Apicella, second by Mr. English, any discussion? Alright, vote. Alright, motion passes 7-0, moving on to the Planning Director’s report.

8. CUP17152112; Conditional Use Permit - Patriot’s Crossing Car Wash - A request for a Conditional Use Permit (CUP) to allow a car wash within the HC, Highway Corridor Overlay Zoning District on an approximately 1.53-acre portion of Tax Map Parcel No. 20-12 (Property). The Property is zoned B-2, Urban Commercial Zoning District, and is located on the south side of Garrisonville Road near its intersection with English Road, within the Garrisonville Election District. (Time Limit: July 20, 2018) (History: **Deferred on April 11, 2018 to May 23, 2018**)

NEW BUSINESS

NONE

PLANNING DIRECTOR’S REPORT

- Cluster Subdivision Referral

Mr. Harvey: Thank you Madam Chairman, as you saw in your packet on April 17th, the Board of Supervisors referred to the Planning Commission what staff calls as Phase 3 of the Cluster Development Proposal. This allows the Planning Commission up to a year to have a deep dive into the cluster standards. The referral allows the planning commission to take a look at all the cluster development standards and the subdivision and zoning ordinance and the Comprehensive Plan so, staff will defer to the Planning Commission on how you want to procede in the future.

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Ms. Vanuch: And they gave us 12 months you said?

Mr. Harvey: Up to 12 months yes.

Ms. Vanuch: So, one of the things that I was thinking about is I know that a lot of Commissioners are interested in this, that we could maybe have like a kickoff meeting to really look at what the Board sent us and identify, do we want to establish a Subcommittee from that or do we want to, you know allow for some public input prior to establishing that subcommittee to really focus on certain issues that are important to the community, so I was thinking the most effective way to do this is to create a special meeting with the Commission to only discuss the Cluster Phase 3. That way we're not taking up time in a regular meeting and it's something that can be separately set aside. Does any member of the Commission have an issue with that? Okay, so I'll work with you guys outside of the meeting to set up a date in the near future that we can get all the notifications set up for. So that's how we'll proceed.

Mr. Harvey: Thank you, that concludes my report.

Ms. Vanuch: Awesome. County Attorney's report?

COUNTY ATTORNEY'S REPORT

Mr. Wisnewski: I have no report Madam Chairman, thank you.

COMMITTEE REPORTS

- Landscaping Standards Subcommittee
Final Report April 25, 2018
- A-1 Uses Subcommittee
Next Meeting: TBD
- Cemetery Ordinance Subcommittee

Ms. Vanuch: Okay, alright, Committee Reports, Ms. Hornung I think you're gonna review the landscaping standards, everybody should've had this in their packet, they've reviewed it, maybe we'll just do this as ask questions of Ms. Hornung if you have any concerns, and then maybe we can move this forward? So does anybody, did everybody read the packet, does anybody have any concerns, questions for Ms. Hornung, anything popped out as needed to be addressed? Okay, so then are we comfortable making a motion on this? Yeah do you have anything you want...

Ms. Hornung: Well I know that since we have some new staff on board in the Environmental Section of the Department they're also looking at the Ordinance. There are some things that I actually happened to notice we didn't specifically address in the Committee that's been meeting since last year but it's the first two pages where it refers to Code Administration and Planning, so we would just clean up some of that language as it refers to departments and the agent who's responsible for enforcing this, which this is referenced in the Zoning Ordinance. I do know that the landscape subcommittee did recommend some pictures, some graphics of greenery and staff was mentioning that they wanted to get some nice pictures but since nothing's been in bloom yet we don't have those. But, whatever the will of the Planning Commission is, to send some things, or, if you wanna do like you did with the Parking and Drive Aisle Committee is have the Commission if they didn't have enough time to look over it and ask questions or have any comments and then we can incorporate those, whatever the will of the Commission is.

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Mr. Apicella: Madam Chairman, I thought I heard you say that there's still some staff on the environmental side still looking at this.

Ms. Hornung: Well we had some new staff come on board and so they were looking at the Ordinance as well, from the changes that we were doing

Mr. Apicella: So then whatever input they have, if they have any has not yet been...

Ms. Hornung: Nothing has come up yet, no.

Mr. Apicella: so how much longer do you think it would be for them to make a final chop?

Ms. Hornung: I think probably we could come back with a final document to make sure that we've addressed everything, incorporated everything, by the end of May and allow the Planning Commission some time if they had other comments as well.

Mr. Apicella: And would that give you enough time to put some pictures in as well?

Ms. Hornung: Yes sir.

Ms. Vanuch: Okay, that works. Alright, we don't need to vote on that right? That was just a committee report, we'll have it back at the end of May? Alright, that's it. A-1 Uses Subcommittee, Mr.English?

Mr. English: We haven't set another date to meet again on that so Steven maybe get with me and let me know what's good for you, we'll just meet again sometime in May? Okay.

Ms. Vanuch: Okay, and Cemetary Ordinance Subcommittee is working on the final report, moving on to the Chairman's report, I do not have any report at this time, other business, TRC is in George Washington and Hartwood District, and then the last item you guys will see something new. Back in January the Commission discussed having committee not minutes but committee summaries that we could go over if, when we're kind of giving the updates amongst the Commission. Dan I think you did some research and it's not required that we actually vote to approve these minutes, these are just summaries that the Commission can actually utilize, correct?

CHAIRMAN'S REPORT

OTHER BUSINESS

9. TRC Information - May 9, 2018
 - Mapei Corp Warehouse Exp - George Washington Election District
 - Celebrate Now - Hartwood Election District

APPROVAL OF MINUTES

March 28, 2018 - Landscaping Standards Subcommittee Minutes

April 5, 2018 - Cluster Development Committee Minutes

April 9, 2018 - Cluster Development Committee Minutes

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April 10, 2018 - A-1 Uses Subcommittee Minutes

Mr. Wiznewski: It is not required to take or vote on the minutes.

Ms. Vanuch: Okay, so we don't need to vote we can just have those, they're available to you guys, I think you got them from an e-mail from Stacie, so please review those and that way it will hopefully keep everybody more up to speed on what's going on in these Subcommittees. And that's it. Meeting adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:59 p.m.